

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2295

By: Jordan

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5
6 AS INTRODUCED

7 An Act relating to agriculture; amending 2 O.S. 2001,
8 Section 10-9.1, which relates to the Oklahoma
9 Registered Poultry Feeding Operations Act; clarifying
10 language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 2 O.S. 2001, Section 10-9.1, is
14 amended to read as follows:

15 Section 10-9.1 A. Sections ~~±~~ 10-9.1 through ~~±2~~ 10-9.12 of this
16 ~~act~~ title shall be known and may be cited as the "Oklahoma
17 Registered Poultry Feeding Operations Act".

18 B. As used in Sections ~~±~~ 10-9.1 through ~~±3~~ 10-9.23 of this ~~act~~
19 title:

20 1. "Animal Waste Management Plan" or "AWMP" means a written
21 plan that includes a combination of conservation and management
22 practices designed to protect the natural resources of the state as
23 required by the ~~State~~ Oklahoma Department of Agriculture, Food, and
24

1 Forestry pursuant to the provisions of Section 7 10-9.7 of this ~~act~~
2 title;

3 2. "Best Management Practices" or "BMPs" means schedules of
4 activities, prohibitions of practices, maintenance procedures and
5 other management practices which prevent or reduce the pollution of
6 waters of the state as established by the State Oklahoma Department
7 of Agriculture, Food, and Forestry pursuant to Section 7 10-9.7 of
8 this ~~act~~ title;

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

10 4. "Certificate" means a written document issued to an
11 individual by the Board pursuant to Section ~~17~~ 10-9.17 of this ~~act~~
12 title which indicates that the individual is authorized to land
13 apply poultry waste by the Oklahoma Poultry Waste Applicators
14 Certification Act;

15 5. "Certified poultry waste applicator" means a person who has
16 been certified by the Board to land apply poultry waste and includes
17 a commercial poultry waste applicator and a private poultry waste
18 applicator;

19 6. "Commercial poultry waste applicator" means any person who
20 engages in commercial land application of poultry waste. Any farmer
21 while working for a neighbor in agricultural production, and not
22 advertising, nor holding himself or herself out to be in the
23 business of land applying poultry waste, shall not be classified as
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1 a commercial poultry waste applicator, but as a private poultry
2 waste applicator;

3 7. "Contract growing arrangement" means any growout contract,
4 marketing agreement, or other arrangement under which a contract
5 poultry grower cares for or raises poultry;

6 8. "Contract poultry grower" means any person engaged in the
7 business of caring for or raising poultry, under a contract growing
8 arrangement;

9 9. "Common ownership" includes but is not limited to any person
10 who has power or authority to manage, direct, restrict, regulate or
11 oversee the operation or has financial control of two or more
12 poultry feeding operations;

13 10. "Department" means the ~~State~~ Oklahoma Department of
14 Agriculture, Food, and Forestry;

15 11. "Expanding operation" means a registered poultry feeding
16 operation that seeks to increase its registered capacity in excess
17 of ten percent (10%) of the facility's original registered capacity;

18 12. "Facility" means any place, site or location or part
19 thereof where poultry are kept, handled, housed or otherwise
20 maintained including but not limited to buildings, lots, pens and
21 poultry waste management systems;

22 13. "Integrator" means an entity which unites the elements
23 associated with the poultry industry, including but not limited to
24 hatching, feeding, processing and marketing. It includes, but is

1 not limited to, situations when growing is contracted out to others
2 and when the integrator operates its own growing facilities;

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

5 15. "Operator" means the person who performs the daily
6 management functions associated with the poultry feeding operation;

7 16. "Person" means an individual, association, partnership,
8 firm, company, public trust, corporation, joint stock company, trust
9 estate, any other legal entity, or any agent, employee,
10 representative assignor or successor thereof;

11 17. "Nutrient-limited watershed" means a watershed of a water
12 body which is designated as "nutrient-limited" in the most recent
13 Oklahoma's Water Quality Standards;

14 18. "Nutrient-vulnerable groundwater" means groundwater which
15 is designated "nutrient-vulnerable" in the most recent Oklahoma's
16 Water Quality Standards;

17 19. "Poultry" includes chickens, turkeys, ducks, geese and any
18 other domesticated bird used for human food and/or animal feed;

19 20. "Poultry feeding operation" means a property or facility
20 where the following conditions are met:

21 a. poultry have been, are or will be confined and fed or
22 maintained for a total of forty-five (45) days or more
23 in any twelve-month period,

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- 1 b. crops, vegetation, forage growth or post-harvest
2 residues are not sustained in the normal growing
3 season over any portion of the property or facility,
4 and
5 c. producing over ten (10) tons of poultry waste per
6 year;

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

10 22. "Poultry waste utilization business" means a business at
11 which poultry waste is collected, recycled, processed or recovered
12 into reusable products including, but not limited to, fertilizer and
13 animal feed;

14 23. "Poultry waste management system" means a combination of
15 structures and practices serving a poultry feeding operation that
16 provides for the collection, treatment, disposal, distribution,
17 storage and land application of poultry waste;

18 24. "Private poultry waste applicator" means any person who is
19 not a commercial poultry waste applicator but engages in the land
20 application of poultry waste for purposes including, but not limited
21 to, producing any agricultural commodity on property owned or rented
22 by the person or such person's employer, or if applied without
23 compensation other than trading of personal services between
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1 producers of agricultural commodities, on the property of another
2 person;

3 25. "Waste facility" means any structure or combination of
4 structures utilized to control poultry waste until it can be
5 utilized in an authorized manner; and

6 26. "Waters of the state" means all streams, lakes, ponds,
7 marshes, watercourses, waterways, wells, springs, irrigation
8 systems, drainage systems, storm sewers and all other bodies or
9 accumulations of water, surface and underground, natural or
10 artificial, public or private, which are contained within, flow
11 through or border upon this state or any portion thereof, and shall
12 include under all circumstances the waters of the United States
13 which are contained within the boundaries of, flow through or border
14 upon this state or any portion thereof. Process wastewaters shall
15 not be considered as waters of the state if contaminated at the
16 site.

17 SECTION 2. This act shall become effective November 1, 2010.

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19 52-2-8830 EK 12/14/09

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