

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                           1st Session of the 57th Legislature (2019)

4   ENGROSSED SENATE  
5   BILL NO. 1005

  By: Allen of the Senate

  and

  O'Donnell of the House

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

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

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

21                   A.    1.    The Department of Environmental Quality shall not  
22                   require the use of an air curtain incinerator for fires purposely  
23                   set for land clearing operations except in counties or areas that  
24                   are or have been designated nonattainment for a National Ambient Air  
                  Quality Standard or in metropolitan statistical areas with a

1 population of greater than nine hundred thousand (900,000) people  
2 according to the latest federal decennial census.

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

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

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

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

23 E. The Department shall promulgate rules to carry out the  
24 provisions of this section.

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

COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
dated 04/02/2019 - DO PASS.