

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1246

By: Rader

AS INTRODUCED

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 receiving a permit or the modification, amendment, or renewal thereof from the Department. ~~"Application"~~ Application includes any

1 subsequent additions, revisions, or modifications submitted to the  
2 Department which supplement, correct, or amend a pending  
3 application;

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

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

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

- 16 a. specific types of permits and other Department  
17 authorizations including certifications,  
18 registrations, licenses, and plan approvals, and
- 19 b. an approved variance from a promulgated rule; however,  
20 for existing facilities the Department may require  
21 additional notice and public participation  
22 opportunities for variances posing the potential for  
23 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, a local  
5 representative of the Department, or the chief engineer of the  
6 Department provided such authority has been delegated thereto by the  
7 Executive Director;

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 draft permit or draft denial on the  
19               Electronic Environmental Permit Application Docket on  
20               the Department's website and opportunity for a formal  
21               public meeting, ~~and~~
- 22           e. public meeting, if any, and
- 23           f. preparation of the Department's response to comments,  
24               if any.

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

5 ~~11.~~ 10. "Tier III" means an expanded process of permitting  
6 which includes:

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

23 For the Tier III process a permit shall be issued or denied by the  
24 Executive Director.

SECTION 2. AMENDATORY 27A O.S. 2021, Section 2-14-301,

is amended to read as follows:

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

B. ~~For Tier III applications, the publication shall also~~  
~~include notice of a thirty-day opportunity to request, or give the~~  
~~date, time and place for, a process meeting on the permitting~~

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

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

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

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

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

22 2. Notice of the draft denial or draft permit shall be  
23 ~~published as legal notice in one newspaper local to the proposed new~~  
24 ~~site or existing facility. The notice shall identify places where~~

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

17 B. Upon the ~~publication of notice~~ notification of a draft  
18 permit, the ~~applicant~~ Department shall make the draft permit and the  
19 application, except for proprietary provisions otherwise protected  
20 by law, available for public review ~~at a location in the county~~  
21 ~~where the proposed new site or existing facility is located~~ on the  
22 Electronic Environmental Permit Application Docket on the  
23 Department's website.  
24  
25



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

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

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

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

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

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~~ fifteen-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)~~ fifteen (15) days after the  
7 ~~publication~~ date 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  
25

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.

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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