

ENROLLED HOUSE
BILL NO. 1490

By: Sullivan, Derby and Tibbs
of the House

and

Easley and Williamson of
the Senate

An Act relating to the environment; creating the Eucha-Spavinaw Management Act; providing definitions; stating purpose of the act; limiting construction of the act; specifying application of act to certain persons; providing for construction of act in coordination with other laws; directing the State Board of Agriculture and Oklahoma Department of Agriculture, Food, and Forestry to administer and enforce the act; authorizing the Board and Department to accept gifts and donations of property to carry out provisions of the act; specifying the land application rate of poultry waste in the Eucha-Spavinaw Watershed; requiring soil and poultry waste 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:

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

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

As used in the Eucha-Spavinaw Management Act:

1. "Animal waste management plan" or "AWMP" means a written plan that includes a combination of conservation and management practices designed to protect the natural resources of the state as required by the Oklahoma Department of Agriculture, Food, and Forestry pursuant to the provisions of Section 10-9.7 of Title 2 of the Oklahoma Statutes;
2. "Application site" means any tract of land in the Eucha-Spavinaw Watershed where poultry waste is land applied;
3. "Board" means the State Board of Agriculture;
4. "City of Tulsa Case" means the federal court proceeding Case No. 01 CV0900EA(C), filed in the United States District Court for the Northern District of Oklahoma in December, 2001;
5. "Department" means the Oklahoma Department of Agriculture, Food, and Forestry;
6. "Eucha-Spavinaw phosphorous index (PI)" means the phosphorus assessment tool adopted by the court in the City of Tulsa Case by court order entered on February 13, 2004, developed to govern the terms and conditions under which litter may be land applied in the Eucha-Spavinaw Watershed, and includes any modifications approved and adopted by the court in that case, or as approved and adopted by the Board in accordance with its rule-making procedures. Provided however, the Board shall not amend the PI to make it less protective of the waters of the state than the PI adopted by the court in the City of Tulsa Case;
7. "Eucha-Spavinaw Watershed" means the watershed for Lakes Eucha and Spavinaw located in Delaware County and Mayes County, Oklahoma, as further defined by Hydrologic Unit Code (HUC) 11070206 as compiled by the United States Geological Survey, Natural Resources Conservation Services;
8. "Land application" means the spreading on, or the incorporation into, the soil mantle primarily for beneficial purposes;

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

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

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

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

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

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

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

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

A. The Eucha-Spavinaw Management Act shall be administered and enforced by the State Board of Agriculture and the Oklahoma Department of Agriculture, Food, and Forestry pursuant to the Poultry Act.

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

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

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

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

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

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

Passed the House of Representatives the 24th day of May, 2007.

Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2007.

Presiding Officer of the Senate