

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3067

By: Kiger

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 2011, Section 10-9.7, as last amended by Section 5, Chapter 313, O.S.L. 2015 (2 O.S. Supp. 2019, Section 10-9.7), which relates to poultry feeding operations; requiring groundwater monitoring wells installed on poultry feeding operations; requiring water testing; directing the Oklahoma Department of Agriculture, Food, and Forestry to develop criteria for water tests and impose fines for violations; defining term; directing the Department to promulgate rules; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 10-9.7, as last amended by Section 5, Chapter 313, O.S.L. 2015 (2 O.S. Supp. 2019, Section 10-9.7), is amended to read as follows:

Section 10-9.7 A. All poultry feeding operations shall utilize Best Management Practices and shall meet the conditions and requirements established by subsection B of this section and by rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

1 B. The criteria for Best Management Practices shall be  
2 promulgated by rules by the Board and shall include, but not be  
3 limited to, the following:

4 1. There shall be no discharge of poultry waste to waters of  
5 the state;

6 2. Stored poultry waste shall be isolated from outside surface  
7 drainage by covers, ditches, dikes, berms, terraces or other such  
8 structures;

9 3. No waters of the state shall come into direct contact with  
10 the poultry confined on the poultry feeding operation;

11 4. Poultry waste handling, treatment, management, and removal  
12 shall:

13 a. not create an environmental or a public health hazard,

14 b. not result in the contamination of waters of the  
15 state, and

16 c. conform to such other handling, treatment and  
17 management and removal requirements deemed necessary  
18 by the Oklahoma Department of Agriculture, Food, and  
19 Forestry to implement the Oklahoma Registered Poultry  
20 Feeding Operations Act and rules promulgated pursuant  
21 thereto.

22 The rules promulgated by the Board pursuant to this section  
23 shall provide for exceptions to the storage requirements for poultry  
24 waste in emergency situations. Such exceptions shall include, but

1 not be limited to, allowing a contract poultry grower to take such  
2 actions as are necessary to meet requirements imposed on a grower by  
3 an integrator. In such situations growers shall be required to take  
4 all actions feasible to prevent pollution from stored poultry waste.

5 C. Every poultry feeding operation shall have a Nutrient  
6 Management Plan which shall include at a minimum:

7 1. A description of poultry waste handling procedures and  
8 availability of equipment and type of equipment to be used;

9 2. The calculations and assumptions used for determining land-  
10 application rates;

11 3. All nutrient analysis data, for soil and poultry waste  
12 testing;

13 4. Legal description of lands to be used by an operation for  
14 land-application;

15 5. Land-application rates of poultry waste shall be based on  
16 the available nitrogen and phosphorous content of the poultry waste  
17 and shall provide controls for runoff and erosion as appropriate for  
18 site conditions;

19 6. The procedures documented in the Nutrient Management Plan  
20 shall ensure that the handling and utilization of poultry waste  
21 complies with the following requirements:

- 22 a. adequate poultry waste storage shall be provided  
23 consistent with rules promulgated by the Oklahoma  
24

Department of Agriculture, Food, and Forestry pursuant to subsection B of this section,

b. poultry waste shall not be applied to land when the ground is saturated or during rainfall events.

Poultry waste shall not be applied to land when the ground is frozen except in conformance with the Nutrient Management Plan,

c. poultry waste shall only be applied to suitable land at appropriate times and rates. Discharge or runoff of waste from the application site is prohibited.

Timing and rate of applications shall be based on assimilation capacity of the soil profile, assuming usual nutrient losses, expected precipitation, and soil conditions, and

d. poultry waste application shall be prohibited on land subject to excessive erosion;

7. Records shall be maintained of all poultry wastes applied on land owned or controlled by the operator, and sold or given to other persons:

a. if the poultry waste is sold or given to other persons for land application or other use, the poultry feeding operation shall maintain a log of: date of removal from the poultry feeding operation; name of recipient the poultry waste is sold or given to; and amount in

1 wet tons, dry tons or cubic yards of poultry waste  
2 removed from the poultry feeding operation, and

3 b. the poultry feeding operation shall make available to  
4 the recipient any nutrient sample analysis from that  
5 year;

6 8. Any analysis required by the provisions of the Oklahoma  
7 Registered Poultry Feeding Operations Act or rules promulgated  
8 thereto shall be performed by a qualified environmental testing  
9 laboratory certified by the Department of Environmental Quality and  
10 approved by the Oklahoma Department of Agriculture, Food, and  
11 Forestry; and

12 9. Such other information deemed necessary by the Oklahoma  
13 Department of Agriculture, Food, and Forestry to administer the  
14 provisions of the Oklahoma Registered Poultry Feeding Operations Act  
15 and rules promulgated pursuant thereto.

