

Oklahoma Administrative Code Currentness

Title 35. Oklahoma Department of Agriculture, Food, and Forestry

Chapter 17. Water Quality

Subchapter 4. Concentrated Animal Feeding Operations (Refs & Annos)

Okla. Admin. Code 35:17-4-5

35:17-4-5. Notice requirements

(a) Individual notice to all affected property owners shall be documented. Proof of notice shall include a sample letter and a certificate of mailing corresponding to the names on the mailing list provided with the CAFO license application. The certificate of mailing shall be verified by the owner and include a U.S. Post Office certified mailing number and the name and address of each affected property owner. U.S. Post Office stamped certified mail receipts, letters returned as undeliverable or refused, and domestic return receipts evidencing receipt of the notice shall be kept on file by the owner and provided to the Department upon request. Notice shall provide the following information:

- (1) An application for an animal feeding operation has been submitted to the Department.
- (2) The legal location and name of the proposed facility.
- (3) The opportunity to send written comments to the Oklahoma Department of Agriculture, Food, and Forestry, P.O. Box 528804, Oklahoma City, OK 73152-8804.
- (4) A twenty (20) working day public review period shall begin no earlier than the day following the certified mailing of all required individual notices. In the event a hearing is requested, the application shall be available for public review until the date of the hearing.
- (5) The opportunity to request a hearing within twenty (20) working days from the date the application is first available for public viewing. Notice as required by this rule shall include the following language: "A hearing must be requested, in writing, within twenty (20) working days of the availability of this application for public review, or your right to the hearing is waived. Do not rely on the request of another party to insure a hearing. A hearing requested by another party may be dismissed without your permission if you have not personally filed a request for a hearing with the Department of Agriculture."
- (6) Individual notice shall occur to all affected property owners, regardless of state residency or property location.
- (7) Notice shall be given to the applicable tribal chairperson, where ascertainable, and to the United States Bureau of Indian Affairs (USBIA) when tribally owned land or former reservation land is within one (1) mile of the facility.

(b) In addition to the individual notice, proof of publication notice of a new or application for a CAFO license shall be given by the owner which complies with the provisions of the Act.

[Source: Added at 25 Ok Reg 1795, eff 7-1-08; Amended at 30 Ok Reg 813, eff 7-1-13]

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