

## CROSS-WALK OF FEDERAL AND OKLAHOMA CAFO REGULATIONS

FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
<b>40 CFR PART 412 – CAFO POINT SOURCE CATEGORY</b>			
412.1 – General Applicability. This part applies to manure, litter, and/or process wastewater discharges resulting from concentrated animal feeding operations (CAFOs). Manufacturing and/or agricultural activities which may be subject to this part are generally reported under one or more of the following Standard Industrial Classification (SIC) codes: SIC 0211, SIC 0213, SIC 0214, SIC 0241, SIC 0251, SIC 0252, SIC 0253, SIC 0254, SIC 0259, or SIC 0272 (1987 SIC Manual).	2 § 9-202 (A)  27A § 1-3-103	Concentrated animal feeding operations are point sources subject to the license program established pursuant to the provisions of the Oklahoma Concentrated Animal Feeding Operations Act.  The Oklahoma Department of Agriculture, Food, and Forestry is hereby designated as an official environmental regulatory agency for agricultural point source and nonpoint source pollution within its jurisdiction as specified in subsection D of Section 1-3-101 of Title 27A of the Oklahoma Statutes. The Department is hereby authorized and directed to seek delegation from the Environmental Protection Agency (EPA) to administer any and all of the National Pollution Discharge Elimination System (NPDES) programs for agricultural point and nonpoint source discharges within its specified jurisdiction.	
412.2 – General definitions. As used in this part:  (a) The general definitions and abbreviations at 40 CFR part 401 apply.	2 § 9-202.B 2 § 10-9.B 35:17-3-2 35:17-5-2	General definitions and abbreviations at Oklahoma CAFO Act, Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto apply.	
(b) Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO) are defined at 40 CFR 122.23.	2 § 9-202 (B)(2), (11) & (18) 2 § 10-9.1(B)(19) & (20)	Animal feeding operations (AFO), Concentrated Animal Feeding Operations and Licensed Managed Feeding Operations are defined at these sections.  Poultry and Poultry feeding operations are defined at these sections.	
Cont.  [See NPDES crosswalk for details regarding CAFO definition]		{See NPDES crosswalk for CAFO and LMFO definition}	

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(c) Fecal coliform means the bacterial count (Parameter 1) at 40 CFR 136.3 in Table 1A, which also cites the approved methods of analysis.		Oklahoma CAFO, Registered Poultry Feeding Operations Act and rules promulgated thereto do not define fecal coliform as referred to in 40 CFR 136.3.	
(d) Process wastewater means water directly or indirectly used in the operation of the CAFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other CAFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding.	2 § 9-202 (B)(26)	Process wastewater means any water utilized in the facility that comes into contact with any manure, litter, bedding, raw, intermediate, or final material or product used in or resulting from the production of animals and any products directly or indirectly used in the operation of a facility, such as spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, direct contact, swimming, washing or spray cooling of animals; and dust control and any precipitation which comes into contact with animals or animal waste.	
(e) Land application area means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied.	2 § 9-205.3 (C)(3)	<b>Note:</b> Both Acts and rules promulgated pursuant thereto do not define <i>land application area</i> . The cited section of the Act states the following: “All calculations in determining land application rates, acreage and crops for the land application rate of both solid and liquid animal wastes on <i>land owned or controlled by licensee</i> .” It is therefore understood that land application area means land under the control of an AFO owner or operator.	
(f) New source is defined at 40 CFR 122.2. New source criteria are defined at 40 CFR 122.29(b).	N.A.	The current Oklahoma CAFO Act does not define “new source.” <b>Note:</b> After the effective date of the current CAFO Act (August 1, 1998) a new LMFO must comply with additional requirements as specified in the Act and rules regarding setback from occupied residences, Scenic Rivers, public water supply sources, prevention of hydrologic connection, odor abatement plan, pest management plan, etc.	
(g) Overflow means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the	N.A.	Oklahoma CAFO Act and rules promulgated thereto do not contain definition for “overflow.”	



