

## CHAPTER 17. WATER QUALITY

### SUBCHAPTER 3. SWINE FEEDING OPERATIONS

#### 35:17-3-22. Violation points system [REVOKED]

—The following violation points system shall be utilized by the Department to assess points prior to suspension, revocation, or nonrenewal of a swine feeding operation license. This system shall operate in addition to penalties provided for in the Oklahoma Swine Feeding Operations Act, and shall not alter the authority to the Board to revoke a license under other sections of the Act.

(1) When any swine feeding operation accrues a total of fifteen (15) or more points in any two (2) year time period, the license of the swine feeding operation shall be suspended, revoked, or not renewed by the Board.

(2) Points shall accrue based on violations of the Oklahoma Swine Feeding Operations Act and rules:

(A) Failure of any concentrated swine feeding operation to apply for a license when required by the provisions of the Oklahoma Swine Feeding Operations Act shall accrue three (3) to five (5) points.

(B) Failure to obtain a building permit prior to construction of an LMFO shall be a significant violation and accrue four (4) to five (5) points.

(C) Failure to obtain a license prior to operation of an LMFO shall accrue four (4) to five (5) points.

(D) Failure to obtain or renew education requirements for all employees of an LMFO whose duties include treatment, storage, or application of swine waste shall accrue two (2) to three (3) points.

(E) Knowingly making any false statement, representation, or certification in, omitting material data from, or tampering with any application for a license, or notice relating to the determination of affected property owners shall be a significant violation and accrue four (4) to five (5) points.

(F) Failure to follow the Pollution Prevention Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points.

(G) Failure to follow the Pollution Prevention Plan and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points.

(H) Failure to provide full closure of a facility pursuant to a closure plan shall accrue three (3) to five (5) points.

(I) Failure by a swine feeding operation to utilize or comply with Best Management Practices and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points.

(J) Failure by a swine feeding operation to utilize or comply with Best Management Practices and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points.

(K) Failure by a swine feeding operation to report a discharge shall accrue two (2) to four (4) points.

(L) Failure by a swine feeding operation to utilize or comply with a Swine Waste Management Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points.

(M) Failure by a swine feeding operation to utilize or comply with a Swine Waste Management Plan and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points.

(N) Failure by a swine feeding operation to follow a carcass disposal plan shall accrue one (1) to three (3) points.

(O) Failure by a swine feeding operation to follow a erosion control plan shall accrue one (1) to two (2) points.

(P) Failure by an LMFO to utilize and comply with an Odor Abatement Plan shall accrue one (1) to four (4) points.

(Q) Failure by an LMFO to establishment or maintain groundwater monitoring wells or a leak detection system shall accrue four (4) to five (5) points.

(R) Failure of any LMFO to annually evaluate a site for liner integrity shall accrue two (2) to three (3) points.

(S) Failure of any LMFO to pay swine animal unit fees in a timely fashion shall accrue three (3) to five (5) points.

(T) Failure to take such actions as are reasonable and necessary to avoid pollution of any stream, lake, river or creek or violate any rule to prevent water pollution shall be a significant violation and accrue five (5) points.

(U) Knowingly making false statements, representation, or certification in any water pollution form, notice, or report shall be a significant violation and accrue five (5) points.

(V) Knowingly rendering inaccurate any monitoring device or method required to be maintained by any water pollution rules shall be a significant violation and accrue five (5) points.

(3) All violations which are assessed four (4) or five (5) points shall only accrue points upon approval by the State Board of Agriculture. All other violations shall accrue points upon approval by the Agricultural Environmental Management Services Division of the Department. Assessment of points by the Agricultural Environmental Management Services

Division may be appealed in writing to the Division Director. If the accumulated number of points reaches a total of fifteen (15) points, the owner may appeal to the State Board of Agriculture:

(4) Even if the violation points do not add up to a total of fifteen (15) points, the State Board of Agriculture may deem a violation that results in serious harm to be so significant as to warrant immediate revocation, nonrenewal, or suspension of the license:

(5) Any owner whose license is suspended, revoked, or not renewed shall remain without the license for a minimum of one (1) year. At the Department's discretion, the license may be renewed so long as the owner complies with all conditions which the Department imposes on the swine feeding operation.

