

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2534

By: Blancett

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 2011, Section 10-9.8a, which relates to the Oklahoma Registered Poultry Feeding Operations Act; modifying current setback requirements; providing setback requirements; requiring certain pre-site inspections; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 10-9.8a, is amended to read as follows:

Section 10-9.8a On and after the effective date of this act:

1. No new or expanding poultry feeding operations, ~~operated by entities prohibited in Section 951 of Title 18 of the Oklahoma Statutes including but not limited to entities operating as prescribed by Section 954 of Title 18 of the Oklahoma Statutes,~~ shall be constructed within a one-hundred-year flood plain; and

2. No new or expanding poultry feeding operations, ~~operated by entities prohibited in Section 951 of Title 18 of the Oklahoma Statutes including but not limited to entities operating as~~

1 ~~prescribed by Section 954 of Title 18 of the Oklahoma Statutes,~~
2 shall be constructed within the following minimum buffer areas:

- 3 a. one and one-half (1 1/2) miles of the high water mark
4 of a surface public water supply if the poultry
5 feeding operation is located within the watershed for
6 the public water supply,
- 7 b. one (1) mile of any designated scenic river area as
8 specified by the Scenic Rivers Act,
- 9 c. one (1) mile of a public drinking water well, and
- 10 d. one (1) mile of a water body specified as Outstanding
11 Resource Waters that has recreational or ecological
12 significance as outlined by the most current Water
13 Quality Standards promulgated by the Oklahoma Water
14 Resources Board.

15 3. New or expanding poultry feeding operations with more than
16 Thirty Thousand (30,000) birds, including, but not limited to,
17 poultry barns, composters and other carcass disposal areas, litter
18 sheds and other buildings associated with the operation, shall not
19 be constructed within one-half (1/2) mile of occupied residences.

20 All distances between occupied residences and poultry feeding
21 operations shall be measured from the closest corner of the walls of
22 the occupied residence to the closest point of the registered
23 poultry feeding operation, excluding land application sites.
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1 4. New or expanding poultry feeding operations, including, but
2 not limited to, poultry barns, composters and other carcass disposal
3 areas, litter sheds and other buildings associated with the
4 operation, shall not be constructed within:

5 a. one-half (1/2) mile of public schools, cemetery,
6 church, public park or incorporated city limits,

7 b. five Hundred (500) feet of a public highway or
8 property line. For the purposes of this subparagraph,
9 "property line" means the division line between two
10 (2) units of land,

11 c. one-quarter (1/4) mile of streams identified on a
12 current USGS 7.5 minute topographic map, and

13 d. one thousand (1000) feet of private wells not owned or
14 used for the poultry feeding operation.

15 5. Prior to approval of any application for a new or expanding
16 poultry feeding operation, the Oklahoma Department of Agriculture,
17 Food and Forestry shall conduct a pre-site inspection of the
18 proposed facility and review and confirm compliance with all setback
19 requirements contained in this section.

20 SECTION 2. This act shall become effective November 1, 2019.

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