

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1643

By: Blackwell

COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 2001, Section 9-205.3a, which relates to the Oklahoma Concentrated Animal Feeding Operations Act and Odor Abatement Plan; adding to certain determinations by the State Department of Agriculture; authorizing certain contracts; providing for promulgation of rules; removing requirement for certain hearings; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2001, Section 9-205.3a, is amended to read as follows:

Section 9-205.3a A. An Odor Abatement Plan shall be developed by each licensed managed feeding operation prior to the submission of an application pursuant to the provisions of ~~this section~~ the Oklahoma Concentrated Animal Feeding Operations Act and rules promulgated by the State Board of Agriculture pursuant thereto. The Odor Abatement Plan shall include, but not be limited to, provisions for documentation of structural controls, documentation of Best Management Practices, odor abatement and recordkeeping provisions.

B. 1. The Odor Abatement Plan shall include specific methods of odor reduction which shall be tailored to each facility and created to address each cause of odor listed in paragraph 2 of this subsection.

2. The Odor Abatement Plan shall address methods for reducing odors in relationship to animal maintenance, waste storage, land application, and carcass disposal.

3. The applicant or licensee shall examine the Odor Abatement Plan at least annually to evaluate the effectiveness of the plan, modify for changed conditions at the facility and determine if economically feasible technological advances are available and appropriate for the facility and may incorporate a new method or design approved pursuant to Section 2 of this act.

C. If, after reviewing the Odor Abatement Plan, the State Department of Agriculture determines that the plan does not adequately meet one or more of the minimum requirements, the licensed managed feeding operation shall make and implement appropriate changes to the Plan which may include the utilization of economically feasible technology designed to abate odor as required by the Department pursuant to the Oklahoma Concentrated Animal Feeding Operations Act and rules promulgated pursuant thereto.

D. In determining the adequacy of an odor abatement plan, the Department shall consider all relevant factors including but not limited to:

1. Whether the Odor Abatement Plan incorporates a method or design approved pursuant to Section 2 of this act;

2. Design of the facilities;

~~2.~~ 3. Odor control technology to be utilized;

~~3.~~ 4. Prevailing wind direction in relation to occupied residences;

~~4.~~ 5. Size of operation;

~~5.~~ 6. Distance from facility to occupied residences; and

~~6.~~ 7. All information contained in the application.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-205.3b of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Board of Agriculture shall coordinate with Oklahoma State University and Oklahoma Panhandle State University to conduct research, investigation and interpretive

programs pertaining to odor abatement, reduction and control methods for animal maintenance, waste storage, land application and carcass disposal required by Section 9-205.3a of Title 2 of the Oklahoma Statutes.

B. The Board shall develop and approve, pursuant to the Administrative Procedures Act, a test of approved odor abatement, reduction and control methods and designs which may be implemented to comply with the provisions of Section 205.3a of Title 2 of the Oklahoma Statutes.

C. If the only modification to a license issued pursuant to the Oklahoma Concentrated Animal Feeding Operations Act is the incorporation of a new method or design for odor abatement, reduction or control approved by the Board pursuant to this section, a public meeting or a hearing on the license renewal shall not be required.

SECTION 3. This act shall become effective November 1, 2003.

49-1-6324 KSM 02/12/03