An Act

ENROLLED HOUSE
BILL NO. 2786

By: Ortega of the House

and

Fields of the Senate

An Act relating to agriculture; amending 2 O.S. 2011, Section 20-9, which relates to the Oklahoma Swine Feeding Operations Act; directing Oklahoma Department of Agriculture, Food, and Forestry to develop a record retention schedule; and providing an effective date.

SUBJECT: Oklahoma Swine Feeding Operations Act

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 20-9, is amended to read as follows:

Section 20-9. A. A Pollution Prevention Plan shall be developed by each licensed managed feeding operation prior to the submission of an application pursuant to the provisions of this section and rules promulgated by the State Board of Agriculture pursuant thereto. The Pollution Prevention Plan shall include, but not be limited to, provisions for documentation of structural controls, documentation of Best Management Practices, an approved plan for the disposal of swine waste and recordkeeping provisions.

B. A swine feeding operation licensed pursuant to the provisions of the Oklahoma Swine Feeding Operations Act, other than a licensed managed feeding operation, shall develop a Pollution Prevention Plan or may substitute equivalent measures contained in a site-specific Swine Waste Management Plan prepared pursuant to Section 20-10 of this title. Design and construction criteria developed by the United States Department of Agriculture Natural

Resources Conservation Service may be substituted for the documentation of design capacity and construction requirements.

C. 1. The Pollution Prevention Plan shall be signed by the owner or as otherwise authorized by the Oklahoma Department of Agriculture, Food, and Forestry and a copy shall be retained on-site.

2. The swine feeding operation shall amend the Pollution Prevention Plan and obtain approval of the Department prior to any change in design, construction, operation or maintenance, which has significant effect on the potential for the discharge of pollutants to the waters of the state.

D. If, after reviewing the Pollution Prevention Plan, the Department determines that the Plan does not meet one or more of the minimum requirements, the swine feeding operation shall make and implement appropriate changes to the Plan as required by the Department pursuant to the Oklahoma Swine Feeding Operations Act and rules promulgated pursuant thereto.

E. The Pollution Prevention Plan shall provide and require presite approval by Departmental personnel prior to construction. During construction, the Department shall monitor the construction process as deemed necessary by the Department in an attempt to verify the construction of the facility is done according to plans and acceptable engineering standards to reduce or eliminate the potential of pollution.

F. In addition to other requirements specified by this section, the Pollution Prevention Plan shall include but not be limited to:

1. A description of potential sources, activities and materials which may reasonably be expected to or could potentially add pollutants to runoff from the facility;

2. A map, indicating an outline of the drainage area of the facility, and each existing structural control measure designed to reduce pollutants in wastewater and precipitation runoff in all surface waters of the state;

3. A spill contingency plan for potential pollutants;

4. All existing sampling data of groundwater, nitrate and coliform bacteria levels, soil tests from land application sites and swine waste nutrient sampling;

5. A description of management controls appropriate for the facility. The management controls shall include, but not be limited to:

a. the location and a description of existing structural and nonstructural controls,

b. documentation of retention structure capacity and the assumptions and calculations used in determining the appropriate volume capacity, and

c. a description of the design standards for the retention facility embankments;

6. A description of the design standards for any retention facilities;

7. Training requirements for employees;

8. Documentation relating to any hydrologic connection between the contained wastewater and waters of the state which complies with Section 20-12 of this title; and

9. Requirements that all irrigation systems into which any swine waste will be injected shall be equipped as specified by Section 20-13 of this title.

G. The Oklahoma Department of Agriculture, Food, and Forestry shall develop a record retention schedule for the following records ~~shall be maintained at the site as long as the facility is in operation~~:

1. Water level in the retention structure;

2. Daily precipitation records from on-site rain gauge;

3. Incident reports such as spills and other discharges;

4. Inspection and maintenance reports;

5. Findings from annual inspections of the entire facility;

6. Log of preventive maintenance and employee training that was completed;

7. Log of removal of swine waste sold or given to other persons for disposal;

8. Other specific information deemed necessary by the Department to implement the provisions of the Oklahoma Swine Feeding Operations Act and rules promulgated pursuant thereto;

9. Copy of general permit issued by the federal Environmental Protection Agency if applicable, a copy of the completed Pollution Prevention Plan, and other specific records deemed necessary by the Department to implement the provisions of the Oklahoma Swine Feeding Operations Act and rules promulgated pursuant thereto; and

10. The notarized statement signed by the applicant accepting full responsibility for properly closing all waste retention structures pursuant to subsection I of this section.

H. Any analyses required by the provisions of the Oklahoma Swine Feeding Operations Act or rules promulgated pursuant thereto shall be performed by a qualified independent testing laboratory certified by the Department of Environmental Quality and approved by the Department.

I. The applicant shall sign a notarized statement accepting full responsibility for properly closing all waste retention structures if the facility ceases to function or is ordered to close by action of the Department. When a license is transferred, the new owner or lessee shall submit a signed notarized statement accepting full responsibility for properly closing all waste retention structures if the facility ceases to function or is ordered to close by action of the Department.

SECTION 2. This act shall become effective November 1, 2012.

Passed the House of Representatives the 20th day of February, 2012.

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Presiding Officer of the House of Representatives

Passed the Senate the 4th day of April, 2012.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this_____

day of _____, **20**____,

at_____ **o'clock** _____**M.**

_____

By: _____

Approved by the Governor of the State of Oklahoma the_____**day of**

_____, **20**____, **at**_____ **o'clock** _____**M.**

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this_____

_____**day of**_____, **20**____,

at_____ **o'clock** _____**M.**

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By: _____