



State of Oklahoma  
Department of Agriculture, Food, and Forestry

J. Kevin Stitt  
Governor

Blayne Arthur  
Secretary of Agriculture

**"Draft"**  
**AUTHORIZATION TO DISCHARGE UNDER THE GENERAL PERMIT NO. OKG010000**  
**FOR CONCENTRATED ANIMAL FEEDING OPERATIONS**

**Authorization Number: OKG010022**

Pursuant to the Oklahoma Agriculture Pollutant Discharge Elimination (AgPDES) Act and the AgPDES Rules (OAC 35:45) promulgated thereunder,

Frank Berry & Sons, Inc  
Rt1. Box 108  
Texhoma, OK 73949

is hereby authorized to discharge from their concentrated animal feeding operation at Berry & Sons Feedyard located in:

N/2 Section 35, Township 1 North, Range 11 East C.M.  
Texas County, Oklahoma

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the General Permit No. OKG010000, and permit terms specified in the Appendix L.

The facility is located in the North Canadian (Beaver) River watershed (Waterbody ID No. OK720510000190\_00) of the Panhandle River Basin.

This Authorization shall become effective on \_\_\_\_\_, 2023.

This Authorization shall expire at midnight, on March 23, 2028.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2023.

For the Oklahoma Department of Agriculture, Food, and Forestry,

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James Rucker, AgPDES Director  
Agricultural Environmental Management Services

**"Draft"****APPENDIX L****TERMS OF THE NUTRIENT MANAGEMENT PLAN INCORPORATED INTO THE PERMIT AUTHORIZATION**

Frank Berry &amp; Sons, Inc.

Permit Authorization No. OKG010022

**I. PERMITTEE**

In accordance with Parts III.2.b and f of the AgPDES Permit No. OKG010000, the following terms of the Nutrient Management Plan (NMP) are hereby incorporated as site specific terms and conditions of the general permit for:

Frank Berry &amp; Sons, Inc

Rt. 1 Box 108

Texhoma, OK 73949

Type of Operation: Beef Cattle

Number of Animals: 2,000

The Berry & Sons Feedyard facility is located at:

N/2 Section 35, Township 1 North, Range 11 East C.M.

Texas County, Oklahoma

For the purposes of this permit, "NMP" refers to the latest version of the NMP approved by Oklahoma Department of Agriculture, Food, & Forestry (ODAFF). Any changes to the NMP must be submitted to ODAFF in accordance with Part III.A.6 of the General Permit OKG010000.

**II. SITE SPECIFIC PERMIT TERMS****A. STORAGE FACILITY**

Table 1. Storage Capacity

Storage Structure	Total Volume
RCS 1	1,335,989 Gallons

Manure and process wastewater shall be stored and handled in accordance with Section 3 (Manure and Wastewater Handling Storage) of the NMP.

**B. LAND APPLICATION**

The permittee has selected the narrative rate approach to address rates of application. In accordance with Parts III.A.3.g.ii and III.A.7.f of the General Permit OKG010000, the permittee shall calculate the amounts of manure, litter, and process wastewater to be land applied on land application areas specified below per Section 5 of the NMP and the following site-specific permit terms.

Table 2. Land Application <sup>(1)</sup>

Field (spreadable area)	Phosphorus Assessment <sup>(2)</sup>		Planned Application				
	Rating	Maximum Allowed Phosphorus Application Rate (lbs P <sub>2</sub> O <sub>5</sub> /acre/year)	Main Crop/Use <sup>(4)</sup>	Estimated Yield Goal	Types of Waste (Manure/Wastewa ter) to be Land Applied	Maximum Amount of Nutrients Derived from All Sources <sup>(3),(5)</sup>	
						Nitrogen (lbs N/ac)	Phosphorus (lbs P <sub>2</sub> O <sub>5</sub> /ac)
Field LMU 1 20 Acres	Low Risk Low STP	Full Rate <sup>(3)</sup>	Fallow	N/A	Wastewater	0	300 <sup>(6)</sup>
			Native Grass	2 tons/Ac	Wastewater	70	
East Pivot 120 Acres	Low Risk Low STP	Full Rate <sup>(3)</sup>	Wheat	100 Bu/Ac	Solid Manure	240	200 <sup>(6)</sup>
			Fallow	N/A	Solid Manure	0	
West Pivot 120 Acres	Low Risk Low STP	Full Rate <sup>(3)</sup>	Fallow	N/A	Solid Manure	0	200 <sup>(6)</sup>
			Corn	200 Bu/Ac	Solid Manure	240	

<sup>(1)</sup> Details of land application information can be found in Section 4 of the NMP.

<sup>(2)</sup> The maximum amount of phosphorus shall be based on the field-specific phosphorus risk assessment, which must be evaluated annually using the most recent soil test results. Documentation of annual phosphorus risk assessment performed for each land application field must be kept on site and made available to ODAFF inspectors upon request.

<sup>(3)</sup> In accordance with the NRCS Code 590, application rate of phosphorus varies depending on application method (i.e. surface spreading, irrigation, injection below ground level ...). When more than one type of waste is applied to a field, the most stringent application rate based on phosphorus assessment will apply to that field.

<sup>(4)</sup> Crop/Use should be either specific for each year as shown in the table above or alternated with other crop(s) shown in the Alternative Crop List provided in Section 5 of the NMP.

<sup>(5)</sup> Based on the maximum rates provided in Section 5 of the NMP. These values may vary depending on actual crops grown, yield goals, and annual phosphorus assessment.

<sup>(6)</sup> The full rate is 300 lbs P<sub>2</sub>O<sub>5</sub>/acre/year when wastewater is applied by sprinkler irrigation and managed to prevent runoff from field. The full rate is 200 lbs P<sub>2</sub>O<sub>5</sub>/acre/year when injected below the surface or incorporated within seven (7) days. When wastewater application is not incorporated within seven (7) days, the full rate limitation is 200 lbs P<sub>2</sub>O<sub>5</sub>/acre/year when not managed to prevent runoff. The full rate for manure not injected or incorporated within 7 days is 200 lbs P<sub>2</sub>O<sub>5</sub>/acre/year. The application rate shall not exceed nitrogen requirement(s) of the actual crop(s) grown.

#### Other Requirements:

1. Manure and/or wastewater application shall not exceed the maximum allowed P<sub>2</sub>O<sub>5</sub> application rate and the Nitrogen requirement of the crop.
2. Wastewater application rates shall not exceed field capacity for the soil, shall not create runoff, and shall minimize ponding.

3. In all other respects, land application shall be accomplished in accordance with the Oklahoma NRCS Code 590.

C. MANURE TRANSFER

Manure not utilized by the facility for land application will be transferred off-site each year. All transfer records shall be kept on-site and made available to ODAFF inspectors upon request.

D. SITE SPECIFIC CONSERVATION PRACTICES

Conservation practices must be implemented in accordance with Section 4 of the NMP. Setbacks shall be implemented in accordance with Section 4 of the NMP.

E. PROTOCOLS FOR APPROPRIATE TESTING OF SOIL, MANURE, AND PROCESS WASTEWATER

Soil and manure/wastewater sampling shall be done in accordance with Section 7 of the NMP, respectively.

F. MORTALITY MANAGEMENT

All mortalities shall be disposed of in accordance with Section 3 of the NMP.

G. CLEAN WATER DIVERSION

Clean water shall be diverted from the production area in accordance with Section 3 of the NMP.

H. CHEMICAL HANDLING

Chemicals and other contaminants shall be handled in accordance with Section 3 of the NMP.