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(i) Ten (10)-year, 24-hour rainfall event, 25-year, 24-hour rainfall event, and 100-year, 24-hour rainfall event mean precipitation events with a probable recurrence interval of once in ten years, or twenty five years, or one hundred years, respectively, as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or State rainfall probability information developed from this source.	OAC 35:17-3-2	"25-year, 24-hour rainfall event" means the maximum twenty-four (24) hour precipitation event with a probable recurrence interval of once in twenty-five (25) years, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information.	The current Oklahoma CAFO Act and rules do not contain limitations based on 10-year, 24-hour, or 100-year, 24-hour rainfall events.
(j) Analytical methods. The parameters that are regulated or referenced in this part and listed with approved methods of analysis in Table 1B at 40 CFR 136.3 are defined as follows: (1) Ammonia (as N) means ammonia reported as nitrogen. (2) BOD5 means 5-day biochemical oxygen demand. (3) Nitrate (as N) means nitrate reported as nitrogen. (4) Total dissolved solids means nonfilterable residue.	2 § 9-205.3.B (5)(e)  OAC 35:17-3.11(e)(4)	The parameters that are regulated and referenced in Oklahoma CAFO Act and rules promulgated thereto are: 1. Fecal coliform bacteria 2. Biochemical Oxygen Demand (BOD <sub>5</sub> ) 3. Total Suspended Solids (TSS) 4. Ammonia nitrogen and nitrate-nitrogen 5. Total Kjeldhal Nitrogen (TKN) 6. Electrical conductivity 7. pH 8. Total Phosphorus 9. Sodium, potassium, calcium, magnesium <b>Note:</b> Testing shall be performed by an Oklahoma Department of Environmental Quality certified independent testing laboratory.	
(k) The parameters that are regulated or referenced in this part and listed with approved methods of analysis in Table 1A at 40 CFR 136.3 are defined as follows: (1) Fecal coliform means fecal coliform bacteria. (2) Total coliform means all coliform bacteria.	N.A.	The Acts and rules promulgated thereto do not define fecal coliform or total coliform.	
412.3 – General Pretreatment Standards.	N.A.	The Oklahoma CAFO Act and rules promulgated pursuant thereto do not	



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<p>or pollutants from leaving the field and reaching surface waters.</p> <p>(3) Multi-year phosphorus application means phosphorus applied to a field in excess of the crop needs for that year. In multi-year phosphorus applications, no additional manure, litter, or process wastewater is applied to the same land in subsequent years until the applied phosphorus has been removed from the field via harvest and crop removal.</p>	<p>N.A.</p>	<p>accepted as an appropriate measure to minimize pollutants from leaving the field.</p> <p>The current Oklahoma CAFO, Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto do not contain the concept of “multi-year phosphorus application” as defined in Section 412 (b)(3). The Acts and rules do set restrictions on phosphorus loading rate in certain areas. 2 § 9-205.3.C (4)(a)(1) states: “land application of animal waste shall not exceed the nitrogen uptake of the crop coverage or planned crop planting with any land application of wastewater or manure. Where local water quality is threatened by phosphorus, in no case shall the applicant or licensee exceed the application rates in the most current NRCS publication titled Waste Utilization Standard.” OAC 35:17-3-14(4)(B) further states in part: “ Watersheds that are nutrient limited and ground-waters that are nutrient vulnerable shall be deemed to be threatened by phosphorus.”</p>	
<p>(c) Requirement to develop and implement best management practices. Each CAFO subject to this section that land applies manure, litter, or process wastewater, must do so in accordance with the following practices:</p> <p>(1) Nutrient Management Plan. The CAFO must develop and implement a nutrient management plan that incorporates the requirements of paragraphs (c)(2) through (c)(5) of this section based on a field-specific assessment of the potential for nitrogen and phosphorus transport from the field and that addresses the form, source, amount, timing, and method of application of</p>	<p>2 § 9-205.3 A (1) &amp; (2)</p> <p>2 § 10.9.7 (A)</p>	<p>All licensed managed feeding operations shall utilize Best Management Practices meeting the conditions and requirements established by subsection B of this section and by rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Concentrated Animal Feeding Operations Act.</p> <p>Animal feeding operations licensed pursuant to the provisions of the Oklahoma Concentrated Animal Feeding Operations Act other than licensed managed feeding operations shall utilize Best Management Practices, or may substitute for best management practices equivalent measures contained in a site-specific Animal Waste Management Plan meeting the conditions and requirements established by subsection C of this section and rules promulgated by the Board pursuant to the Oklahoma Concentrated Animal Feeding Operations Act.</p> <p>All poultry feeding operations shall utilize Best Management Practices and shall meet the conditions and requirements established by subsection B of</p>	

