

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2983

By: Hardin (David)

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6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to agriculture; amending 2 O.S. 2021,  
9 Sections 10-9.7 and 10-9.19, which relate to poultry  
10 Nutrient Management Plans; requiring Nutrient  
11 Management Plans to include latitude and longitude;  
12 requiring all Nutrient Management Plans submitted  
13 after a certain date to be prepared by the operator  
14 or designee of the operator; providing that  
15 amendments to Nutrient Management Plans shall state  
16 that no changes in the Oklahoma Department of  
17 Agriculture, Food, and Forestry-promulgated standards  
18 have occurred since last Nutrient Management Plan;  
19 requiring Nutrient Management Plans to conform to the  
20 Department's standards for land application for  
21 poultry waste as promulgated by rules; requiring the  
22 Department to promulgate emergency rules to implement  
23 the requirements and standards as required by this  
24 act; providing for noncodification; and declaring an  
emergency.

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

SECTION 1. AMENDATORY 2 O.S. 2021, 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

1 rules promulgated by the State Board of Agriculture pursuant to the  
2 Oklahoma Registered Poultry Feeding Operations Act.

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

6 1. There shall be no discharge of poultry waste to waters of  
7 the state;

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

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

13 4. Poultry waste handling, treatment, management, and removal  
14 shall:

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

16 b. not result in the contamination of waters of the  
17 state, and

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

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1 The rules promulgated by the Board pursuant to this section  
2 shall provide for exceptions to the storage requirements for poultry  
3 waste in emergency situations. Such exceptions shall include but  
4 not be limited to allowing a contract poultry grower to take such  
5 actions as are necessary to meet requirements imposed on a grower by  
6 an integrator. In such situations growers shall be required to take  
7 all actions feasible to prevent pollution from stored poultry waste.

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

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

12 2. The calculations and assumptions used for determining land-  
13 application rates if land application is applicable;

14 3. All nutrient analysis data for soil and poultry waste  
15 testing;

16 4. Legal description and latitude and longitude of lands to be  
17 used by an operation for land application;

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

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

- 1 a. adequate poultry waste storage shall be provided  
2 consistent with rules promulgated by the Oklahoma  
3 Department of Agriculture, Food, and Forestry pursuant  
4 to subsection B of this section,
- 5 b. poultry waste shall not be applied to land when the  
6 ground is saturated or during rainfall events.  
7 Poultry waste shall not be applied to land when the  
8 ground is frozen except in conformance with the  
9 Nutrient Management Plan,
- 10 c. poultry waste shall only be applied to suitable land  
11 at appropriate times and rates. Discharge or runoff  
12 of waste from the application site is prohibited.  
13 Timing and rate of applications shall be based on  
14 assimilation capacity of the soil profile, assuming  
15 usual nutrient losses, expected precipitation, and  
16 soil conditions, and
- 17 d. poultry waste application shall be prohibited on land  
18 subject to excessive erosion;

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

- 22 a. if the poultry waste is sold or given to other persons  
23 for land application or other use, the poultry feeding  
24 operation shall maintain a log of: date of removal

1 from the poultry feeding operation; name of recipient  
2 the poultry waste is sold or given to; and amount in  
3 wet tons, dry tons or cubic yards of poultry waste  
4 removed from the poultry feeding operation, and

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

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

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

18 D. 1. The Nutrient Management Plan for new or expanding  
19 poultry feeding operations submitted after ~~the effective date of~~  
20 ~~this act~~ July 1, 1998, shall be prepared by the operator or designee  
21 of the operator.

22 2. After the plan is submitted to the Oklahoma Department of  
23 Agriculture, Food, and Forestry for review and approval if the  
24 Department determines that a submitted plan needs or requires any

1 corrections or modifications, the Department shall return the  
2 Nutrient Management Plan to the operator for corrections.

3 3. For a renewal, if the Department determines the Nutrient  
4 Management Plan needs or requires corrections or modifications, the  
5 Department shall make ~~any and all~~ appropriate corrections, approve  
6 the plan and notify the poultry feeding operation of the  
7 modifications.

8 E. 1. Except as otherwise provided in this subsection, a  
9 Nutrient Management Plan for every poultry feeding operation shall  
10 be renewed and an updated plan shall be submitted to the Oklahoma  
11 Department of Agriculture, Food, and Forestry every six (6) years  
12 from the date the initial or previous plan was submitted.

13 2. The operator shall have the option to submit the renewed or  
14 updated plan through the Department's website or a printable online  
15 form designed by the Department.

