

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1246

By: Rader of the Senate

and

Pfeiffer of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Environmental Quality
11 Code; amending 27A O.S. 2021, Sections 2-14-103, 2-
12 14-301, 2-14-302, 2-14-303, and 2-14-304, which
13 relate to the Oklahoma Uniform Environmental
14 Permitting Act; modifying definitions; modifying
15 requirements and procedures for certain
16 notifications; requiring certain information be made
17 available online; modifying time frame for which
18 certain meetings are held; modifying time frame for
19 which certain response is prepared; modifying
20 provisions for certain administrative hearing;
21 updating statutory language; updating statutory
22 reference; and providing an effective date.

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

24 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 1. "Application" means a document or set of documents, filed
2 with the Department of Environmental Quality for the purpose of
3 receiving a permit or the modification, amendment, or renewal
4 thereof from the Department. ~~"Application"~~ Application includes any
5 subsequent additions, revisions, or modifications submitted to the
6 Department which supplement, correct, or amend a pending
7 application;

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

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

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

- 20 a. specific types of permits and other Department
21 authorizations including certifications,
22 registrations, licenses, and plan approvals, and
- 23 b. an approved variance from a promulgated rule; however,
24 for existing facilities the Department may require

1 additional notice and public participation
2 opportunities for variances posing the potential for
3 increased risk;

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

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

13 7. "Qualified interest group" means any organization with
14 twenty-five or more members who are ~~Oklahoma~~ residents of this
15 state;

16 8. "Response to comments" means a document prepared by the
17 Department after its review of timely comments received on a draft
18 denial or draft permit pursuant to public comment opportunities
19 which:

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

1 formal public meeting about the draft denial or draft
2 permit;

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

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

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

7 11. "Tier III" means an expanded process of permitting which
8 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.

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. The
11 ~~publication shall identify locations where the application may be~~
12 ~~reviewed, including a location in the county where the proposed new~~
13 ~~site or existing facility is located~~ direct the public to the
14 Electronic Environmental Permit Application Docket on the
15 Department's website where the public may view documents related to
16 the pending application and subscribe to receive electronic notice
17 of public participation opportunities and receive updates on other
18 actions related to the pending application. The Department shall
19 maintain documents related to the pending application on the
20 Electronic Environmental Permit Application Docket on the
21 Department's website until the decision on issuance or denial of any
22 pending permit application becomes final.

23 B. For Tier III applications, the publication shall also
24 include notice of a thirty-day opportunity to request, or give the

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

11 C. The provisions of this section shall not stay the
12 Department's review of the application.

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

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

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

23 2. Notice of the draft denial or draft permit shall be
24 ~~published as legal notice in one newspaper local to the proposed new~~

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

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

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

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

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

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

20 3. At the meeting, any person may submit oral or written
21 statements and data concerning the draft denial or draft permit.
22 Reasonable limits may be set upon the time allowed for oral
23 statements.

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

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

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

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

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

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

20 The response to comments shall be prepared within ~~ninety (90)~~
21 forty-five (45) days after the close of the public comment period
22 unless extended by the Executive Director upon a determination that
23 additional time is required due to circumstances outside the control
24 of the Department. Such circumstances may include, but shall not be

1 limited to, an act of God, a substantial and unexpected increase in
2 the number of applications filed, an unusually large number of
3 public comments, unusually lengthy public comments that require
4 extensive technical responses, additional review duties imposed on
5 the Department from an outside source, or outside review by a
6 federal agency.

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

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

1 and any person or qualified interest group who claims to hold a
2 demonstrable environmental interest and who alleges that the
3 construction or operation of the proposed facility or activity would
4 directly and adversely affect such interest.

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

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

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

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

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

23 3. The Department shall move expeditiously to an evidentiary
24 proceeding in which parties shall have the right to present evidence

1 before the Department on whether the proposed permit and the
2 technical data, models and analyses, and information in the
3 application upon which the proposed permit is based are in
4 substantial compliance with applicable provisions of the Code and
5 rules promulgated thereunder and whether the proposed permit should
6 be issued as is, amended and issued, or denied.

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

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

19 F. Upon final issuance or denial of a permit for a Tier III
20 application, the Department shall provide ~~public notice~~ notification
21 of the final permit decision and the availability of the response to
22 comments, if any.

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

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

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

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