

Title 35 - Oklahoma Department of Agriculture, Food, and Forestry
Chapter 17 - Water Quality
Subchapter 7 - Poultry Waste Applicators Certification

35:17-7-1. Purpose

These rules provide a mechanism for poultry waste applicators to obtain an applicator's certificate issued by the State Board of Agriculture pursuant to the Oklahoma Poultry Waste Applicators Certification Act found at Section 10-9.16 et seq. of Title 2 of the Oklahoma Statutes.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-2. Definitions

In addition to the terms defined in Section 10-9.1 of Title 2 of the Oklahoma Statutes, the following terms when used in this subchapter shall have the following meaning unless the context clearly indicates otherwise:

"Commercial poultry waste applicator" means any person who engages in commercial land application of more than ten (10) tons of poultry waste per year. Any farmer while working for a neighbor in agricultural production, and not advertising, nor holding themselves out to be in the business of land applying poultry waste, shall not be classified as a commercial poultry waste applicator, but as a private poultry waste applicator.

"Discharge" means any release by pumping, pouring, emptying, or dumping of poultry waste directly or through a manmade conveyance into waters of the State of Oklahoma.

"Private poultry waste applicator" means any person who is not a commercial poultry waste applicator but engages in the land application of more than ten (10) tons of poultry waste per year for purposes including, but not limited to, producing any agricultural commodity on property owned or rented by the person or the person's employer, or if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

"Runoff" means any release by leaking, escaping, seeping, or leaching of poultry waste into waters of the State.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-3. Commercial poultry waste applicator's certificate

(a) Any person who acts, operates, conducts business, or advertises as a commercial poultry waste applicator shall obtain a valid applicator's certificate issued by the Board.

(b) All existing commercial poultry waste applicators shall apply for a commercial poultry waste applicator's certificate prior to January 1, 2001. All new commercial poultry waste applicators shall apply for a commercial poultry waste applicator's certificate prior to doing business or advertising in Oklahoma. Education requirements shall be completed within one year of obtaining the commercial poultry waste applicator's certificate.

(c) A certified commercial poultry waste applicator may allow employees and other applicators over which direct control is exercised by the applicator to land apply poultry waste without obtaining a commercial poultry waste applicators certificate so long as the following conditions exist:

- (1) The land application is supervised by the certified commercial poultry waste applicator;
 - (2) The certified commercial poultry waste applicator is the responsible person for all aspects of the land application; and
 - (3) The certified commercial poultry waste applicator is responsible for ensuring employees and other applicators are properly trained regarding poultry waste handling and application.
- (d) A certified commercial poultry waste applicator shall notify the owner or lessee of the property where poultry waste is land applied of all requirements of the Oklahoma Poultry Waste Applicators Certification Act and rules which apply to the landowner. A certified commercial poultry waste applicator shall upon request provide all necessary records to the owner or lessee of the property where poultry waste is land applied.
- (e) Every certified commercial poultry waste applicator shall file an annual report as required by Section 10-9.18 of Title 2 of the Oklahoma Statutes.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-4. Private poultry waste applicators certificate

- (a) Any person who land applies poultry waste as a private poultry waste applicator shall obtain a valid applicator's certificate issued by the Board.
- (b) All existing private poultry waste applicators shall apply for a private poultry waste applicator's certificate prior to January 1, 2001. All new private poultry waste applicators shall apply for a private poultry waste applicator's certificate prior to land applying poultry waste in Oklahoma. Education requirements shall be completed within one year of obtaining the private poultry waste applicator's certificate.
- (c) A certified private poultry waste applicator may allow employees and other applicators over which direct control is exercised by the certified private poultry waste applicator to land apply poultry waste without obtaining a private poultry waste applicators certificate so long as the following conditions exist:
 - (1) The land application is supervised by the certified private poultry waste applicator;
 - (2) The certified private poultry waste applicator is the responsible person for all aspects of the land application; and
 - (3) The certified private poultry waste applicator is responsible for ensuring employees and other applicators are properly trained regarding poultry waste handling and application.
- (d) Every certified private poultry waste applicator shall file an annual report as required by Section 10-9.18 of Title 2 of the Oklahoma Statutes.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-5. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-6. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-7. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-8. Education requirements

- (a) All certified poultry waste applicators shall attend educational courses on poultry waste handling provided by Oklahoma Cooperative Extension Service.
- (b) All poultry waste applicators shall obtain no less than nine (9) hours of education in the first year and no less than three (3) hours each year thereafter.
- (c) The Oklahoma Cooperative Extension Service shall develop the educational training course to aid in certification.
 - (1) Curricula for the training course shall include the Oklahoma Cooperative Extension Service Waste Management Facts series and record books or their current equivalent.
 - (2) Courses for poultry waste management shall include the following topics:
 - (A) Environmental process relevant to protecting water quality in poultry production;
 - (B) Basic handling systems to manage poultry waste from all types of poultry operations;
 - (C) Nutrient management, including sampling procedures, application rate determination, equipment calibration, and record keeping systems;
 - (D) Relevant laws and rules applicable to poultry waste management in the State of Oklahoma; and
 - (E) Any other related subject as determined by Oklahoma Cooperative Extension Service in consultation with the Department.
- (d) At the completion of each course, the certified poultry waste applicator shall receive a certification verifying completion. The certificates shall be kept on site for five (5) years.
- (e) Failure to obtain the prerequisite and annual training and education as provided in this subsection shall be deemed a violation of the Oklahoma Poultry Waste Applicators Certification Act.
- (f) An operator may carry forward up to three (3) education hours to the next calendar year.
- (g) All operators shall obtain the required education no later than December 31st of each calendar year.
- (h) Any certified poultry waste applicator who has completed education requirements of the Oklahoma Registered Poultry Feeding Operations Act shall be deemed to be in compliance with the education requirements of this section.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00; Amended at 22 Ok Reg 2306, eff 7-11-05]

35:17-7-9. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-10. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-11. Reciprocal agreement with state and federal agencies

Reciprocal agreements which allow the federal government, any state, any department, or agency to obtain a commercial or private poultry waste applicators certificate shall assist in fulfilling the intent of the Oklahoma Poultry Waste Applicators Certification Act.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]