16 3. A current operator may submit a one-page amendment to the  
17 most recently submitted plan in lieu of a renewal plan through the  
18 Department's website, if applicable. Poultry feeding operations  
19 submitting an amendment pursuant to this subsection shall still be  
20 subject to the soil and poultry waste testing requirements under  
21 subsections F and G of this section. The amendment shall contain  
22 the following statements:

23 a. no changes in the ~~waste utilization~~ Department's  
24 promulgated standards for land application of poultry

1            waste have occurred since the most recently submitted  
2            Nutrient Management Plan,

3            b.    there has been no change to the number of poultry  
4            housed since the most recently submitted Nutrient  
5            Management Plan,

6            c.    there has been no expansion in the poultry feeding  
7            operation since the most recently submitted Nutrient  
8            Management Plan, and

9            d.    the entirety of the poultry waste is:

10            (1)   removed off-site as provided in the poultry  
11            feeding operation's annual report, as required by  
12            subsection J of this section, and will continue  
13            to be removed off-site for the next six (6)  
14            years, or

15            (2)   land-applied and will continue to be land-applied  
16            for the next six (6) years.

17            F.    Every poultry feeding operation located in a non-nutrient-  
18            limited watershed and non-nutrient-vulnerable groundwaters shall  
19            perform soil testing on each land-application area and poultry waste  
20            testing at least once every three (3) years to determine:

21            1.    Soil pH and plant-available nutrients including, at a  
22            minimum, nitrogen, phosphorous and potassium;

23            2.    Poultry waste nutrient concentrations and moisture; and  
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1           3. Application rate based upon ~~current United States Department~~  
2 ~~of Agriculture Natural Resources Conservation Service Waste~~  
3 ~~Utilization Standards, unless the Oklahoma Department of~~  
4 ~~Agriculture, Food, and Forestry approves other standards~~ the  
5 Department's standards for land application for poultry waste as  
6 promulgated by rules.

7           G. Every poultry feeding operation located in a nutrient-  
8 limited watershed and nutrient-vulnerable groundwater shall perform  
9 an annual soil test on each land-application area prior to the first  
10 application of the calendar year. Poultry waste testing shall be  
11 performed annually prior to the first application of the calendar  
12 year. Soil and poultry waste testing shall be performed to  
13 determine:

14           1. Soil pH and plant-available nutrients including at least  
15 nitrogen, phosphorous and potassium;

16           2. Poultry waste nutrient concentrations and moisture; and

17           3. Application rate based upon ~~current United States Department~~  
18 ~~of Agriculture Natural Resources Conservation Service Waste~~  
19 ~~Utilization Standards, unless the Oklahoma Department of~~  
20 ~~Agriculture, Food, and Forestry approves other standards~~ the  
21 Department's standards for land application of poultry waste as  
22 promulgated by rules.

23           H. 1. Soil and poultry waste analysis data shall be retained  
24 by the poultry feeding operation for a minimum of six (6) years.



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

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

9 b. if removed off-site, provide the following:

- 10 (1) the date of the removal off-site,
- 11 (2) the amount of poultry waste removed in wet tons,
- 12 dry tons, or cubic yards,
- 13 (3) the name, mailing address, and telephone number
- 14 of the person the poultry waste is sold or
- 15 transferred to,
- 16 (4) the name, mailing address, telephone number, and
- 17 poultry waste applicator license number of the
- 18 poultry waste applicator, if known, and
- 19 (5) the name, mailing address, and telephone number
- 20 of the hauler of the poultry waste.

21 SECTION 2. AMENDATORY 2 O.S. 2021, Section 10-9.19, is  
22 amended to read as follows:

23 Section 10-9.19 1. Prior to any land application of poultry  
24 waste by a certified poultry waste applicator, the applicator shall

1 obtain the most recent soil and poultry waste tests as required by  
2 the Oklahoma Poultry Waste Applicators Certification Act.

3 2. Land application of poultry waste in a non-nutrient-limited  
4 watershed and non-nutrient-vulnerable groundwaters shall not be made  
5 at any rate which exceeds the ~~most recently published United States~~  
6 ~~Department of Agriculture Natural Resources Conservation Service~~  
7 ~~Waste Utilization Standards~~ Department's promulgated standards for  
8 land application of poultry waste.

9 3. The Oklahoma Department of Agriculture, Food, and Forestry  
10 may promulgate rules pursuant to the Administrative Procedures Act  
11 which will prohibit the land application of poultry waste in  
12 nutrient-limited watersheds and nutrient-vulnerable groundwaters  
13 based upon lower soil phosphorous levels than are allowed in this  
14 section for non-nutrient-limited watersheds and non-nutrient-  
15 vulnerable groundwaters.

16 SECTION 3. NEW LAW A new section of law not to be  
17 codified in the Oklahoma Statutes reads as follows:

18 The Oklahoma Department of Agriculture, Food, and Forestry shall  
19 promulgate emergency rules to implement the requirements and  
20 standards required by the above sections.

21 SECTION 4. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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