

1 **SENATE FLOOR VERSION**

2 March 29, 2012

3 ENGROSSED HOUSE
4 BILL NO. 2786

By: Ortega of the House

5 and

6 Fields of the Senate

7
8 An Act relating to agriculture; amending 2 O.S. 2011,
9 Section 20-9, which relates to the Oklahoma Swine
10 Feeding Operations Act; directing Oklahoma Department
11 of Agriculture, Food, and Forestry to develop a
12 record retention schedule; and providing an effective
13 date.

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

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

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

1 B. A swine feeding operation licensed pursuant to the
2 provisions of the Oklahoma Swine Feeding Operations Act, other than
3 a licensed managed feeding operation, shall develop a Pollution
4 Prevention Plan or may substitute equivalent measures contained in a
5 site-specific Swine Waste Management Plan prepared pursuant to
6 Section 20-10 of this title. Design and construction criteria
7 developed by the United States Department of Agriculture Natural
8 Resources Conservation Service may be substituted for the
9 documentation of design capacity and construction requirements.

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

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

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

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

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

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

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

17 3. A spill contingency plan for potential pollutants;

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

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

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- 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;

- 1 5. Findings from annual inspections of the entire facility;
- 2 6. Log of preventive maintenance and employee training that was
3 completed;
- 4 7. Log of removal of swine waste sold or given to other persons
5 for disposal;
- 6 8. Other specific information deemed necessary by the
7 Department to implement the provisions of the Oklahoma Swine Feeding
8 Operations Act and rules promulgated pursuant thereto;
- 9 9. Copy of general permit issued by the federal Environmental
10 Protection Agency if applicable, a copy of the completed Pollution
11 Prevention Plan, and other specific records deemed necessary by the
12 Department to implement the provisions of the Oklahoma Swine Feeding
13 Operations Act and rules promulgated pursuant thereto; and
- 14 10. The notarized statement signed by the applicant accepting
15 full responsibility for properly closing all waste retention
16 structures pursuant to subsection I of this section.
- 17 H. Any analyses required by the provisions of the Oklahoma
18 Swine Feeding Operations Act or rules promulgated pursuant thereto
19 shall be performed by a qualified independent testing laboratory
20 certified by the Department of Environmental Quality and approved by
21 the Department.
- 22 I. The applicant shall sign a notarized statement accepting
23 full responsibility for properly closing all waste retention
24 structures if the facility ceases to function or is ordered to close

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
8 dated 3-26-12 - DO PASS.

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