

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

POLICY COMMITTEE
RECOMMENDATION

FOR

HOUSE BILL NO. 2596

By: Pfeiffer

POLICY COMMITTEE RECOMMENDATION

An Act relating to the Oklahoma Environmental Quality Code; amending 27A O.S. 2021, Sections 2-14-103, 2-14-301, 2-14-302, 2-14-303, and 2-14-304, which relate to the Oklahoma Uniform Environmental Permitting Act; modifying definitions; modifying requirements and procedures for certain notifications; requiring certain information be made available online; modifying time frame for which certain meetings are held; modifying time frame for which certain response is prepared; modifying provisions for certain administrative hearing; updating statutory language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 27A O.S. 2021, Section 2-14-103,
is amended to read as follows:

Section 2-14-103. For the purposes of the Oklahoma Uniform Environmental Permitting Act:

1. "Application" means a document or set of documents, filed with the Department of Environmental Quality for the purpose of

1 receiving a permit or the modification, amendment, or renewal
2 thereof from the Department. "Application" includes any subsequent
3 additions, revisions, or modifications submitted to the Department
4 which supplement, correct, or amend a pending application;

5 2. "Council" means any advisory council authorized by the
6 Legislature to recommend rules to the Environmental Quality Board;

7 3. "Draft permit" means a draft document prepared by the
8 Department after it has found a Tier II or III application for a
9 permit to be administratively and technically complete, pursuant to
10 the requirements of the Oklahoma Environmental Quality Code and
11 rules promulgated thereunder, and that such application may warrant
12 the issuance, modification, or renewal of the permit;

13 4. "Permit" means a permission required by law and issued by
14 the Department, the application for which has been classified as
15 Tier I, II, or III by the Board. The term "permit" includes but is
16 not limited to:

- 17 a. specific types of permits and other Department
18 authorizations including certifications,
19 registrations, licenses, and plan approvals, and
- 20 b. an approved variance from a promulgated rule; however,
21 for existing facilities, the Department may require
22 additional notice and public participation
23 opportunities for variances posing the potential for
24 increased risk;

1 5. ~~"Process meeting" means a meeting open to the public which~~
2 ~~is held by the Department to explain the permitting process and the~~
3 ~~public participation opportunities applicable to a specific Tier III~~
4 ~~application;~~

5 ~~6.~~ "Proposed permit" means a document, based on a draft permit
6 and prepared by the Department after consideration of comments
7 received on the draft permit, which indicates the Department's
8 decision to issue a final permit pending the outcome of an
9 administrative permit hearing, if any;

10 ~~7.~~ 6. "Qualified interest group" means any organization with
11 twenty-five or more members who are ~~Oklahoma~~ residents of this
12 state;

13 ~~8.~~ 7. "Response to comments" means a document prepared by the
14 Department after its review of timely comments received on a draft
15 denial or draft permit pursuant to public comment opportunities
16 which:

- 17 a. specifies any provisions of the draft permit that were
18 changed in the proposed or final permit and the
19 reasons for such changes, and
- 20 b. briefly describes and responds to all significant
21 comments raised during the public comment period or
22 formal public meeting about the draft denial or draft
23 permit;

1 ~~9.~~ 8. "Tier I" means a basic process of permitting which
2 includes application, notice to the landowner, and Department
3 review. For the Tier I process, a permit shall be issued or denied
4 by a technical supervisor of the reviewing ~~Division~~ division, a
5 local representative of the Department, or the chief engineer of the
6 Department, provided such authority has been delegated thereto by
7 the Executive Director of the Department;

8 ~~10.~~ 9. "Tier II" means a secondary process of permitting which
9 includes:

- 10 a. the Tier I process,
- 11 b. published notice of application filing that contains
12 information on how the public may view documents,
13 subscribe to updates, and receive electronic notice of
14 public participation opportunities related to the
15 pending application and agency decision,
- 16 c. preparation of draft permit or draft denial,
- 17 d. ~~published notice~~ electronic notification and
18 publication of the draft permit or draft denial on the
19 Electronic Environmental Permit Application Docket,
20 which shall be created and maintained by the
21 Department on the Department's website and opportunity
22 for a formal public meeting, ~~and~~
23 e. public meeting, if any, and

1 f. preparation of the Department's response to comments,
2 if any.

