

1 2. "Air contaminants" means the presence in the outdoor
2 atmosphere of fumes, aerosol, mist, gas, smoke, vapor, particulate
3 matter or any combination thereof which creates a condition of air
4 pollution;

5 3. "Air pollution" means the presence in the outdoor atmosphere
6 of one or more air contaminants in sufficient quantities and of such
7 characteristics and duration as tend to be or may be injurious to
8 human, plant or animal life or to property, or which interfere with
9 the comfortable enjoyment of life and property, excluding, however,
10 all conditions pertaining to employer-employee relations;

11 4. "Ambient air" means the surrounding outdoor air;

12 5. "Chair" means the Chair of the Air Quality Council;

13 6. "Council" means the Air Quality Council;

14 7. "Director" means the Director of Air Quality Division;

15 8. "Emission" means the release or discharge of any air
16 contaminant or potential air contaminant into the ambient air;

17 9. "Federal Clean Air Act" means the Federal Clean Air Act, 42
18 U.S.C. 7401, et seq., as amended, including the Federal Clean Air
19 Act Amendments of 1990;

20 10. "Hazardous air pollutant" means any air pollutant listed
21 and regulated pursuant to subsection (b) of Section 112 of the
22 Federal Clean Air Act;

23 11. "Hearing officer" means a person appointed to preside at
24 public hearings held pursuant to this article;

1 12. "Panel" means the Compliance Advisory Panel;

2 13. "Person" means any individual, partnership, copartnership,
3 firm, company, corporation, association, joint stock company, trust,
4 estate, municipality or any other legal entity, or their
5 representative, agent or assign;

6 14. "Regulated substance" means any substance, including
7 extremely hazardous substances, listed and regulated pursuant to
8 Section 112(r) (3) of the Federal Clean Air Act;

9 15. "Small Business Stationary Source" means a stationary
10 source as defined in Section 507 (c) of the Federal Clean Air Act;

11 16. "State implementation plan" means any document that is
12 required to be submitted to the United States Environmental
13 Protection Agency or other federal agency tasked with administering
14 the Federal Clean Air Act where such document is designed to plan
15 for attaining national ambient air quality standards or other
16 federal pollution standards, including revisions to an existing
17 state implementation plan;

18 17. "Toxic air contaminant" means any substance determined to
19 be highly toxic, moderately toxic, or of low toxicity pursuant to
20 criteria set forth by rule. The term shall not be construed to
21 include pollutants for which a primary and secondary ambient air
22 quality standard has been promulgated under the Federal Clean Air
23 Act to the extent of the criteria for which they are listed; and
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1 ~~17~~ 18. "Trade secret" means information, including but not
2 limited to a formula, pattern, compilation, program, device, method,
3 technique or process, that:

4 a. derives independent economic value, actual or
5 potential, from not being generally known to, and not
6 being readily ascertainable by proper means by, other
7 persons who can obtain economic value from its
8 disclosure or use, and

9 b. is the subject of efforts that are reasonable under
10 the circumstances to maintain its secrecy.

11 The term "trade secret" shall not be construed to include data
12 concerning the amount, emission rate or identification of any air
13 contaminant emitted by any source, nor shall it include the contents
14 of any proposed or final permit.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2-5-119 of Title 27A, unless
17 there is created a duplication in numbering, reads as follows:

18 A. A proposed state implementation plan under Section 111 of
19 the Federal Clean Air Act shall meet the following requirements
20 before being a valid state implementation plan under state law:

21 1. The state implementation plan may make use of components
22 including, but not limited to, administrative rules, commitments of
23 private companies, and grant initiatives that are adequately
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1 balanced with the costs those components would impose on industry
2 and consumers in the state;

3 2. The state implementation plan shall consider any impact on
4 municipal or other local regulation efforts consistently with
5 Section 2-5-103 of Title 27A of the Oklahoma Statutes;

6 3. The state implementation plan shall include adequate
7 planning for any increased future enforcement and monitoring needs
8 under the plan;

9 4. The state implementation plan shall consider and adequately
10 balance its impact on small business and any existing Department of
11 Environmental Quality programs for small business consistently with
12 Section 2-5-115 of Title 27A of the Oklahoma Statutes; and

13 5. The state implementation plan shall not violate any other
14 provision of law.

