

1 ENGROSSED SENATE  
2 BILL NO. 1005

By: Allen of the Senate

3 and

4 Odonnell of the House

5  
6 An Act relating to the environment and natural  
7 resources; prohibiting Department of Environmental  
8 Quality from requiring use of air curtain incinerator  
9 for certain fires in certain areas; defining terms;  
10 authorizing Department to promulgate certain rules;  
11 prohibiting certain burning from being classed as  
12 public nuisance; providing for codification; and  
13 providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 2-5-130 of Title 27A, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. 1. The Department of Environmental Quality shall not  
19 require the use of an air curtain incinerator for fires purposely  
20 set for land clearing operations except in counties or areas that  
21 are or have been designated nonattainment for a National Ambient Air  
22 Quality Standard or in metropolitan statistical areas with a  
23 population of greater than nine hundred thousand (900,000) people  
24 according to the latest federal decennial census.

2. For the purposes of this section, "air curtain incinerator"  
means an incineration unit, operating by forcefully projecting a

1 curtain of air across an open integrated combustion chamber or open  
2 pit or trench, in which combustion occurs. For the purposes of this  
3 section, "metropolitan statistical area," means a core area  
4 containing a substantial population nucleus, together with adjacent  
5 communities having a high degree of economic and social integration  
6 with that core, as defined by the federal Office of Management and  
7 Budget.

8 B. The Department shall not require the use of an air curtain  
9 incinerator for fires purposely set for the burning of clean wood  
10 waste or yard brush except in counties or areas that are or have  
11 been designated nonattainment for a National Ambient Air Quality  
12 Standard or in metropolitan statistical areas with a population of  
13 greater than nine hundred thousand (900,000) people according to the  
14 latest federal decennial census.

15 C. The Department may promulgate rules to limit accumulation of  
16 clean wood waste or yard brush.

17 D. The burning of clean wood waste or yard brush shall not  
18 create a public nuisance.

19 E. The Department shall promulgate rules to carry out the  
20 provisions of this section.

21 SECTION 2. This act shall become effective November 1, 2019.

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