

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1912

By: Peters

AS INTRODUCED

An Act relating to Agriculture; amending 2 O.S. Sections 10-9.7, which relates to Oklahoma Registered Poultry Feeding Operations Act; modifying requirement of certain plans; amending 2 O.S. 2001, Section 10-9.19, which relates to Oklahoma Poultry Waste Applicators Certification Act; modifying land application of poultry waste; and providing an effective date.

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 and the Oklahoma Poultry Waste Applicators Certification 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;

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

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

- a. not create an environmental or a public health hazard,
- b. not result in the contamination of waters of the state, and
- c. conform to such other handling, treatment and management and removal requirements deemed necessary by the ~~State~~ Oklahoma Department of Agriculture, Food, and Forestry to implement the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

The rules promulgated by the Board pursuant to this section shall provide for exceptions to the storage requirements for poultry waste in emergency situations. ~~Such exceptions~~ Exceptions shall include but not be limited to allowing a contract poultry grower to take ~~such~~ actions as are necessary to meet requirements imposed on a contract poultry grower by an integrator. ~~In such situations~~ At all times, contract poultry growers shall be required to take all actions feasible to prevent pollution to waters of the state from stored poultry waste.

C. Every poultry feeding operation shall have an Animal Waste Management Plan ~~which~~ or nutrient management plan that shall include at a minimum:

1. A description of poultry waste handling procedures and availability of equipment and type of equipment to be used;
2. The calculations and assumptions used for determining land application rates;
3. All nutrient analysis data, for soil and poultry waste testing;
4. Legal description of lands proposed to be used by an operation for land application;

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

6. The procedures documented in the Animal Waste Management Plan ~~must~~ or nutrient management plan shall ensure that the handling and utilization of poultry waste complies with the following requirements:

- a. adequate poultry waste storage shall be provided consistent with rules promulgated by the ~~State~~ Department of ~~Agriculture~~ pursuant to ~~subsection B of~~ this section,
- b. poultry waste shall not be applied to land when the ground is saturated or during rainfall events.
Poultry waste shall not be applied to land when the ground is frozen except in conformance with the Animal Waste Management Plan,
- c. poultry waste shall only be applied to suitable land at appropriate times and rates. Discharge or runoff of waste from the application site is prohibited. Timing and rate of applications shall be based on assimilation capacity of the soil profile, assuming usual nutrient losses, expected precipitation, and soil conditions, and
- d. poultry waste application shall be prohibited on land subject to excessive erosion;

7. Records shall be maintained of all poultry wastes applied on land owned or controlled by the operator, and sold or given to other persons:

- a. if the poultry waste is sold or given to other persons for land application or other use, the poultry feeding operation shall maintain a log of: date of removal

from the poultry feeding operation; name of recipient the poultry waste is sold or given to; and amount in wet tons, dry tons or cubic yards of poultry waste removed from the poultry feeding operation, and

- b. the poultry feeding operation shall make available to the recipient any poultry waste nutrient sample analysis from that year and a copy of the Animal Waste Management Plan or nutrient management plan;

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

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

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

1. Soil pH and plant available nutrients including, at a minimum, nitrogen, phosphorous and potassium;
2. Poultry waste nutrient concentrations and moisture; and
3. Application rate based upon current United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards, unless the ~~State~~ Department of ~~Agriculture~~ approves other standards.

E. 1. Every poultry feeding operation located in a nutrient-limited watershed and nutrient-vulnerable groundwater shall perform an annual soil test on each land application area prior to the first

application of the calendar year. Poultry waste testing shall be performed annually prior to the first application of the calendar year. Soil and poultry waste testing shall be performed to determine:

- a. soil pH and plant available nutrients including at least nitrogen, phosphorous and potassium,
- b. poultry waste nutrient concentrations and moisture, and
- c. application rate based upon current United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards, ~~unless the State Department of Agriculture approves other standards~~ or any stricter standard established by the Animal Waste Management Plan, nutrient management plan, conservation plan or statute or rule that pertains to the land application location.

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

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

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

SECTION 2. AMENDATORY 2 O.S. 2001, Section 10-9.19, is amended to read as follows:

Section 10-9.19 ~~4.~~ A. Prior to any land application of poultry waste by a certified poultry waste applicator, the applicator shall ~~obtain the most recent~~ review the following to determine if land

application is allowed or appropriate at the proposed land application site:

1. All current soil and poultry waste tests as required by the Oklahoma Poultry Waste Applicators Certification Act, and the Oklahoma Registered Poultry Feeding Operations Act; and

2. One of the following:

- a. the Animal Waste Management Plan,
- b. the nutrient management plan, or
- c. the conservation plan.

B. Land application of poultry waste in a non-nutrient-limited watershed and non-nutrient-vulnerable groundwaters shall not be made at any rate which exceeds the most recently published United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards.

~~3.~~ C. The ~~State~~ Oklahoma Department of Agriculture, Food and, Forestry may promulgate rules pursuant to the Administrative Procedures Act ~~which will~~ that prohibit the land application of poultry waste in nutrient-limited watersheds and nutrient-vulnerable groundwaters based upon lower soil phosphorous levels than are allowed in this section for non-nutrient-limited watersheds and non-nutrient-vulnerable groundwaters.

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

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