

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2719

By: Blancett

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5  
6 AS INTRODUCED

7 An Act relating to agriculture; amending 2 O.S. 2011,  
8 Sections 10-9.7, as last amended by Section 5,  
9 Chapter 313, O.S.L. 2015 and 10-9.8, as amended by  
10 Section 6, Chapter 313, O.S.L. 2015 (2 O.S. Supp.  
11 2020, Sections 10-9.7 and 10-9.8), which relate to  
12 the Oklahoma Registered Poultry Feeding Operations  
13 Act; specifying prohibition of poultry waste runoff  
14 into waters of the state; requiring annual report;  
15 modifying certain fee; and providing an effective  
16 date.

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

18 SECTION 1. AMENDATORY 2 O.S. 2011, Section 10-9.7, as  
19 last amended by Section 5, Chapter 313, O.S.L. 2015 (2 O.S. Supp.  
20 2020, Section 10-9.7), is amended to read as follows:

21 Section 10-9.7 A. All poultry feeding operations shall utilize  
22 Best Management Practices and shall meet the conditions and  
23 requirements established by subsection B of this section and by  
24 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 state  
15 including runoff, 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

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

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

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

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

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

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

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

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

- 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.  
24

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 all  
22 watersheds, whether or not the watershed is a Nutrient Limited  
23 Watershed, where the poultry waste was produced; and

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

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

2 (1) the date of the land-application,

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

5 (3) the name, mailing address, and telephone number  
6 of the poultry waste applicator, and

7 (4) the number of acres under the control of the  
8 poultry feeding operation for land-application of  
9 poultry waste, or

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

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

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

14 (3) the name, mailing address, and telephone number  
15 of the person the poultry waste is sold or  
16 transferred to and the name of the watershed in  
17 which it will be utilized,

18 (4) the name, mailing address, telephone number, and  
19 poultry waste applicator license number of the  
20 poultry waste applicator, ~~if known,~~ and

21 (5) the name, mailing address, and telephone number  
22 of the hauler of the poultry waste and the  
23 address and name of the watershed to which the  
24 hauler delivers the poultry waste.



1        J. By March 1 of each year, the Department shall provide a  
2 comprehensive report containing the information described in  
3 subsection I of this section from each and every reporting operation  
4 to the Governor, President Pro Tempore of the Oklahoma State Senate  
5 and Speaker of the Oklahoma House of Representatives. By March 1 of  
6 each year, the report shall also be made available on the  
7 Department's website. The report shall aggregate by watershed the  
8 total amounts of poultry waste produced, applied and transferred.

9        SECTION 2.        AMENDATORY        2 O.S. 2011, Section 10-9.8, as  
10 amended by Section 6, Chapter 313, O.S.L. 2015 (2 O.S. Supp. 2020,  
11 Section 10-9.8), is amended to read as follows:

12        Section 10-9.8 A. Every application shall be accompanied by ~~an~~  
13 a nonrefundable annual registration fee of Ten Dollars (\$10.00),  
14 ~~which is nonrefundable~~ as follows:

15        1. For operations housing an average of five hundred or less  
16 birds throughout the year, One Hundred Dollars (\$100.00);

17        2. For operations housing an average of five hundred one to one  
18 thousand birds throughout the year, Two Hundred Fifty Dollars  
19 (\$250.00); and

20        3. For operations housing an average of one thousand one or  
21 more birds throughout the year, Five Hundred Dollars (\$500.00) for  
22 every one thousand birds.

23        B. All such fees shall be deposited in the Agriculture  
24 Regulation Revolving Fund created in Section 10-9.24 of this title

1 to be used for the purpose of implementing the provisions of the  
2 Oklahoma Registered Poultry Feeding Operations Act and the Oklahoma  
3 Poultry Waste Applicators Certification Act.

4 SECTION 3. This act shall become effective November 1, 2021.

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