

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2353

By: Kouplen

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6 AS INTRODUCED

7 An Act relating to agriculture; amending 2 O.S. 2011,
8 Section 20-7, which relates to the Oklahoma Swine
9 Feeding Operations Act; modifying frequency of
10 educational training requirements for certain
employees; requiring licensed managed feeding
operation to develop and submit continuing education
curricula; and providing an effective date.

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

14 SECTION 1. AMENDATORY 2 O.S. 2011, Section 20-7, is
15 amended to read as follows:

16 Section 20-7. A. The State Board of Agriculture shall cause to
17 be prepared and available, for any person desiring or required to
18 apply for a license to operate a new or previously unlicensed swine
19 feeding operation or expanding operation, the necessary forms and
20 applications.

21 B. The application for a license to operate a new or previously
22 unlicensed swine feeding operation or expanding operation shall
23 contain, as a minimum, the following information:

24 1. Name and address of the owner and operator of the facility;

- 1 2. Name and address of the swine feeding operation;
- 2 3. Capacity in swine animal units, and number and type of swine
3 housed or confined;
- 4 4. A diagram or map and legal description showing geographical
5 location of the facility on which the perimeters of the facility are
6 designated, location of waters of the state, including, but not
7 limited to, drainage from the facility, swine waste storage
8 facilities and land application sites owned or leased by the
9 applicant;
- 10 5. A copy of the Pollution Prevention Plan containing a Swine
11 Waste Management Plan, Best Management Practices, Odor Abatement
12 Plan or such other plan authorized by the Oklahoma Swine Feeding
13 Operations Act and approved by the Department;
- 14 6. A copy of the written waiver by an adjacent property owner
15 to the facility releasing specified setback requirements as provided
16 by Sections 20-19 and 20-21 of this title; and
- 17 7. Any other information deemed necessary by the Oklahoma
18 Department of Agriculture, Food, and Forestry to administer the
19 provisions of the Oklahoma Swine Feeding Operations Act and rules
20 promulgated pursuant thereto.
- 21 C. 1. An application for renewal of a license to operate a
22 swine feeding operation shall be considered to be properly filed
23 when the Department has received a completed renewal application and
24 payment of fees from the applicant.

1 2. If the application for renewal is denied, written
2 notification of the denial and an opportunity for an administrative
3 hearing on the denial shall be given to the applicant by the
4 Department. The notification shall set forth the reasons for the
5 denial, steps necessary to meet the requirements for issuance of the
6 renewal license and the opportunity for the applicant to request an
7 administrative hearing.

8 D. No new licensed managed feeding operation or expanding
9 operation shall be constructed until a building permit for such
10 facility or expansion has been issued by the Department. No new
11 licensed managed feeding operation shall be placed in operation
12 until a license for the facility or expansion has been issued by the
13 Department.

14 E. For transfer of a license to a new owner or operator, the
15 following conditions shall be met:

16 1. The new owner or operator shall submit to the Department a
17 transfer application, attaching any change of conditions resulting
18 from the transfer of ownership or operation;

19 2. After receipt of the information required, the Department
20 shall review the information, and within sixty (60) days, issue
21 approval or denial of the transfer. Transfer of a license shall be
22 denied only if:

23 a. the new owner or operator cannot comply with the
24 requirements of transfer,

- 1 b. the Department finds a material or substantial change
2 in conditions since the issuance of the original
3 license to operate the swine feeding operation,
4 c. failure of the new owner or operator to meet any other
5 conditions or requirements for compliance established
6 by the Department pursuant to the Oklahoma Swine
7 Feeding Operations Act and rules promulgated pursuant
8 thereto, or
9 d. the new owner or operator has failed to meet the
10 requirements of Section 20-25 of this title; and

11 3. If a transfer is denied, written notification of the denial
12 and an opportunity for an administrative hearing on the denial shall
13 be given to the applicant for a transfer license by the Department.
14 The notification shall set forth the reasons for the denial, steps
15 necessary to meet the requirements for a transfer license, and the
16 opportunity for the applicant to request an administrative hearing.

17 F. Any suspension or revocation or nonrenewal of a license
18 issued pursuant to the Oklahoma Swine Feeding Operations Act by the
19 Board shall be made in accordance with Section 20-25 of this title.

