

1 ENGROSSED HOUSE
2 BILL NO. 1631

By: Hardin (David) of the House
and
Murdock of the Senate

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6 An Act relating to agriculture; amending 2 O.S. 2011,
7 Section 10-9.7, as last amended by Section 5, Chapter
8 313, O.S.L. 2015 (2 O.S. Supp. 2020, Section 10-9.7),
9 which relates to the Oklahoma Registered Poultry
10 Feeding Operations Act; requiring Nutrient Management
11 Plans to be prepared by certain persons; allowing
12 certain plan corrections or modifications; providing
13 plan renewal period; providing exception to renewals;
14 and declaring an emergency.

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

16 SECTION 1. AMENDATORY 2 O.S. 2011, Section 10-9.7, as
17 last amended by Section 5, Chapter 313, O.S.L. 2015 (2 O.S. Supp.
18 2020, Section 10-9.7), is amended to read as follows:

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

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

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

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

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

8 4. Poultry waste handling, treatment, management, and removal
9 shall:

- 10 a. not create an environmental or a public health hazard,
- 11 b. not result in the contamination of waters of the
12 state, and
- 13 c. conform to such other handling, treatment and
14 management and removal requirements deemed necessary
15 by the Oklahoma Department of Agriculture, Food, and
16 Forestry to implement the Oklahoma Registered Poultry
17 Feeding Operations Act and rules promulgated pursuant
18 thereto.

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

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

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

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

9 3. All nutrient analysis data, for soil and poultry waste
10 testing;

11 4. Legal description of lands to be used by an operation for
12 ~~land-application~~ land application;

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

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

20 a. adequate poultry waste storage shall be provided
21 consistent with rules promulgated by the Oklahoma
22 Department of Agriculture, Food, and Forestry pursuant
23 to subsection B of this section,
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1 b. poultry waste shall not be applied to land when the
2 ground is saturated or during rainfall events.

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

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

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

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

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

18 a. if the poultry waste is sold or given to other persons
19 for land application or other use, the poultry feeding
20 operation shall maintain a log of: date of removal
21 from the poultry feeding operation; name of recipient
22 the poultry waste is sold or given to; and amount in
23 wet tons, dry tons or cubic yards of poultry waste
24 removed from the poultry feeding operation, and

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

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

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

14 D. 1. The Nutrient Management Plan for new or expanding
15 poultry feeding operations submitted after the effective date of
16 this act shall be prepared by the operator or designee of the
17 operator.

18 2. After the plan is submitted to the Oklahoma Department of
19 Agriculture, Food, and Forestry may promulgate rules providing
20 voluntary fees charged to registered for review and approval if the
21 Department determines that a submitted plan needs or requires any
22 corrections or modifications, the Department shall return the
23 Nutrient Management Plan to the operator for corrections.

1 3. For a renewal, if the Department determines the Nutrient
2 Management Plan needs or requires corrections or modification, the
3 Department shall make any and all appropriate corrections, approve
4 the plan and notify the poultry feeding operations for the
5 development and writing of Nutrient Management Plans; operation of
6 the modifications.

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

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

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

22 a. no changes in the waste utilization standards have
23 occurred since the most recently submitted Nutrient
24 Management Plan,

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

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

7 d. the entirety of the poultry waste is:

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

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

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

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

21 2. Poultry waste nutrient concentrations and moisture; and

22 3. Application rate based upon current United States Department
23 of Agriculture Natural Resources Conservation Service Waste
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1 Utilization Standards, unless the Oklahoma Department of
2 Agriculture, Food, and Forestry approves other standards.

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

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

12 2. Poultry waste nutrient concentrations and moisture; and

13 3. Application rate based upon current United States Department
14 of Agriculture Natural Resources Conservation Service Waste
15 Utilization Standards, unless the Oklahoma Department of
16 Agriculture, Food, and Forestry approves other standards.

17 ~~G.~~ H. 1. Soil and poultry waste analysis data shall be
18 retained by the poultry feeding operation for a minimum of six (6)
19 years.

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

22 ~~H.~~ I. 1. Poultry feeding operations shall develop a plan for
23 the disposal of carcasses associated with normal mortality.

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

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

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

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

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

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

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

21 (1) the date of the ~~land-application~~ land
22 application,

23 (2) the total amount of poultry waste land-applied in
24 wet tons, dry tons, or cubic yards,

1 (3) the name, mailing address, and telephone number
2 of the poultry waste applicator, and

3 (4) the number of acres under the control of the
4 poultry feeding operation for ~~land-application~~
5 land application of poultry waste, or

6 b. if removed off site, provide the following:

7 (1) the date of the removal off site,

8 (2) the amount of poultry waste removed in wet tons,
9 dry tons, or cubic yards,

10 (3) the name, mailing address, and telephone number
11 of the person the poultry waste is sold or
12 transferred to,

13 (4) the name, mailing address, telephone number, and
14 poultry waste applicator license number of the
15 poultry waste applicator, if known, and

16 (5) the name, mailing address, and telephone number
17 of the hauler of the poultry waste.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.
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1 Passed the House of Representatives the 2nd day of March, 2021.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2021.

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9 Presiding Officer of the Senate