3 For the Tier II process, a permit shall be issued or denied by the
4 Director of the reviewing Division or the chief engineer of the
5 Department, provided such authority has been delegated thereto by
6 the Executive Director of the Department; and

7 ~~11.~~ 10. "Tier III" means an expanded process of permitting
8 which includes:

- 9 a. the Tier II process ~~except the notice of filing shall~~
10 ~~also include an opportunity for a process meeting,~~
11 b. ~~preparation of the Department's response to comments,~~
12 ~~and~~
13 ~~c.~~ denial of application or preparation of a proposed
14 permit, or
15 ~~d.~~ ~~preparation of a proposed permit, published notice of~~
16 ~~availability of proposed permit and response to~~
17 ~~comments and of opportunity for an administrative~~
18 ~~permit hearing;~~
19 c. electronic notification and publication of denial of
20 application or proposed permit, response to comments,
21 and opportunity for an administrative permit hearing
22 on the Electronic Environmental Permit Application
23 Docket on the Department's website, and
24 d. administrative permit hearing, if any.

1 For the Tier III process, a permit shall be issued or denied by the
2 Executive Director of the Department.

3 SECTION 2. AMENDATORY 27A O.S. 2021, Section 2-14-301,
4 is amended to read as follows:

5 Section 2-14-301. A. ~~Upon~~ In addition to any other
6 notification requirement imposed by law, upon filing a Tier II or
7 III application with the Department of Environmental Quality, the
8 applicant shall publish notice of the filing as legal notice in one
9 newspaper of general circulation local to the proposed new site or
10 existing facility once a week for two (2) consecutive weeks and
11 notify all adjacent property owners in writing. The publication
12 shall ~~identify locations where the application may be reviewed,~~
13 ~~including a location in the county where the proposed new site or~~
14 ~~existing facility is located~~ direct the public to the Electronic
15 Environmental Permit Application Docket on the Department's website
16 where the public may view documents related to the pending
17 application and subscribe to receive electronic notice of public
18 participation opportunities and receive updates on other actions
19 related to the pending application. The Department shall maintain
20 documents related to the pending application on the Electronic
21 Environmental Permit Application Docket on the Department's website
22 until the decision on issuance or denial of the pending permit
23 application becomes final.

1 ~~B. For Tier III applications, the publication shall also~~
2 ~~include notice of a thirty day opportunity to request, or give the~~
3 ~~date, time and place for, a process meeting on the permitting~~
4 ~~process. If the Department receives timely request and determines~~
5 ~~that a significant degree of public interest in the application~~
6 ~~exists, it shall schedule and hold such meeting. The applicant~~
7 ~~shall be entitled to attend the meeting and may make a brief~~
8 ~~presentation on the permit request. Any local community meeting to~~
9 ~~be held by the applicant on the proposed facility or activity for~~
10 ~~which a permit is sought may, with the agreement of the Department~~
11 ~~and the applicant, be combined with the process meeting authorized~~
12 ~~by this paragraph.~~

13 ~~C.~~ The provisions of this section shall not stay the
14 Department's review of the application.

15 SECTION 3. AMENDATORY 27A O.S. 2021, Section 2-14-302,
16 is amended to read as follows:

17 Section 2-14-302. A. Upon conclusion of its technical review
18 of a Tier II or III application within the permitting ~~timeframes~~
19 time frames established by rules promulgated by the Environmental
20 Quality Board, the Department of Environmental Quality shall prepare
21 a draft denial or draft permit.

22 1. Notice of a draft denial or draft permit shall be given by
23 the Department ~~and notice of a draft permit shall be given by the~~
24 ~~applicant~~ on the Department's website.

