

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2983

By: Hardin (David) of the House

and

Murdock of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

16 4. Poultry waste handling, treatment, management, and removal
17 shall:

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

19 b. not result in the contamination of waters of the
20 state, and

21 c. conform to such other handling, treatment and
22 management and removal requirements deemed necessary
23 by the Oklahoma Department of Agriculture, Food, and
24 Forestry to implement the Oklahoma Registered Poultry

1 Feeding Operations Act and rules promulgated pursuant
2 thereto.

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

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

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

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

16 3. All nutrient analysis data for soil and poultry waste
17 testing;

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

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

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

4 a. adequate poultry waste storage shall be provided
5 consistent with rules promulgated by the Oklahoma
6 Department of Agriculture, Food, and Forestry pursuant
7 to subsection B of this section,

8 b. poultry waste shall not be applied to land when the
9 ground is saturated or during rainfall events.
10 Poultry waste shall not be applied to land when the
11 ground is frozen except in conformance with the
12 Nutrient Management Plan,

13 c. poultry waste shall only be applied to suitable land
14 at appropriate times and rates. Discharge or runoff
15 of waste from the application site is prohibited.
16 Timing and rate of applications shall be based on
17 assimilation capacity of the soil profile, assuming
18 usual nutrient losses, expected precipitation, and
19 soil conditions, and

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

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

- 1 a. if the poultry waste is sold or given to other persons
2 for land application or other use, the poultry feeding
3 operation shall maintain a log of: date of removal
4 from the poultry feeding operation; name of recipient
5 the poultry waste is sold or given to; and amount in
6 wet tons, dry tons or cubic yards of poultry waste
7 removed from the poultry feeding operation, and
8 b. the poultry feeding operation shall make available to
9 the recipient any nutrient sample analysis from that
10 year;

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

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

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

1 2. After the plan is submitted to the Oklahoma Department of
2 Agriculture, Food, and Forestry for review and approval if the
3 Department determines that a submitted plan needs or requires any
4 corrections or modifications, the Department shall return the
5 Nutrient Management Plan to the operator for corrections.

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

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

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

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

- 3 a. no changes in the ~~waste utilization~~ Department's
4 promulgated standards for land application of poultry
5 waste have occurred since the most recently submitted
6 Nutrient Management Plan,
- 7 b. there has been no change to the number of poultry
8 housed since the most recently submitted Nutrient
9 Management Plan,
- 10 c. there has been no expansion in the poultry feeding
11 operation since the most recently submitted Nutrient
12 Management Plan, and
- 13 d. the entirety of the poultry waste is:
 - 14 (1) removed off-site as provided in the poultry
15 feeding operation's annual report, as required by
16 subsection J of this section, and will continue
17 to be removed off-site for the next six (6)
18 years, or
 - 19 (2) land-applied and will continue to be land-applied
20 for the next six (6) years.

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

- 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~~ the
8 Department's standards for land application for poultry waste as
9 promulgated by rules.

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

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

1 Department's standards for land application of poultry waste as
2 promulgated by rules.

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

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

7 I. 1. Poultry feeding operations shall develop a plan for the
8 disposal of carcasses associated with normal mortality.

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

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

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

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

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

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

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

5 (1) the date of the land application,

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

8 (3) the name, mailing address, and telephone number
9 of the poultry waste applicator, and

10 (4) the number of acres under the control of the
11 poultry feeding operation for land application of
12 poultry waste, or

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

14 (1) the date of the removal off-site,

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

17 (3) the name, mailing address, and telephone number
18 of the person the poultry waste is sold or
19 transferred to,

20 (4) the name, mailing address, telephone number, and
21 poultry waste applicator license number of the
22 poultry waste applicator, if known, and

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

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

3 Section 10-9.19 1. Prior to any land application of poultry
4 waste by a certified poultry waste applicator, the applicator shall
5 obtain the most recent soil and poultry waste tests as required by
6 the Oklahoma Poultry Waste Applicators Certification Act.

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

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

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

22 The Oklahoma Department of Agriculture, Food, and Forestry shall
23 promulgate emergency rules to implement the requirements and
24 standards required by the above sections.

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

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6 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
7 dated 02/16/2022 - DO PASS, As Amended and Coauthored.

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