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nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters.	2 § 9-205.3 (C) 2 § 10-9.7 (B) & (C)	this section and by rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Registered Poultry Feeding Operations Act.  Animal Waste Management Plan (AWMP) for a CAFO, LMFO and poultry operation contains requirements for (1) determination of application rates; (2) manure and soil sampling; (3) inspection of land application equipment, and (4) land application restrictions.  <b>Note:</b> Oklahoma CAFO and Registered Feeding Operations Rules prohibit land application of wastewater or manure when the ground is saturated, frozen or during rainfall events	
(2) Determination of application rates. Application rates for manure, litter, and other process wastewater applied to land under the ownership or operational control of the CAFO must minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the technical standards for nutrient management established by the Director. Such technical standards for nutrient management shall:  (i) Include a field-specific assessment of the potential for nitrogen and phosphorus transport from the field to surface waters, and address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters; and  (ii) Include appropriate flexibilities for any CAFO to implement nutrient management practices to comply with the technical standards, including consideration of multi-year phosphorus application	N.A.  2 § 9-205.3 (C)  2 § 10-9.7 (C)	<b>Note:</b> EPA Region 6 has not established the Technical Standards for nutrient management as required by 40 CFR Part 123.36. The Department of Agriculture, Food, and Forestry, Agricultural Environmental Management Services has drafted a Technical Guidance Manual for nutrient management that is consistent with 40 CFR Part 122.42(e)(1) and Part 412.4(c)(2).  Animal Waste Management Plan (AWMP) shall include, at a minimum: (1) all calculations in determining land application rates, acreage and crops for the land application rate of both solid and liquid animal waste; (2) land application rate shall not exceed the nitrogen uptake of the crop coverage; (3) animal feeding operations and poultry operations located in nutrient limited watershed shall comply with nutrient loading rates as specified in NRCS publication titled Waste Utilization Standard; (4) timing and rate of application shall be in response to crop needs; (5) land application practices shall be managed so as to reduce or minimize the discharge of process water or animal waste to waters of the state and contamination of waters of the state.	Oklahoma CAFO Act, Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto, do not contain nutrient management as specified in § 122.42 (e) and § 412.4(c). The requirements set in the PPP, BMP and AWMP are basically equivalent to the nine elements addressed in the referenced sections of 40 CFR 122 and

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on fields that do not have a high potential for phosphorus runoff to surface water, phased implementation of phosphorus-based nutrient management, and other components, as determined appropriate by the Director.			412.
(3) Manure and soil sampling. Manure must be analyzed a minimum of once annually for nitrogen and phosphorus content, and soil analyzed a minimum of once every five years for phosphorus content. The results of these analyses are to be used in determining application rates for manure, litter, and other process wastewater.	2 § 9-205.3 (G)  OAC 35:17-3-11(e)(4)  2 § 10-9.7.D & E	Soils in area in which animal waste is applied shall be analyzed, annually, for phosphates, nitrates and soil pH prior to the first application of the animal waste in the calendar year.  Sufficient testing of waste storage facilities shall be conducted at least every three (3) years. All owners of LMFOs shall sample waste retention structure contents annually prior to the first land application of the calendar year. Owners of LMFOs shall sample waste retention structure contents for ammonium-nitrogen, nitrate-nitrogen, total phosphorus, electrical conductivity, pH, sodium, potassium, calcium, magnesium, total nitrogen, and total solids.  Every poultry feeding operation located in a non-nutrient-limited and non-nutrient-vulnerable ground waters shall perform soil testing on each land application area and poultry waste testing at least once every three (3) years  Every poultry feeding operation located in a nutrient-limited and nutrient-vulnerable ground waters shall perform soil testing on each land application area prior to the first application of the calendar year. Poultry waste testing shall be performed annually prior to the first application of the calendar year.  Soil and poultry waste testing shall be performed to determine: (1) soil pH and plant available nutrients including at least nitrogen, phosphorus and potassium; (2) poultry nutrient concentrations and moisture, and (3) application rate based upon current USDA NRCS Waste Utilization Standards, unless the State Department of Agriculture approves other standards.	
(4) Inspect land application equipment for leaks.	2 § 9-205.3	Facilities including waste retention structures, waste storage sites, ponds,	