1 2. Notice of the draft denial or draft permit shall be
2 ~~published as legal notice in one newspaper local to the proposed new~~
3 ~~site or existing facility. The notice shall identify places where~~
4 ~~the draft denial or draft permit may be reviewed, including a~~
5 ~~location in the county where the proposed new site or existing~~
6 ~~facility is located, and shall provide for a set time period for~~
7 ~~public comment and for the opportunity to request a formal public~~
8 ~~meeting on the respective draft denial or draft permit~~ posted on the
9 Electronic Environmental Permit Application Docket on the
10 Department's website and provided to the applicant and those who
11 subscribed to receive notifications on the permit application. The
12 notice shall provide for a set time period for public comment and
13 for the opportunity to request in writing a formal public meeting on
14 the respective draft denial or draft permit. Such time period shall
15 be set at thirty (30) days after the date the notice is ~~published~~
16 posted unless a longer time is required by federal regulations
17 promulgated as rules by the Board. In lieu of the notice of
18 opportunity to request a public meeting, notice of the date, time,
19 and place of a public meeting may be given, if previously scheduled.

20 B. Upon ~~the publication of notice~~ notification of a draft
21 permit, the ~~applicant~~ Department shall make the draft permit and the
22 application, except for proprietary provisions otherwise protected
23 by law, available for public review ~~at a location in the county~~
24 ~~where the proposed new site or existing facility is located~~ on the

1 Electronic Environmental Permit Application Docket on the
2 Department's website.

3 SECTION 4. AMENDATORY 27A O.S. 2021, Section 2-14-303,
4 is amended to read as follows:

5 Section 2-14-303. The Department of Environmental Quality shall
6 expeditiously schedule and hold a formal public meeting if the
7 Department receives a written timely request for such meeting,
8 pursuant to the provisions of Section 2-14-302 of this title, and
9 determines there is a significant degree of public interest in the
10 draft denial or draft permit.

11 1. Notice of the meeting shall be ~~given to the public~~ posted on
12 the Electronic Environmental Permit Application Docket on the
13 Department's website and provided to the applicant and those who
14 subscribed to receive notifications at least thirty (30) days prior
15 to the meeting date.

16 2. The public meeting shall be held at a location convenient to
17 and near the proposed new site or existing facility not more than
18 ~~one hundred twenty (120)~~ seventy-five (75) days after the date
19 notice of the draft denial or draft permit was ~~published~~ issued
20 unless the applicant requests a longer period to prepare for the
21 public meeting.

22 3. At the meeting, any person may submit oral or written
23 statements and data concerning the draft denial or draft permit.
24

1 Reasonable limits may be set upon the time allowed for oral
2 statements.

3 4. The public comment period shall automatically be extended to
4 the close of the public meeting. Upon good cause shown, the
5 presiding officer may extend the comment period further to a date
6 certain by so stating at the meeting.

7 5. Such meeting shall not be a quasi-judicial proceeding.

8 6. The applicant or a representative of the applicant shall be
9 present at the meeting to respond to questions.

10 SECTION 5. AMENDATORY 27A O.S. 2021, Section 2-14-304,
11 is amended to read as follows:

12 Section 2-14-304. A. For draft permits or draft denials for
13 Tier II applications on which no comment or public meeting request
14 was timely received and on which no public meeting was held, the
15 final permit shall be issued or denied.

16 B. For draft permits or draft denials for Tier II applications
17 on which comment or a public meeting request was timely received or
18 on which a public meeting was held, the Department of Environmental
19 Quality, after considering the comments, shall prepare a response to
20 comments and issue the draft permit as is or as amended or make
21 final denial.

22 The response to comments shall be prepared within ~~ninety (90)~~
23 forty-five (45) days after the close of the public comment period
24 unless extended by the Executive Director of the Department upon a

1 determination that additional time is required due to circumstances
2 outside the control of the Department. Such circumstances may
3 include, but shall not be limited to, an act of God, a substantial
4 and unexpected increase in the number of applications filed, an
5 unusually large number of public comments, unusually lengthy public
6 comments that require extensive technical responses, additional
7 review duties imposed on the Department from an outside source, or
8 outside review by a federal agency.

9 C. For a draft permit or draft denial for a Tier III
10 application, after the public comment period and the public meeting,
11 if any, the Department shall ~~prepare a response to comments and~~
12 either issue a final denial in accordance with paragraph 2 of this
13 subsection or prepare a proposed permit.

