

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY
CHAPTER 17. WATER QUALITY**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Swine Feeding Operations

35:17-3-6. License application for new facilities or expanding operations [AMENDED]

35:17-3-8. Application for license renewal [AMENDED]

35:17-3-11. Pollution Prevention Plan (PPP) [AMENDED]

35:17-3-13. Criteria for liners [AMENDED]

35:17-3-14. Swine Waste Management Plans [AMENDED]

35:17-3-16. Pest Management Plans (PMPs) [AMENDED]

35:17-3-19. Owner inspections [AMENDED]

35:17-3-20. Best Management Practices (BMPs) [AMENDED]

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

35:17-3-25. Closure of swine waste retention structures [AMENDED]

Subchapter 4. Concentrated Animal Feeding Operations [AMENDED]

35:17-4-1. Purpose [AMENDED]

35:17-4-4. License application for new facilities or operations [AMENDED]

35:17-4-11. Criteria for liners [AMENDED]

35:17-4-15. Owner inspections [AMENDED]

35:17-4-16. Best Management Practices (BMPs) [AMENDED]

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

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-3. Registration, Nutrient Management Plan (NMP) required [AMENDED]

35:17-5-11. Education [AMENDED]

Subchapter 7. Poultry Waste Applicators Certification

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

35:17-7-12. Land application sample requirements [NEW]

SUMMARY:

The proposed rule amendments update the insuring to ensuring; adds supporting documentation for separation of waste retention from water for CAFO facilities and adds a closure plan to CAFO facilities application; adds a site evaluation on retention structures and a sludge accumulation survey for liner criteria for CAFOs; changes the BMP description requirement from the owner to PPP; revokes the violations points system; adds language that requires commercial poultry waste applicators to produce reports and schedules for poultry waste clean-outs and land applications upon request; adds a new rule laying out the analysis required for land application samples; adds requirements for poultry feeding operations to update their nutrient plan if it changes or if they add land; requires a written notice to the Department if a poultry feeding operator intends to sell a registered operation; updates language from LMFOs to swine facility operations; adds requirements for site evaluations and sludge accumulation for swine operations; and revokes the violation points system for swine operations.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2), 2 O.S. §10-9 et seq., 2 O.S. §10-9.17 et seq., 2 O.S. § 20-1 et seq., and 2 O.S. § 20-40 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kiersten Wormus at kiersten.wormus@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning November 1, 2024, and ending December 2, 2024.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., December 3, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Wormus at the address listed above during the period beginning November 1, 2024, and ending December 2, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Wormus at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Wormus, (405) 522-5803, e-mail address: at Kiersten.wormus@ag.ok.gov.