

SB 1397

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THE STATE SENATE
Wednesday, March 1, 2006

Senate Bill No. 1397
As Amended

SENATE BILL NO. 1397 - By: EASLEY, CRAIN, EASON McINTYRE and ADELSON
of the Senate and SULLIVAN of the House.

[agriculture - Best Management Practices - animal waste -
emergency]

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

SECTION 1. AMENDATORY 2 O.S. 2001, Section 10-9.7, is
amended to read as follows:

Section 10-9.7 A. All poultry feeding operations shall utilize
Best Management Practices and shall meet the conditions and
requirements established by subsection B of this section and by
rules promulgated by the State Board of Agriculture pursuant to the
Oklahoma Registered Poultry Feeding Operations Act.

B. The criteria for Best Management Practices shall be
promulgated by rules by the Board and shall include, but not be
limited to, the following:

1. There shall be no discharge of poultry waste to waters of
the state;

2. Stored poultry waste shall be isolated from outside surface
drainage by ditches, dikes, berms, terraces or other such
structures;

1 3. No waters of the state shall come into direct contact with
2 the poultry confined on the poultry feeding operation;

3 4. Poultry waste handling, treatment, management and removal
4 shall:

5 a. not create an environmental or a public health hazard,

6 b. not result in the contamination of waters of the
7 state, ~~and~~

8 c. conform to such other handling, treatment and
9 management and removal requirements deemed necessary
10 by the State Department of Agriculture to implement
11 the Oklahoma Registered Poultry Feeding Operations Act
12 and rules promulgated pursuant thereto, and

13 d. conform to the terms for land application of poultry
14 litter ordered in City of Tulsa et al v. Tyson Foods,
15 Inc. et al, No 01 CV 0900 EA(C), Northern District of
16 Oklahoma (July 16, 2003) for persons applying litter
17 to land within the Spavinaw-Eucha Watershed.

18 The rules promulgated by the Board pursuant to this section
19 shall provide for exceptions to the storage requirements for poultry
20 waste in emergency situations. Such exceptions shall include but
21 not be limited to allowing a contract poultry grower to take such
22 actions as are necessary to meet requirements imposed on a grower by

1 an integrator. In such situations growers shall be required to take
2 all actions feasible to prevent pollution from stored poultry waste.

3 C. Every poultry feeding operation shall have an Animal Waste
4 Management Plan which shall include at a minimum:

5 1. A description of poultry waste handling procedures and
6 availability of equipment and type of equipment to be used;

7 2. The calculations and assumptions used for determining land
8 application rates;

9 3. All nutrient analysis data, for soil and poultry waste
10 testing;

11 4. Legal description of lands to be used by an operation for
12 land application;

13 5. Land application rates of poultry waste shall be based on
14 the available nitrogen and phosphorous content of the poultry waste
15 and shall provide controls for runoff and erosion as appropriate for
16 site conditions;

17 6. The procedures documented in the Animal Waste Management
18 Plan must ensure that the handling and utilization of poultry waste
19 complies with the following requirements:

20 a. adequate poultry waste storage shall be provided
21 consistent with rules promulgated by the State
22 Department of Agriculture pursuant to subsection B of
23 this section,

1 wet tons, dry tons or cubic yards of poultry waste
2 removed from the poultry feeding operation, and
3 b. the poultry feeding operation shall make available to
4 the recipient any nutrient sample analysis from that
5 year;

6 8. Any analysis required by the provisions of the Oklahoma
7 Registered Poultry Feeding Operations Act or rules promulgated
8 thereto shall be performed by a qualified environmental testing
9 laboratory certified by the Department of Environmental Quality and
10 approved by the State Department of Agriculture; and

11 9. Such other information deemed necessary by the State
12 Department of Agriculture to administer the provisions of the
13 Oklahoma Registered Poultry Feeding Operations Act and rules
14 promulgated pursuant thereto.

15 D. Every poultry feeding operation located in a non-nutrient-
16 limited watershed and non-nutrient-vulnerable groundwaters shall
17 perform soil testing on each land application and poultry waste
18 testing at least once every three (3) years to determine:

- 19 1. Soil pH and plant available nutrients including, at a
20 minimum, nitrogen, phosphorous and potassium;
21 2. Poultry waste nutrient concentrations and moisture; and
22 3. Application rate based upon current United States Department
23 of Agriculture Natural Resources Conservation Service Waste

1 Utilization Standards, unless the State Department of Agriculture
2 approves other standards.

3 E. 1. Every poultry feeding operation located in a nutrient-
4 limited watershed and nutrient-vulnerable groundwater shall perform
5 an annual soil test on each land application area prior to the first
6 application of the calendar year. Poultry waste testing shall be
7 performed annually prior to the first application of the calendar
8 year. Soil and poultry waste testing shall be performed to
9 determine:

- 10 a. soil pH and plant available nutrients including at
11 least nitrogen, phosphorous and potassium,
- 12 b. poultry waste nutrient concentrations and moisture,
13 and
- 14 c. application rate based upon current United States
15 Department of Agriculture Natural Resources
16 Conservation Service Waste Utilization Standards,
17 unless the State Department of Agriculture approves
18 other standards.

19 2. Soil and poultry waste analysis data shall be retained by
20 the poultry feeding operation for as long as the site is in
21 operation.

22 F. 1. Poultry feeding operations shall develop a plan for the
23 disposal of carcasses associated with normal mortality.

1 2. In the event there is an outbreak of a major disease or
2 other emergency resulting in deaths significantly higher than normal
3 mortality rates, the State Department of Agriculture may approve, in
4 writing, an alternate method of disposal of carcasses or the storage
5 of poultry waste during the emergency period.

6 SECTION 2. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated
11 2-16-06 - DO PASS, As Amended and Coauthored.