20 G. In addition to other information required for issuance of a
21 new or transfer license, an application for a new or transfer
22 license for a concentrated swine feeding operation shall be under
23 oath and shall contain the following information:

- 24 1. a. A statement of ownership.

1 (1) If the applicant is a firm or partnership, the
2 name and address of each member thereof shall be
3 included in the application.

4 (2) If the applicant is a corporation, the name and
5 address of the corporation and the name and
6 address of each officer and registered agent of
7 the corporation shall be included in the
8 application.

9 (3) If the applicant is a partnership or other legal
10 entity, the name and address of each partner and
11 stockholder with an ownership interest of ten
12 percent (10%) or more shall be included in the
13 statement.

14 b. The information contained in the statement of
15 ownership shall be public information and shall be
16 available upon request from the Board;

17 2. The name and address of the management, if the management is
18 not the applicant and is acting as agent for the applicant;

19 3. a. An environmental history from the past three (3) years
20 of any concentrated animal feeding operation or
21 concentrated swine feeding operation established and
22 operated by the applicant or any other operation with
23 common ownership in this state or any other state.
24 The environmental history shall include but not be

1 limited to all citations, administrative orders or
2 penalties, civil injunctions or other civil actions,
3 criminal actions, past, current and ongoing, taken by
4 any person, agency or court relating to noncompliance
5 with any environmental law, rule, agency order, or
6 court action relating to the operation of an animal
7 feeding operation or swine feeding operation.

8 b. A copy of all records relating to the environmental
9 history required by this paragraph shall accompany the
10 application.

11 c. Noncompliance with a final agency order or final order
12 or judgment of a court of record which has been set
13 aside by a court on appeal of the final order or
14 judgment shall not be considered a final order or
15 judgment for the purposes of this subsection;

16 4. Environmental awards or citations received or pollution
17 prevention or voluntary remediation efforts undertaken by the
18 applicant; and

19 5. Any other information or records required by the Department
20 for purposes of implementing the Oklahoma Swine Feeding Operations
21 Act or rules promulgated pursuant thereto.

22 H. 1. All employees of a proposed licensed managed feeding
23 operation whose duties include treatment, storage, or application of
24 swine waste shall provide proof of certification of satisfactory

1 completion of formal education or training in the areas of waste
2 management and odor control. Proof of certification of a minimum of
3 nine (9) hours of training and education shall be submitted either
4 with the license application or within six (6) months of the date of
5 the application for the license.

6 2. All employees of a licensed managed feeding operation whose
7 duties include treatment, storage or application of animal waste
8 shall provide proof of certification of satisfactory completion of
9 formal education or training in the areas of waste management and
10 odor control.

11 3. The Department shall require a minimum of three (3) hours of
12 annual refresher training for any employee of a licensed managed
13 feeding operation whose duties include treatment, storage, or
14 application of swine waste.

15 4. After completing eighteen (18) hours of training, an
16 employee shall be exempt from the annual training requirement, and
17 shall be required to complete three (3) hours of training every
18 three (3) years.

19 5. Appropriate curricula and course content shall be developed
20 under the supervision of Oklahoma State University Cooperative
21 Extension Service, which shall provide certification by the licensed
22 managed feeding operation and submitted to the Department for
23 approval.

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1 ~~5.~~ 6. Failure to obtain the prerequisite nine (9) hours of
2 training and annual any continuing education training and education
3 as required in this subsection shall be deemed a violation of the
4 Oklahoma Swine Feeding Operations Act.

5 I. 1. In addition to other penalties as may be imposed by law,
6 any person who knowingly makes any false statement, representation,
7 or certification in, omits material data from, or tampers with any
8 application for a license, or notice relating to the determination
9 of affected property owners, shall, upon conviction thereof, be
10 guilty of a misdemeanor and may be subject to a fine of not more
11 than Ten Thousand Dollars (\$10,000.00) for each violation. In
12 addition, the Department shall deny licensure to the applicant or
13 may require submission of a new application.

14 2. The responsibility for ensuring that all affected property
15 owners are notified pursuant to the provisions of this section shall
16 be upon the applicant.

17 SECTION 2. This act shall become effective November 1, 2012.

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53-2-9113 EK 01/10/12