16 D. The Oklahoma Department of Agriculture, Food, and Forestry  
17 may promulgate rules providing voluntary fees charged to registered  
18 poultry feeding operations for the development and writing of  
19 Nutrient Management Plans~~+~~.

20 E. Every poultry feeding operation located in a non-nutrient-  
21 limited watershed and non-nutrient-vulnerable groundwaters shall  
22 perform soil testing on each land-application area and poultry waste  
23 testing at least once every three (3) years to determine:  
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- 1        1. Soil pH and plant-available nutrients including, at a
- 2 minimum, nitrogen, phosphorous and potassium;
- 3        2. Poultry waste nutrient concentrations and moisture; and
- 4        3. Application rate based upon current United States Department
- 5 of Agriculture Natural Resources Conservation Service Waste
- 6 Utilization Standards, unless the Oklahoma Department of
- 7 Agriculture, Food, and Forestry approves other standards.

8        F. Every poultry feeding operation located in a nutrient-

9 limited watershed and nutrient-vulnerable groundwater shall perform

10 an annual soil test on each land-application area prior to the first

11 application of the calendar year. Poultry waste testing shall be

12 performed annually prior to the first application of the calendar

13 year. Soil and poultry waste testing shall be performed to

14 determine:

- 15        1. Soil pH and plant-available nutrients including at least
- 16 nitrogen, phosphorous and potassium;
- 17        2. Poultry waste nutrient concentrations and moisture; and
- 18        3. Application rate based upon current United States Department
- 19 of Agriculture Natural Resources Conservation Service Waste
- 20 Utilization Standards, unless the Oklahoma Department of
- 21 Agriculture, Food, and Forestry approves other standards.

22        G. 1. Soil and poultry waste analysis data shall be retained

23 by the poultry feeding operation for a minimum of six (6) years.

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1        2. All soil and poultry waste analysis data shall be dated  
2 prior to land application.

3        H. 1. Poultry feeding operations shall develop a plan for the  
4 disposal of carcasses associated with normal mortality.

5        2. In the event there is an outbreak of a major disease or  
6 other emergency resulting in deaths significantly higher than normal  
7 mortality rates, the Oklahoma Department of Agriculture, Food, and  
8 Forestry may approve, in writing, an alternate method of disposal of  
9 carcasses or the storage of poultry waste during the emergency  
10 period.

11        I. Every poultry feeding operation shall file by September 1 of  
12 each year an annual report with the Department regarding all poultry  
13 waste removed from or land-applied by the facility for the period  
14 from July 1 of the previous year through June 30 of that year. The  
15 report shall contain the following information:

16        1. The date and amount of poultry waste removed from or land-  
17 applied at the facility;

18        2. The type of poultry waste removed or land-applied, whether a  
19 cake out, full clean out, in-house windrow or compost, poultry waste  
20 stack shed, or other type;

21        3. The county and, if applicable, the name of the Nutrient  
22 Limited Watershed where the poultry waste was produced; and

23        4. The location where the poultry waste is removed to:

24            a. if land-applied on site, provide the following:

- (1) the date of the land-application,
- (2) the total amount of poultry waste land-applied in wet tons, dry tons, or cubic yards,
- (3) the name, mailing address, and telephone number of the poultry waste applicator, and
- (4) the number of acres under the control of the poultry feeding operation for land-application of poultry waste, or

b. if removed off site, provide the following:

- (1) the date of the removal off site,
- (2) the amount of poultry waste removed in wet tons, dry tons, or cubic yards,
- (3) the name, mailing address, and telephone number of the person the poultry waste is sold or transferred to,
- (4) the name, mailing address, telephone number, and poultry waste applicator license number of the poultry waste applicator, if known, and
- (5) the name, mailing address, and telephone number of the hauler of the poultry waste.

J. Groundwater monitoring wells shall be installed on every poultry feeding operation in a location to be determined by the Oklahoma Department of Agriculture, Food, and Forestry. The Department shall conduct water testing of the wells every four (4)



1 months, which shall include, but not be limited to, testing for  
2 ammonia, nitrogen or nitrates, phosphorus, hormones, antibiotics,  
3 pathogens, heavy metals and fecal coliform. The Department shall  
4 develop criteria for water tests and impose fines for any  
5 violations. For purposes of this subsection, "groundwater  
6 monitoring well" means a well that is used for pollutant recovery or  
7 monitoring groundwater quality, levels or flow direction, but of  
8 which its primary purpose is not the withdrawal or acquisition of  
9 groundwater. The Department shall promulgate any rules necessary to  
10 implement the provisions of this subsection.

11 SECTION 2. This act shall become effective November 1, 2020.

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