

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 270

By: Lawler

COMMITTEE SUBSTITUTE

[agriculture - ammonium nitrate - changing date -
codification - effective date]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-77.19 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Ammonium nitrate storage shall be secured to provide reasonable protection against vandalism, theft, or other unauthorized access.

B. Ammonium nitrate fertilizer retailers may refuse to sell to persons attempting to purchase ammonium nitrate out of season, in unusual quantities or under suspect purchase patterns. Ammonium nitrate fertilizer retailers must record the date of sale and quantity, along with a valid state or federal driver license number, or other picture identification card number approved for purchaser identification by the Board as well as the name, current physical address, and telephone number for the purchaser of ammonium nitrate fertilizer. This information and any additional records as set forth by the Board of Agriculture must be maintained for a minimum of two (2) years on a form or using a format set forth by the Board.

SECTION 2. AMENDATORY 2 O.S. 2001, Section 10-9.5, is amended to read as follows:

Section 10-9.5 A. The State Board of Agriculture shall cause to be prepared and available the necessary forms and applications

for any person desiring or required to register a poultry feeding operation or expanding operation.

B. The application to register to operate a new or previously unregistered poultry feeding operation or expanding operation shall be under oath and shall contain, as a minimum, the following information:

1. Name and address of the owner and operator of the facility;
2. Name and address of the poultry feeding operation;
3. Number and type of poultry housed or confined;

4. Name and address of the integrator whose poultry will be raised by the poultry feeding operation;

5. A diagram or map and legal description showing geographical location of the facility on which the perimeters of the facility are designated, location of waters of the state, including, but not limited to, drainage from the facility, poultry waste storage facilities and land application sites owned or leased by the applicant or which the applicant has contracted with for the application of poultry waste;

6. A copy of the Animal Waste Management Plan, or proof of application for such plan, Best Management Practices or any other plans authorized by the ~~State~~ Oklahoma Department of Agriculture, Food, and Forestry; ~~and~~

7. A statement of ownership.

a. If the applicant is a corporation, the name and address of the corporation and the name and address of each officer and registered agent of the corporation shall be included in the application.

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

- c. The information contained in the statement of ownership shall be public information and shall be available upon request from the Board;

8. The name and address of the person having day-to-day control of the operation, if such person is not the applicant and is acting as agent for the applicant;

- 9. a. An environmental history from the past three (3) years of any poultry feeding operation established and operated by the applicant or any other operation with common ownership in this state or any other state.

Such environmental history shall include but not be limited to all citations, administrative orders or penalties, civil injunctions or other civil actions, criminal actions, past, current and ongoing, taken by any person, agency or court relating to noncompliance with any environmental law, rule, agency order, or court action relating to the operation of a poultry feeding operation.

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

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

10. Environmental awards or citations received or pollution prevention or voluntary remediation efforts undertaken by the applicant; and

11. Any other information or records ~~to be~~ required by the Department for purposes of implementing the Oklahoma Registered

Poultry Feeding Operations Act or rules promulgated pursuant thereto.

C. In addition to other penalties as may be imposed by law, any person who knowingly makes any false statement, representation, or certification in, omits material data from, or tampers with any application for registration shall, upon conviction, be guilty of a misdemeanor and may be subject to a fine of not more than Ten Thousand Dollars (\$10,000.00) for each such violation.

D. The owner of a poultry feeding operation shall be responsible for sending written notification to the ~~State~~ Department of ~~Agriculture~~ upon changing integrators.

E. For a transfer of registration to a new owner, the new owner ~~must~~ shall register the operation pursuant to the rules of the Department.

F. 1. ~~After the effective date of this act, all~~ All operators of poultry feeding operations shall attend educational courses on poultry waste handling. All such operators shall attend educational training on poultry waste management as provided by Oklahoma State University through the Oklahoma Cooperative Extension Service. All current and new operators shall receive no less than nine (9) hours of training in the first year and no less than three (3) hours each year thereafter. The Oklahoma Cooperative Extension Service shall develop the educational training course to aid in certification. Curricula for the training course will include the Oklahoma Cooperative Extension Service Waste Management Facts series and record books or their current equivalent. Courses for poultry waste management shall include the following topics:

- a. environmental process relevant to protecting water quality in poultry production,
- b. basic handling systems to manage poultry waste from all types of poultry operations,

- c. nutrient management, including sampling procedures, application rate determination, equipment calibration, and record-keeping systems,
- d. relevant laws and rules applicable to poultry waste management in the State of Oklahoma, and
- e. any other related subject as determined by Oklahoma State University in consultation with the Department.

2. At the completion of each course, the operator shall receive a certification verifying completion. The certificates shall be kept on site for five (5) years.

3. Failure to obtain the prerequisite and annual training and education as provided in this subsection shall be deemed a violation of the Oklahoma Registered Poultry Feeding Operations Act.

4. All operators shall meet the educational requirements of this section no later than December 31 of each year.

G. ~~On and after March 1, 1999, no~~ No integrator shall enter into any contract with an operator of a poultry feeding operation who is not in compliance with the requirements of subsection ~~E~~ F of this section.

SECTION 3. This act shall become effective November 1, 2005.

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