

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 2983

By: Hardin (David) of the House

and

Murdock of the Senate

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6
7 [agriculture - poultry Nutrient Management Plans -
8 requiring Nutrient Management Plans to include
9 latitude and longitude - requiring Nutrient
10 Management Plans to conform to the Department's
11 standards for land application for poultry waste as
12 promulgated by rules -

emergency]

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16 AMENDMENT NO. 1. Page 1, restore the title
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1 Passed the Senate the 27th day of April, 2022.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2983

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

17 SECTION 1. AMENDATORY 2 O.S. 2021, Section 10-9.7, is
18 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

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 if land application is applicable;

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

13 4. Legal description and latitude and longitude of lands to be
14 used by an operation for 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. 1. The Nutrient Management Plan for new or expanding
17 poultry feeding operations submitted after ~~the effective date of~~
18 ~~this act~~ July 1, 1998, shall be prepared by the operator or designee
19 of the operator.

20 2. After the plan is submitted to the Oklahoma Department of
21 Agriculture, Food, and Forestry for review and approval if the
22 Department determines that a submitted plan needs or requires any
23 corrections or modifications, the Department shall return the
24 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 modifications, the
3 Department shall make ~~any and all~~ appropriate corrections, approve
4 the plan and notify the poultry feeding operation of the
5 modifications.

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

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

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

- 21 a. no changes in the ~~waste utilization~~ Department's
22 promulgated standards for land application of poultry
23 waste have occurred since the most recently submitted
24 Nutrient 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~~
24 ~~Utilization Standards, unless the Oklahoma Department of~~

1 ~~Agriculture, Food, and Forestry approves other standards~~ the
2 Department's standards for land application for poultry waste as
3 promulgated by rules.

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

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

13 2. Poultry waste nutrient concentrations and moisture; and

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

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

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

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

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

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

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

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

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

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

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

23 (1) the date of the land application,

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

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

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

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

22 Section 10-9.19 1. Prior to any land application of poultry
23 waste by a certified poultry waste applicator, the applicator shall
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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
23 declared to exist, by reason whereof this act shall take effect and
24 be in full force from and after its passage and approval.

1 Passed the House of Representatives the 7th day of March, 2022.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

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8 _____
9 Presiding Officer of the Senate