

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 587

By: Henry

AS INTRODUCED

An Act relating to waters and water rights; amending Section 21, Chapter 404, O.S.L. 1998 (82 O.S. Supp. 2000, Section 1020.11a), which relates to permits for swine feeding operations; prohibiting the Oklahoma Water Resources Board from issuing permits or permit amendments to certain licensed managed feeding operations within certain areas; defining terms; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 21, Chapter 404, O.S.L. 1998 (82 O.S. Supp. 2000, Section 1020.11a), is amended to read as follows:

Section 1020.11a A. 1. Except for renewals, the Oklahoma Water Resources Board shall not issue any permit or amendment thereto or other authorization for the use of water for any swine ~~animal~~ licensed managed feeding operation, as defined by the Oklahoma Concentrated Animal Feeding Operations Act, wholly or partially located within three (3) miles of the outside boundary of any area or facility owned or operated primarily as a camp or recreational site by a nonprofit organization. For the purposes of this section:

- a. a permit amendment means an amendment to an existing groundwater permit authorizing the use of groundwater for a swine licensed managed feeding operation and the amendment sought is due to an increase in the State Department of Agriculture licensed capacity of the swine operation in excess of five percent (5%) of the original facility's licensed capacity and where the

increase involves construction of new and additional or expanded facilities, including waste retention structures or barns, and

- b. the nonprofit organization's owned or leased and exclusively controlled camp or recreational site shall include only outdoor camps and recreational sites where camping and recreational use is available to and regularly used by the general public at least six (6) months of each calendar year.

2. The provisions of this subsection shall apply only to applications for permits or amendments thereto as defined by this section and filed with the Oklahoma Water Resources Board after March 9, 1998, and only if the real property was owned or leased by ~~such~~ the nonprofit organization prior to the construction or establishment of the swine ~~animal~~ licensed managed feeding operation. For the purposes of this section:

- a. "prior construction" means and includes prior to commencement of construction activities, and
- b. "prior to establishment" means prior to the swine licensed managed feeding operation taking any overt act or acts which are of public record or local public knowledge and which would put a reasonable person on notice of the swine licensed managed feeding operation's plan, intention and purpose of developing a new swine farm operation in the area or expanding an existing operation.

B. The setback requirement contained in subsection A of this section shall not apply to any property owner who executes a written waiver with the owner or operator of the swine licensed managed feeding operation, under such terms and conditions as are agreed to by the parties. The written waiver shall be effective upon recording of the waiver in the office of the county clerk in the

county in which such property is located. The filed waiver shall preclude enforcement of the setback requirements of subsection A of this section with regard to property described in the waiver and owned by the person executing such waiver. A change in ownership of the applicable property or change in ownership of the property on which the swine licensed managed feeding operation is located shall not affect the validity of the waiver.

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.

48-1-869

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