

WATER QUALITY DIVISION

SB 1170

Oklahoma Registered Poultry **Feeding Operations Act** **SENATE BILL 1170** **POULTRY BILL**

A summary of requirements and regulations of
SB 1170 (Poultry Bill).
Signed: May 20, 1998
Effective Date: July 1, 1998

SB 1170 Animal Waste Management Plan ("AWMP")

Animal Waste Management Plans to be submitted to ODA with registration.
Every poultry feeding operation shall have an Animal Waste Management Plan which shall include at a minimum:

- **A description of poultry waste handling procedures and availability of equipment and type of equipment to be used.**
- **The calculations and assumptions used for determining land applications rates;**
- **All nutrient analysis data, for soil and poultry waste testing;**
- **Legal description of lands to be used by an operation for land application;**
- **Land application rates of poultry waste shall be based on the available nitrogen and phosphorous content of the poultry waste and shall provide controls for runoff and erosion as appropriate for site conditions;**
- **The procedures documented in the AWMP must ensure that the handling and disposal of poultry waste complies with the following requirements:**
 - a. **adequate poultry waste storage**
 - b. **poultry waste shall not be applied to land when the ground is saturated or during rainfall events. Poultry waste shall not be applied to land when the ground is frozen except in conformance with the AWMP.**
 - c. **litter application shall be prohibited on land subject to excessive erosion.**
 - d. **poultry waste application shall be prohibited on land subject to excessive erosion;**

Applicator's License and Fee

- It shall be unlawful and a misdemeanor for any person to act, operate or do business or advertise as a commercial poultry waste applicator or to land apply poultry waste as a private poultry waste applicator unless such person has obtained a valid applicator's certificate issued by the State Board of Agriculture.
- Applicator's certificates shall be issued by the Board. Certificates shall be issued only upon application on a form of application prescribed by the board.
- All commercial applicator certificates shall expire on the thirty-first day of December following their issuance or renewal. A registration fee of \$15.00 or a renewal fee of \$15.00 shall accompany every renewal application.
- All private applicator certificates shall be in effect for five years.

Best Management Practices ("BMP's")

- All poultry feeding operations shall utilize Best Management Practices meeting the conditions and requirements established by rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Registered Poultry Feeding Operations Act.
- The criteria for Best Management Practices shall include, but not be limited to the following:
 - a. There shall be no discharge of poultry waste to waters of the state;
 - b. Stored poultry waste shall be isolated from outside surface drainage by ditches, dikes, berms, terraces or other such structures.

Carcass Disposal Plan

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

Education Requirements

- Educational training / certification for all operators and applicators
- After the effective date of this act, all operators of poultry feeding operations shall attend educational courses on poultry waste handling. All current and new operators shall receive no less than nine hours of training in the first year and no less than three hours each year thereafter.

Effective Date

- This act became effective July 1, 1998.

Inspections

- The State Department of Agriculture shall make at least one inspection per calendar year of every poultry feeding operation registered pursuant to the Oklahoma registered Poultry Feeding Operations Act.

- ODA will carry out regular spot-check of all applicators.
- ODA has ability to bring poultry operations under CAFO Act.

Land Application

- Commercial and private poultry waste applicators must have an applicator's certificate to land apply poultry waste. Commercial applicators must renew annually and pay a \$15 fee. Private applicator certificates are renewed every five years and a \$15 fee is paid every five years.
- Records shall be maintained of all poultry wastes applied on land owned or controlled by the operator and sold or given to other persons for disposal:
 - a. if the poultry waste is sold or given to other persons for land application or other disposal, the poultry feeding operation shall maintain a log of; date of removal from the poultry feeding operation; name of recipient poultry waste is sold or given to; and amount in wet tons, dry tons or cubic yards of poultry waste removed from the poultry feeding operation.
- ODA can prohibit litter application in nutrient-limited areas.

Litter Testing

- Every registered poultry feeding operation located in a non-nutrient-limited watershed and non-nutrient-vulnerable groundwaters shall perform soil and poultry waste testing at least once every three years.
- ODA will collect all information on litter produced, bought, sold, etc. Poultry waste applicators must file this report with ODA by December 31 each year.
- Conservation Commission will report all litter produced and applied within each district.

Poultry Feeding Operations

- "Poultry feeding operation" means a property or facility where the following conditions are met:
 - a. poultry have been, are, or will be confined and fed or maintained for a total of forty-five days or more in any twelve month period,
 - b. producing over ten tons of poultry waste per year,
 - c. crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the property or facility.

Registration

- Poultry feeding operations are required to register with the State Department of Agriculture annually.
- Every application shall be accompanied by an annual registration fee of \$10.

- Every poultry feeding operation in operation on the effective date of this act shall register within six months of the effective date of this act (by January 1, 1999).
- After the effective date any poultry feeding operation shall be required to reregister for any increase in excess of ten percent of the facility's original registered capacity.
- Two or more poultry operations under common ownership are considered, for the purposes of registration, to be a single poultry feeding operation if they adjoin each other or if they use a common waste facility for the disposal of wastes.
- Information required of those who register their operation include:
 - a. Name and address of the owner and operator
 - b. Name and address of the poultry operation
 - c. Number and type of poultry housed or confined
 - d. Name and address of the integrator
 - e. Map and legal description showing location of the facility, including the perimeter, waters of the state, drainage, poultry waste storage facilities, and land application sites
 - f. Copy of AWMP or proof of application
 - g. Statement of ownership
 - h. Name and address of person with day to day control
 - i. Environmental history

Soil Testing

- Every poultry feeding operation located in a nutrient-limited watershed and nutrient-vulnerable groundwater shall perform an annual soil test on each land application area. Poultry waste testing shall be performed annually prior to the first application of the calendar year.

Violations & Regulations

- The State Board of Agriculture shall promulgate a violation points system for persons violating the Oklahoma Registered Poultry Feeding Operations Act.
- Penalty of a \$5,000 fine for applying waste without certification under the Act.
- The Act also establishes a new Rule Advisory Committee.