

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
25 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.