

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR HOUSE

JOINT RESOLUTION NO. 1093

By: Benson, Boyd (Laura),
Rice, Steidley, Bastin,
Hilliard, Settle,
Hamilton, Adair, Kinnamon
and Thomas of the House

and

Taylor of the Senate

COMMITTEE SUBSTITUTE

A Joint Resolution relating to agriculture; imposing moratoriums on the issuance of certain licenses, permits, certificates and other authorizations and amendments for certain swine feeding operations and expansions to existing swine feeding operations and for water use; prohibiting certain processing and administration processing procedures; providing exceptions to the moratoriums; providing for time period; specifying certain distance limitations for certain facilities; providing for applicability; providing for construction of act; providing exceptions; defining terms; and declaring an emergency.

WHEREAS, the State of Oklahoma has been blessed with abundant natural resources including clean air, land, and water; and

WHEREAS, agriculture, including animal feeding operations, is one of Oklahoma's top industries with a value of over Six Billion Dollars (\$6,000,000,000.00) annually; and

WHEREAS, Oklahoma has historically fostered the growth and economic development of agriculture and animal operations and has always recognized the importance of the family farm; and

WHEREAS, because of Oklahoma's abundant natural resources and positive climate for economic development, large swine animal

feeding operations have seen tremendous growth in the past few years; and

WHEREAS, although the Oklahoma Legislature recognizes the importance of large swine animal feeding operations that bring millions of dollars to the Oklahoma economy, the Oklahoma Legislature also recognizes the need for appropriate environmental safeguards against waste produced by that industry; and

WHEREAS, the waste produced by swine animal feeding operations has caused considerable private and public concerns as to the impact of such waste on the health, safety, and welfare of the citizens of Oklahoma and on the natural resources of the state; and

WHEREAS, the State of Oklahoma, through recently enacted laws and regulations, has attempted to address many of these concerns by requiring licensure of large swine animal feeding operations, in particular those operations having over 5,000 swine each weighing over 55 pounds and over 20,000 weaned swine each weighing under 55 pounds; and

WHEREAS, continued careful planning, design, location, and management by swine animal feeding operations is crucial in lessening or preventing any adverse impact on the citizens of Oklahoma and on the natural resources of the state; and

WHEREAS, to protect the health, safety, and welfare of the citizens of Oklahoma and natural resources of this state, it is imperative to stem the growth of some of the swine animal feeding operations while still protecting the family farm until a state policy can be developed for the management of some swine animal feeding operations in Oklahoma; and

WHEREAS, it is the intent of the Oklahoma Legislature to impose a moratorium on the issuance of certain licenses, permits, certificates, other authorizations for swine animal feeding operations and on processing thereof until legislative action can be taken this session.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. A. 1. There is hereby imposed a moratorium on the issuance of licenses, permits, certificates, and other authorizations and on application processing and other administrative processing procedures by the State Board of Agriculture and the Department of Agriculture for swine animal feeding operations, and on the issuance of licenses, permits, certificates, or other authorizations and on application processing and other administrative processing procedures for expansions to existing swine animal feeding operations.

2. There is hereby imposed a moratorium on the issuance of permits or amendments thereto or other authorizations and on application processing and other administrative processing procedures by the Oklahoma Water Resources Board for the use of water for licensed managed feeding operations for swine.

3. a. There is hereby imposed a moratorium on the issuance of permits or amendments thereto, or other authorizations and on application processing and other administrative processing procedures by the Oklahoma Water Resources Board for the use of water for swine animal feeding operations wholly or partially located within three (3) miles of:

(1) the outside boundary of any real property owned or leased by a for-profit or not-for-profit organization which provides outdoor recreational activities to its membership, including, but not limited to, youth camps, fraternal retreats, or church camps, or

(2) any water well which is used as a public water supply, as such term is defined, by rules promulgated by the Department of Environmental Quality.

b. The provisions of this paragraph shall apply only if the real property was owned or leased by such for-profit or not-for-profit organization, or the water well was used as a public water supply, prior to the

construction or establishment of the swine animal feeding operation.

B. The moratoriums are imposed for a one-year period beginning on the effective date of this resolution, unless earlier repealed or revoked by the Oklahoma Legislature.

C. The moratoriums shall not apply to the issuance of:

1. Any renewal or reauthorization license, permit, certificate, or other authorization or application processing or administrative procedure if such renewal or reauthorization does not result in an increase in swine population at the facility; or

2. Any new license, permit, certificate, or other authorization or application processing or administrative procedure for:

- a. any application for a swine animal feeding operation submitted to the Department of Agriculture prior to the effective date of this resolution, if the facility is operating in accordance with applicable state laws, as a licensed managed feeding operation prior to the effective date of this resolution,
- b. any construction to repair a component of an existing swine animal feeding operation licensed, permitted, certified or otherwise authorized by the Department,
- c. any construction to replace a component of an existing swine animal feeding operation licensed, permitted, certified, or otherwise authorized by the Department, if the replacement does not result in an increase in swine population at the facility, or
- d. any construction or expansion for purposes of complying with applicable municipal, state, or federal animal waste management rules or orders and not for the purpose of increasing the swine population.

D. The provisions of this resolution shall be construed to be a part of the Oklahoma Concentrated Animal Feeding Operations Act.

E. For purposes of this resolution, "swine animal feeding operation" means an animal feeding operation where swine are primarily housed in a roof-covered structure and which uses a liquid waste management system. The terms "animal feeding operation", "licensed managed feeding operation", and "liquid waste management system" shall have the same meaning as such terms are defined by the Oklahoma Concentrated Animal Feeding Operations Act.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-9914

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