

# An Act

ENROLLED SENATE  
BILL NO. 246

By: Allen of the Senate

and

Roberts (Sean) of the House

An Act relating to environment and natural resources; amending Section 1, Chapter 230, O.S.L. 2019 (27A O.S. Supp. 2020, Section 2-5-130), which relates to the use of air curtain incinerators; modifying exceptions for certain burning operations; and providing an effective date.

SUBJECT: Air quality practices

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

SECTION 1. AMENDATORY Section 1, Chapter 230, O.S.L. 2019 (27A O.S. Supp. 2020, Section 2-5-130), is amended to read as follows:

Section 2-5-130. A. 1. The Department of Environmental Quality shall not require the use of an air curtain incinerator for fires purposely set for land clearing operations except in counties or areas within a county that:

- a. are or have been designated nonattainment for a National Ambient Air Quality Standard Standards (NAAQS) or where the Department-certified ambient air quality monitoring data documents a violation of primary NAAQS prior to such determination, or in metropolitan statistical areas with

b. have a population of greater than ~~nine hundred thousand (900,000)~~ five hundred thousand (500,000) people 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 curtain of air across an open integrated combustion chamber or open pit or trench, in which combustion occurs. ~~For the purposes of this section, "metropolitan statistical area," means a core area containing a substantial population nucleus, together with adjacent communities having a high degree of economic and social integration with that core, as defined by the federal Office of Management and Budget.~~

B. The Department shall not require the use of an air curtain incinerator for fires purposely set for the burning of clean wood waste or yard brush except in counties or areas within a county that are:

1. Are or have been designated nonattainment for a National Ambient Air Quality Standard Standards (NAAQS) or where the Department-certified ambient air quality monitoring data documents a violation of primary NAAQS prior to such determination; or in metropolitan statistical areas with

2. Have a population of greater than ~~nine hundred thousand (900,000)~~ five hundred thousand (500,000) people according to the latest Federal Decennial Census.

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

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

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

SECTION 2. This act shall become effective November 1, 2021.

Passed the Senate the 28th day of April, 2021.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2021.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_