

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2252

By: Thomas

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 9-202 which relates to the Oklahoma Feed Yards Act; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 9-202, is amended to read as follows:

Section 9-202. A. Concentrated animal feeding operations are point sources subject to the permit or license program.

B. As used in ~~this act~~ the Oklahoma Feed Yards Act:

1. "Animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- a. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period, and
- b. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are considered, for the purposes of this law, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.;

2. "Concentrated animal feeding operations" or "feed yards" means an animal feeding operation which meets the criteria set forth as follows:

a. More than the number of animals specified in any of the following categories are confined:

- (1) 1,000 slaughter and feeder cattle,
- (2) 700 mature dairy cattle (whether milk or dry cows),
- (3) 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),
- (4) 500 horses,
- (5) 10,000 sheep or lambs,
- (6) 55,000 turkeys,
- (7) 100,000 laying hens or broilers (if the facility has continuous overflow watering),
- (8) 30,000 laying hens or broilers (if the facility has a liquid manure system),
- (9) 5,000 ducks, or
- (10) 1,000 animal units~~;~~ or

b. More than the following number and types of animals are confined:

- (1) 300 slaughter or feeder cattle,
- (2) 200 mature dairy cattle (whether milk or dry cows),
- (3) 750 swine each weighing over 25 kilograms (approximately 55 pounds),
- (4) 150 horses,
- (5) 3,000 sheep or lambs,

- (6) 16,500 turkeys,
- (7) 30,000 laying hens or broilers (if the facility has continuous overflow watering),
- (8) 9,000 laying hens or broilers (if the facility has a liquid manure system),
- (9) 1,500 ducks, or
- (10) 300 animal units;

and either one of the following conditions are met: Pollutants are discharged into waters of the United States through a man-made ditch, flushing system or other similar man-made device; or pollutants are discharged directly into navigable waters which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a twenty-five year, twenty-four-hour storm event~~;~~ or

- c. The Board determines that the operation is a significant contributor of pollution to waters of the United States~~;~~ ;

3. "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by one (1) plus the number of mature dairy cattle multiplied by one and four-tenths (1.4), plus the number of swine weighing over twenty-five (25) kilograms (approximately fifty-five (55) pounds), multiplied by four-tenths (0.4), plus the number of sheep multiplied by one-tenth (0.1), plus the number of horses multiplied by two (2)~~;~~ ;

4. "Man-made" means constructed by man and used for the purpose of transporting wastes~~;~~ ; and

~~(4)~~ 5. "Board" means the Oklahoma State Board of Agriculture.

~~a.~~ C. Case-by-case designation of concentrated animal feeding operations:

~~(1)~~ 1. Notwithstanding any other provision of this section, any animal feeding operation may be designated as a concentrated animal feeding operation where it is determined to be a significant contributor of pollution to the waters of the United States. In making this designation the Board shall consider the following factors:

- ~~(a)~~ a. The size of the animal feeding operation and the amount of wastes reaching waters of the United States~~;~~.
- ~~(b)~~ b. The location of the animal feeding operation relative to waters of the United States~~;~~.
- ~~(c)~~ c. The means of conveyance of animal wastes and process wastewater into waters of the United States~~;~~.
- ~~(d)~~ d. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewaters into waters of the United States~~;~~. and
- ~~(e)~~ e. Other such factors relative to the significance of the pollution problem sought to be regulated~~;~~.

~~(2)~~ 2. No animal feeding operation with less than the number of animals set forth in ~~paragraph 2,~~ subparagraphs ~~(a)~~ and ~~(b)~~ of paragraph 2 of this subsection B of this section designated as a concentrated animal feeding operation unless:

- ~~(a)~~ a. Pollutants are discharged into waters of the United States through a man-made ditch, flushing system or other similar man-made device~~;~~ or
- ~~(b)~~ b. Pollutants are discharged directly into waters of the United States which originate outside the

facility and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation~~., and~~

~~(3)~~ 3. In no case shall a permit application be required from a concentrated animal feeding operation designated under this division until there has been an onsite inspection of the operation and a determination that the operation should and could be regulated under the permit program:

~~(a)~~ a. Subject to the provisions of ~~division (3) of paragraph (2) of~~ subparagraph ~~(b)~~ b of this ~~subsection~~ paragraph, the following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subsection after application of the best conventional pollutant control technology. There shall be no discharge of process wastewater pollutants to navigable waters~~.,~~

~~(b)~~ b. Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process wastewater from a facility designed, constructed and operated to contain all process generated wastewaters plus the runoff from a twenty-five year, twenty-four-hour rainfall event for the location of the point source.

~~(4) "Board" means the Oklahoma State Board of Agriculture.~~

SECTION 2. This act shall become effective September 1, 1994.

