

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 4. Concentrated Animal Feeding Operations

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

35:17-4-6. Application for license renewal [AMENDED]

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

35:17-4-13. Carcass disposal [AMENDED]

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

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-2. Definitions [AMENDED]

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

35:17-5-3.1. Setbacks for new or expanding construction of poultry barns [AMENDED]

35:17-5-4. Soil and litter tests required [REVOKED]

35:17-5-5. Nutrient Management Plan [AMENDED]

35:17-5-9.1. Biosecurity [AMENDED]

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

Subchapter 7. Poultry Waste Applicators Certification

35:17-7-2. Definitions [AMENDED]

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

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

35:17-7-8. Education requirements [AMENDED]

35:17-7-12. Land Application Sample Requirements [NEW]

Subchapter 9. Agricultural Compost Facilities

35:17-9-3. Permit provisions and application [AMENDED]

35:17-9-6. Leachate and storm water control [AMENDED]

35:17-9-8. Existing facilities [AMENDED]

SUMMARY:

The proposed rule amendments removes and revokes duplicate language from statutes; adds consultant utilizing soil testing and documentation to new facility minimum for CAFO; corrects spelling error; adds a late fee for CAFO license renewals; adds requirement for waste retention structure and sludge accumulation survey for CAFO liner criteria; adds alternative method process for carcass disposals for CAFOs; changes owner to PPP for best management practices for CAFOs; adds a late free for PFOs registration renewals; adds a requirement for PFO to maintain a current NMP and process of submitting one; adds a requirement for the Department to be notified of a transfer of ownership; adds alternative to barn requirements for structures of PFO; adds phosphate and nitrate to land application soil analysis; adds a requirement for an PFO owner to notify the Department of runoff that reaches waters of the State; updates reference to OSU extension service for education courses; updates the definition of private poultry waste applicator; adds a requirement for persons selling more than ten tons of waste a year to obtain an applicator's certificate; adds a new rule for land application sample requirements; adds a requirement for a fire prevention and control to composting plans; adds requirements for

retention structure inspections and maintenance for composting facilities; and adds a requirement for a licensed compost facility to submit updated plans prior to changes to operation or source.

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., 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 October 15, 2025, and ending November 14, 2025.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., November 17, 2025, 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 October 15, 2025, and ending November 14, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting <http://app.ag.ok.gov/proposedrules/default.aspx> 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.