

CS for SB 270

THE STATE SENATE
Monday, February 28, 2005

Committee Substitute for
Senate Bill No. 270

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270 - By: LAWLER of the Senate and DeWITT of the House.

[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

1 forth by the Board of Agriculture must be maintained for a minimum
2 of two (2) years on a form or using a format set forth by the Board.

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

5 Section 10-9.5 A. The State Board of Agriculture shall cause
6 to be prepared and available the necessary forms and applications
7 for any person desiring or required to register a poultry feeding
8 operation or expanding operation.

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

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

14 2. Name and address of the poultry feeding operation;

15 3. Number and type of poultry housed or confined;

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

18 5. A diagram or map and legal description showing geographical
19 location of the facility on which the perimeters of the facility are
20 designated, location of waters of the state, including, but not
21 limited to, drainage from the facility, poultry waste storage
22 facilities and land application sites owned or leased by the

1 applicant or which the applicant has contracted with for the
2 application of poultry waste;

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

7 7. A statement of ownership.

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

12 b. If the applicant is a partnership or other legal
13 entity, the name and address of each partner and
14 stockholder with an ownership interest of ten percent
15 (10%) or more shall be included in the statement.

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

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

22 9. a. An environmental history from the past three (3) years
23 of any poultry feeding operation established and

1 operated by the applicant or any other operation with
2 common ownership in this state or any other state.
3 Such environmental history shall include but not be
4 limited to all citations, administrative orders or
5 penalties, civil injunctions or other civil actions,
6 criminal actions, past, current and ongoing, taken by
7 any person, agency or court relating to noncompliance
8 with any environmental law, rule, agency order, or
9 court action relating to the operation of a poultry
10 feeding operation.

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

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

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

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

1 Poultry Feeding Operations Act or rules promulgated pursuant
2 thereto.

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

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

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

15 F. 1. ~~After the effective date of this act, all~~ All operators
16 of poultry feeding operations shall attend educational courses on
17 poultry waste handling. All such operators shall attend educational
18 training on poultry waste management as provided by Oklahoma State
19 University through the Oklahoma Cooperative Extension Service. All
20 current and new operators shall receive no less than nine (9) hours
21 of training in the first year and no less than three (3) hours each
22 year thereafter. The Oklahoma Cooperative Extension Service shall
23 develop the educational training course to aid in certification.

1 Curricula for the training course will include the Oklahoma
2 Cooperative Extension Service Waste Management Facts series and
3 record books or their current equivalent. Courses for poultry waste
4 management shall include the following topics:

- 5 a. environmental process relevant to protecting water
6 quality in poultry production,
- 7 b. basic handling systems to manage poultry waste from
8 all types of poultry operations,
- 9 c. nutrient management, including sampling procedures,
10 application rate determination, equipment calibration,
11 and record-keeping systems,
- 12 d. relevant laws and rules applicable to poultry waste
13 management in the State of Oklahoma, and
- 14 e. any other related subject as determined by Oklahoma
15 State University in consultation with the Department.

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

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

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

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

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

6 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
7 dated 2-22-05 - DO PASS, As Amended and Coauthored.