15 B. Before any proposed state implementation plan under Section
16 111 of the Federal Clean Air Act may be officially submitted to the
17 Environmental Protection Agency or other federal agency tasked with
18 administering the Federal Clean Air Act, the proposed state
19 implementation plan must be submitted consistently with the
20 following requirements:

21 1. The Department of Environmental Quality must submit an
22 official report concerning the proposed state implementation plan to
23 the Office of the Attorney General by December 15 for validation of
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1 such plan during the following calendar year. Such report shall
2 include the following:

- 3 a. A description of the basis for the proposed state
4 implementation plan, including a description of the
5 federal pollution standards prompting the creation of
6 the plan;
- 7 b. A description of the components of the proposed state
8 implementation plan intended to achieve
9 environmentally beneficial results; and
- 10 c. An explanation of how the proposed state
11 implementation plan meets the requirements of
12 subsection A of this section with supporting reasons.

13 2. If the Office of the Attorney General determines that the
14 proposed state implementation does not satisfy requirements in
15 subsection A of this section, the Office of the Attorney General may
16 issue a written report stating clearly its reasons for this
17 determination and submit such report to the Department of
18 Environmental Quality, the Governor of Oklahoma, and both the
19 Speaker of the Oklahoma House of Representatives and President Pro
20 Tem of the State Senate for distribution to the Legislature. Such
21 report must be submitted by the first day of the regular legislative
22 session following the first December 15 after submission of the
23 Department of Environmental Quality report concerning the proposed
24 state implementation plan.

1 3. If the Office of the Attorney General does not submit the
2 report described in paragraph 2 of subsection B of this section by
3 the date described therein, the Governor may submit the
4 corresponding proposed state implementation plan to the
5 Environmental Protection Agency or other federal agency tasked with
6 administering the Federal Clean Air Act.

7 4. If the Office of the Attorney General submits a report
8 concluding that the proposed state implementation plan does not
9 comply with the requirements of subsection A of this section, the
10 Department of Environmental Quality shall submit the report
11 described in paragraph 1 of subsection B of this section to the
12 Governor of Oklahoma and both the Speaker of the Oklahoma House of
13 Representatives and President Pro Tem of the State Senate for
14 distribution to the Legislature. Such submission shall be completed
15 within five (5) business days of the submission of the report of the
16 Office of the Attorney General. The Legislature may then approve or
17 disapprove of the proposed state implementation plan according to
18 paragraph (C) of this section.

19 5. Upon approval of the proposed state implementation plan
20 under paragraph (C) of this section, the Governor shall submit such
21 plan to the Environmental Protection Agency or other federal agency
22 tasked with administering the Federal Clean Air Act. Upon
23 disapproval of the proposed state implementation plan under
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1 paragraph (C) of this section, such plan shall be invalid under
2 state law.

3 C. The Legislature may approve or disapprove a proposed state
4 implementation plan per paragraph 4 of subsection B of this section,
5 according to Section 11 of Article VI of the Oklahoma Constitution.
6 If the Legislature does not approve the proposed state
7 implementation by the end of the regular legislative session during
8 which the report of the Office of the Attorney General was
9 submitted, the proposed state implementation plan shall be
10 considered disapproved.

11 D. Nothing in this section shall be construed to create a right
12 of action or basis for invalidation of a state implementation plan
13 on behalf of any private individual or entity.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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19 COMMITTEE REPORT BY: COMMITTEE ON ENVIRONMENTAL LAW, dated
20 04/07/2015 - DO PASS, As Coauthored.

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