

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1490

By: Sullivan, Derby and Tibbs
of the House

7 and

Easley and Williamson of
the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the environment; creating the
12 Eucha-Spavinaw Management Act; providing definitions;
13 stating purpose of the act; limiting construction of
14 the act; specifying application of act to certain
15 persons; providing for construction of act in
16 coordination with other laws; directing the State
17 Board of Agriculture and Oklahoma Department of
18 Agriculture, Food, and Forestry to administer and
19 enforce the act; authorizing the Board and Department
20 to accept gifts and donations of property to carry
21 out provisions of the act; specifying the land
22 application rate of poultry waste in the Eucha-
23 Spavinaw Watershed; requiring soil and poultry waste
24 testing and maintenance of records to be performed in
certain manner; providing for codification; providing
an effective date; and declaring an emergency.

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 10-10.1 of Title 2, unless there
is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Eucha-Spavinaw
2 Management Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 10-10.2 of Title 2, unless there
5 is created a duplication in numbering, reads as follows:

6 As used in the Eucha-Spavinaw Management Act:

7 1. "Animal waste management plan" or "AWMP" means a written
8 plan that includes a combination of conservation and management
9 practices designed to protect the natural resources of the state as
10 required by the Oklahoma Department of Agriculture, Food, and
11 Forestry pursuant to the provisions of Section 10-9.7 of Title 2 of
12 the Oklahoma Statutes;

13 2. "Application site" means any tract of land in the Eucha-
14 Spavinaw Watershed where poultry waste is land applied;

15 3. "Board" means the State Board of Agriculture;

16 4. "City of Tulsa Case" means the federal court proceeding Case
17 No. 01 CV0900EA(C), filed in the United States District Court for
18 the Northern District of Oklahoma in December, 2001;

19 5. "Department" means the Oklahoma Department of Agriculture,
20 Food, and Forestry;

21 6. "Eucha-Spavinaw phosphorous index (PI)" means the phosphorus
22 assessment tool adopted by the court in the City of Tulsa Case by
23 court order entered on February 13, 2004, developed to govern the
24 terms and conditions under which litter may be land applied in the

1 Eucha-Spavinaw Watershed, and includes any modifications approved
2 and adopted by the court in that case, or as approved and adopted by
3 the Board in accordance with its rule-making procedures. Provided
4 however, the Board shall not amend the PI to make it less protective
5 of the waters of the state than the PI adopted by the court in the
6 City of Tulsa Case;

7 7. "Eucha-Spavinaw Watershed" means the watershed for Lakes
8 Eucha and Spavinaw located in Delaware County and Mayes County,
9 Oklahoma, as further defined by Hydrologic Unit Code (HUC) 11070206
10 as compiled by the United States Geological Survey, Natural
11 Resources Conservation Services;

12 8. "Land application" means the spreading on, or the
13 incorporation into, the soil mantle primarily for beneficial
14 purposes;

15 9. "Poultry Act" means the Oklahoma Registered Poultry Feeding
16 Operations Act, the Oklahoma Poultry Waste Transfer Act, and the
17 Oklahoma Poultry Waste Applicators Certification Act, either
18 separately or collectively;

19 10. "Poultry waste" means poultry excrement, poultry carcasses,
20 feed wastes, or any other waste associated with the confinement of
21 poultry from a poultry feeding operation; and

22 11. "Settlement Agreement" means the settlement agreement dated
23 July 16, 2003, between the parties in the City of Tulsa Case.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 10-10.3 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. It shall be the purpose of the Eucha-Spavinaw Management Act
5 to preserve and promote the purposes and agreements of the parties
6 set forth in the Settlement Agreement with regard to the Eucha-
7 Spavinaw Watershed. Provided, nothing in this act is intended or
8 shall be construed as an amendment to the Settlement Agreement or
9 the rights and duties granted the parties therein.

10 B. The Eucha-Spavinaw Management Act shall apply to all persons
11 utilizing poultry waste for land application purposes in the Eucha-
12 Spavinaw Watershed and shall only apply to the Eucha-Spavinaw
13 Watershed.

14 C. The Eucha-Spavinaw Management Act shall be construed in
15 harmony with the purpose, intent and provisions of all other
16 applicable state or federal laws, rules and regulations that
17 preserve and protect the waters of the state, public health and
18 safety and the environment, including but not limited to Title 2 and
19 Title 27A of the Oklahoma Statutes.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 10-10.4 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

23 A. The Eucha-Spavinaw Management Act shall be administered and
24 enforced by the State Board of Agriculture and the Oklahoma

1 Department of Agriculture, Food, and Forestry pursuant to the
2 Poultry Act.

3 B. In addition to any legislative appropriation allocated to
4 the Board or Department for normal operations and duties, the Board
5 or Department is hereby authorized to accept any gift or donation of
6 property, including but not limited to monetary gifts, to carry out
7 the provisions of the Eucha-Spavinaw Management Act.

8 SECTION 5. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 10-10.5 of Title 2, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The land application rate for all poultry waste in the
12 Eucha-Spavinaw Watershed shall be specified in the animal waste
13 management plan and shall follow the requirements and limitations of
14 the applicable Eucha-Spavinaw phosphorous index (PI).

15 B. Soil testing and poultry waste testing shall be performed in
16 the Eucha-Spavinaw Watershed in the manner and frequency prescribed
17 in the Poultry Act for nutrient-limited watersheds and the records
18 shall be maintained as prescribed in the Poultry Act.

19 SECTION 6. This act shall become effective July 1, 2007.

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

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