(6) Conditions for renewal shall at a minimum include compliance during the entire period of revocation with all aspects of the Oklahoma Swine Feeding Operations Act and its rules, and correction of all conditions which caused the license nonrenewal, suspension, or revocation.

## SUBCHAPTER 4. CONCENTRATED ANIMAL FEEDING OPERATIONS

### 35:17-4-18. Violation points system\_[REVOKED]

—The following violation points system shall be utilized by the Department to assess points prior to suspension, revocation, or nonrenewal of a CAFO license. This system shall operate in addition to penalties provided for in the Oklahoma Concentrated Animal Feeding Operations Act, and shall not alter the authority to the Board to revoke a license under other sections of the Act:

(1) When any animal feeding operation accrues a total of fifteen (15) or more points in any two (2) year time period, the license of the animal feeding operation shall be suspended, revoked, or not renewed by the Board:

(2) Points shall accrue based on violations of the Oklahoma Concentrated Animal Feeding Operations Act and rules:

(A) Failure of any CAFO to apply for a license when required by the provisions of the Oklahoma Concentrated Animal Feeding Operations Act shall accrue three (3) to five (5) points:

(B) Knowingly making any false statement, representation, or certification in, omitting material data from, or tampering with any application for a license, or notice relating to the determination of affected property owners shall be a significant violation and accrue four (4) to five (5) points:

(C) Failure to follow the Pollution Prevention Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points:

(D) Failure to follow the Pollution Prevention Plan and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points:

(E) Failure to provide full closure of a facility pursuant to a closure plan shall accrue three (3) to five (5) points:

(F) Failure by an animal feeding operation to utilize or comply with Best Management Practices and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points:

(G) Failure by an animal feeding operation to utilize or comply with Best Management Practices and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points:

(H) Failure by an animal feeding operation to report a discharge shall accrue two (2) to four (4) points:

(I) Failure by an animal feeding operation to utilize or comply with an Animal Waste Management Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points:

(J) Failure by an animal feeding operation to utilize or comply with an Animal Waste Management Plan and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points:

(K) Failure by an animal feeding operation to follow a carcass disposal plan shall accrue one (1) to three (3) points:

(L) Failure by an animal feeding operation to follow a erosion control plan shall accrue one (1) to two (2) points:

(M) Failure to take such actions as are reasonable and necessary to avoid pollution of any stream, lake, river or creek or violate any rule to prevent water pollution shall be a significant violation and accrue five (5) points:

(N) Knowingly making false statements, representation, or certification in any water pollution form, notice, or report shall be a significant violation and accrue five (5) points:

(O) Knowingly rendering inaccurate any monitoring device or method required to be maintained by any water pollution rules shall be a significant violation and accrue five (5) points:

(3) All violations which are assessed four (4) or five (5) points shall only accrue points upon approval by the State Board of Agriculture. All other violations shall accrue points upon approval by the Agricultural Environmental Management Services Division of the Department. Assessment of points by the Agricultural Environmental Management Services Division may be appealed in writing to the Division Director. If the accumulated number of points reaches a total of fifteen (15) points, the owner may appeal to the State Board of Agriculture:

(4) Even if the violation points do not add up to a total of fifteen (15) points, the State Board of Agriculture may deem a violation that results in serious harm to be so significant as to warrant immediate revocation, nonrenewal, or suspension of the license.

(5) Any owner whose license is suspended, revoked, or not renewed shall remain without the license for a minimum of one (1) year. At the Department's discretion, the license may be renewed so long as the owner complies with all conditions which the Department imposes on the animal feeding operation.

(6) Conditions for renewal shall at a minimum include compliance during the entire period of revocation with all aspects of the Oklahoma Concentrated Animal Feeding Operations Act and its rules, and correction of all conditions which caused the license nonrenewal, suspension, or revocation.