14 1. When a proposed permit is prepared, the ~~applicant~~ Department
15 shall ~~publish post~~ notice, ~~as legal notice in one newspaper local to~~
16 ~~the proposed new site or existing facility, of the Department's~~
17 ~~tentative decision to issue the permit~~ on the Electronic
18 Environmental Permit Application Docket on the Department's website
19 and provide notice to the applicant and those who subscribed to
20 receive notifications on the permit application. Such notice shall
21 identify the places where the proposed permit and the Department's
22 response to comments may be reviewed, ~~including a location in the~~
23 ~~county where the proposed new site or existing facility is located~~
24 and shall offer a ~~twenty-day~~ fifteen-day opportunity to request in

1 writing an administrative hearing to participate in as a party. The
2 opportunity to request a hearing shall be available to the applicant
3 and any person or qualified interest group who claims to hold a
4 demonstrable environmental interest and who alleges that the
5 construction or operation of the proposed facility or activity would
6 directly and adversely affect such interest.

7 If no written administrative hearing request is received by the
8 Department by the end of ~~twenty (20)~~ fifteen (15) days after the
9 ~~publication~~ date of the notice, the final permit shall be issued.

10 2. If the Department's final decision is to deny the permit, it
11 shall give notice to the applicant and issue a final denial in
12 accordance with subsection F of this section.

13 D. When an administrative hearing is timely requested on a
14 proposed permit in accordance with subsection C of this section, all
15 timely requests shall be combined in a single hearing. The hearing
16 shall be a quasi-judicial proceeding and shall be conducted by an
17 ~~Administrative Law Judge~~ administrative law judge in accordance with
18 Article 2 of the Administrative Procedures Act, the Oklahoma
19 Environmental Quality Code and rules promulgated by the
20 Environmental Quality Board.

21 1. The applicant shall be a party to the hearing.

22 2. The Department shall ~~schedule~~ hold a prehearing conference
23 within ~~sixty (60)~~ forty-five (45) days after the end of the hearing
24 request period.

1 3. The Department shall move expeditiously to an evidentiary
2 proceeding in which parties shall have the right to present evidence
3 before the Department on whether the proposed permit and the
4 technical data, models and analyses, and information in the
5 application upon which the proposed permit is based are in
6 substantial compliance with applicable provisions of the Code and
7 rules promulgated thereunder and whether the proposed permit should
8 be issued as is, amended and issued, or denied.

9 4. Failure of any party to participate in the administrative
10 ~~proceeding~~ hearing with good faith and diligence may result in a
11 default judgment with regard to that party; provided, however, that
12 no final permit shall be issued solely on the basis of any such
13 judgment.

14 E. If the Department decides to reverse its initial draft
15 decision, it shall withdraw the draft denial or draft permit and
16 prepare a draft permit or draft denial, as appropriate. Notice of
17 the withdrawal of the original draft and preparation of the revised
18 draft shall be given as provided in Section 2-14-302 of this title.
19 The Department shall then ~~re-open~~ reopen the comment period and
20 provide additional opportunity for a formal public meeting on the
21 revised draft as described in Section 2-14-303 of this title.

22 F. Upon final issuance or denial of a permit for a Tier III
23 application, the Department shall provide ~~public notice~~ electronic
24

1 notification of the final permit decision and the availability of
2 the response to comments, if any.

3 G. Any appeal of a Tier III final permit decision or any final
4 order connected therewith shall be made in accordance with the
5 provisions of the Code and the Administrative Procedures Act.

6 H. Any applicant, within ten (10) days after final denial of
7 the application for a new original permit on which no final order
8 was issued, may petition the Department for reconsideration on the
9 grounds stated in subsection A of Section 317 of Title 75 of the
10 Oklahoma Statutes as if the denial was an order. Disposition of the
11 petition shall be by order of the Executive Director of the
12 Department according to subsections B and D of Section 317 of Title
13 75 of the Oklahoma Statutes.

14 SECTION 6. This act shall become effective November 1, 2026.

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