

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 492

By: Sparks and Pittman of the  
Senate

6 and

7 Hoskin of the House

8  
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Clean Air Act;  
11 amending 27A O.S. 2011, Section 2-5-105, which  
12 relates to powers and duties of the Department of  
Environmental Quality; modifying duties of the  
Department; and providing an effective date.

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

16 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-5-105, is  
17 amended to read as follows:

18 Section 2-5-105. The Department of Environmental Quality is  
19 hereby designated the administrative agency for the Oklahoma Clean  
20 Air Act for the state. The Department is empowered to:

21 1. Establish, in accordance with its provisions, those programs  
22 specified elsewhere in the Oklahoma Clean Air Act;

23 2. Establish, in accordance with the Oklahoma Clean Air Act, a  
24 permitting program for the state which will contain the flexible

1 source operation provisions required by Section 502(b)(10) of the  
2 Federal Clean Air Act Amendments of 1990;

3 3. Prepare and develop a general plan for proper air quality  
4 management in the state in accordance with the Oklahoma Clean Air  
5 Act;

6 4. Enforce rules of the Board and orders of the Department and  
7 the Council;

8 5. Advise, consult and cooperate with other agencies of the  
9 state, towns, cities and counties, industries, other states, tribal  
10 governments and the federal government, and with affected groups in  
11 the prevention and control of new and existing air contamination  
12 sources within the state;

13 6. Encourage and conduct studies, seminars, workshops,  
14 investigations and research relating to air pollution and its  
15 causes, effects, prevention, control and abatement;

16 7. Collect and disseminate information relating to air  
17 pollution, its prevention and control;

18 8. Encourage voluntary cooperation by persons, towns, cities,  
19 tribal governments and counties, or other affected groups in  
20 restoring and preserving a reasonable degree of purity of air within  
21 the state;

22 9. Represent the State of Oklahoma in any and all matters  
23 pertaining to plans, procedures or negotiations for the interstate  
24 compacts in relation to the control of air pollution;

1        10. Provide such technical, scientific or other services,  
2 including laboratory and other facilities, as may be required for  
3 the purpose of carrying out the provisions of the Oklahoma Clean Air  
4 Act, from funds available for such purposes;

5        11. Employ and compensate, within funds available therefor,  
6 such consultants and technical assistants and such other employees  
7 on a full- or part-time basis as may be necessary to carry out the  
8 provisions of the Oklahoma Clean Air Act and prescribe their powers  
9 and duties;

10       12. Accept and administer grants or other funds or gifts for  
11 the purpose of carrying out any of the functions of the Oklahoma  
12 Clean Air Act;

13       13. Budget and receive duly appropriated monies and all other  
14 monies available for expenditures to carry out the provisions and  
15 purposes of the Oklahoma Clean Air Act;

16       14. Bring appropriate court action to enforce the Oklahoma  
17 Clean Air Act and final orders of the Department, and to obtain  
18 injunctive or other proper relief in the district court of the  
19 county where any alleged violation occurs or where such relief is  
20 determined necessary. The Department, in furtherance of its  
21 statutory powers, shall have the independent authority to file an  
22 action pursuant to the Oklahoma Clean Air Act in district court.  
23 Such action shall be brought in the name of the Department of  
24 Environmental Quality;

1 15. Take such action as may be necessary to abate the alleged  
2 pollution upon receipt of evidence that a source of pollution or a  
3 combination of sources of pollution is presenting an immediate,  
4 imminent and substantial endangerment to the health of persons;

5 16. Periodically enter and inspect at reasonable times or  
6 during regular business hours, any source, facility or premises  
7 permitted or regulated by the Department, for the purpose of  
8 obtaining samples or determining compliance with the Oklahoma Clean  
9 Air Act or any rule promulgated thereunder or permit condition  
10 prescribed pursuant thereto, or to examine any records kept or  
11 required to be kept pursuant to the Oklahoma Clean Air Act. Such  
12 inspections shall be conducted with reasonable promptness and shall  
13 be confined to those areas, sources, facilities or premises  
14 reasonably expected to emit, control, or contribute to the emission  
15 of any air contaminant;

16 17. Require the submission or the production and examination,  
17 within a reasonable amount of time, of any information, record,  
18 document, test or monitoring results or emission data, including  
19 trade secrets necessary to determine compliance with the Oklahoma  
20 Clean Air Act or any rule promulgated thereunder, or any permit  
21 condition prescribed or order issued pursuant thereto. The  
22 Department shall hold and keep as confidential any information  
23 declared by the provider to be a trade secret and may only release  
24 such information upon authorization by the person providing such

1 information, or as directed by court order. Any documents submitted  
2 pursuant to the Oklahoma Clean Air Act and declared to be trade  
3 secrets, to be so considered, must be plainly labeled by the  
4 provider, and be in a form whereby the confidential information may  
5 be easily removed intact without disturbing the continuity of any  
6 remaining documents. The remaining document, or documents, as  
7 submitted, shall contain a notation indicating, at the place where  
8 the particular information was originally located, that confidential  
9 information has been removed. Nothing in this section shall  
10 preclude an in-camera examination of confidential information by an  
11 Administrative Law Judge during the course of a contested hearing;

12 18. Maintain and update at least annually an inventory of air  
13 emissions from stationary sources;

14 19. Accept any authority delegated from the federal government  
15 necessary to carry out any portion of the Oklahoma Clean Air Act;  
16 and

17 20. Carry out all other duties, requirements and  
18 responsibilities necessary and proper for the implementation of the  
19 Oklahoma Clean Air Act and fulfilling the requirements of the  
20 Federal Clean Air Act.

21 SECTION 2. This act shall become effective November 1, 2018.

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23 56-2-3673 CB 5/2/2018 12:25:24 PM

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