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The operator must periodically inspect equipment used for land application of manure, litter, or process wastewater.	C (4)(c) & (d)  2 § 9-205.5  OAC 35:17-3-19(c)	<p>pipes, ditches, pumps, diversion and <i>irrigation equipment</i> shall be maintained to ensure ability to fully comply with the terms of the Oklahoma CAFO Act.</p> <p>Adequate equipment and land application area shall be available for removal of such waste and wastewater as required to maintain the proper operating volume of the retention structure.</p> <p>All irrigation systems into which any animal waste will be injected shall be equipped with one or both of the following systems:</p> <ol style="list-style-type: none"> <li>1. An anti-pollution system, approved by the Department;</li> <li>2. A system that provides for a complete and total disconnection between the flow of fresh water and the flow of animal waste.</li> </ol> <p>The authorized person named in the PPP shall require inspection of designated equipment and facilities areas.</p>	
(5) Setback requirements. Unless the CAFO exercises one of the compliance alternatives provided for in paragraph (c)(5)(i) or (c)(5)(ii) of this section, manure, litter, and process wastewater may not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters.	2 § 9-210.1.B & E  2 § 10-9	<p><b>Note:</b> The Oklahoma CAFO and Poultry Feeding Operations Acts and rules promulgated pursuant thereto do not contain equivalent setback requirements. The CAFO and Poultry Feeding Operations Acts do provide for the following setback requirements:</p> <p>Except as otherwise authorized by this subsection, no liquid animal waste shall be land applied within five hundred (500) feet of the nearest corner of an occupied residence not owned or leased by the owner of the animal feeding operation.</p> <p>No liquid animal waste shall be land applied within three hundred (300) feet of an existing public or private drinking water well.</p> <p>Acceptance or approval of pending concentrated animal feeding operation applications – Prohibition within certain distance upstream from Pensacola Project boundary.</p> <p>On the effective date of this act (emergency effective April 17, 2002) , the Department of Agriculture shall not accept or approve any pending application requesting permits for registration, construction or expansion of</p>	

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<p>(i) Vegetated buffer compliance alternative. As a compliance alternative, the CAFO may substitute the 100-foot setback with a 35- foot wide vegetated buffer where applications of manure, litter, or process wastewater are prohibited.</p> <p>(ii) Alternative practices compliance alternative. As a compliance alternative, the CAFO may demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot setback.</p>		<p>any concentrated animal feeding operation, as defined in Section 9-202 of Title 2 of the Oklahoma Statutes, or poultry feeding operation, as defined in Section 10-9.1 of Title 2 of the Oklahoma Statutes, to be located within one mile upstream of the Pensacola Project boundary as described in the records of the Grand River Dam Authority and the Federal Emergency Management Agency. Any such operation currently authorized or permitted shall not be affected by the provisions of this section.</p>	
	OAC 35:17-5-5(a)(7)(C) & (D)	<p>The procedures documented in the AWMP shall ensure that the handling and utilization of poultry waste complies with the following requirements:                      Runoff of poultry waste from the land application site is prohibited.                      All practices necessary to minimize movement of poultry waste to watercourses shall be utilized and documented in the AWMP.</p>	
	N.A.	<p><b>Note:</b> The Oklahoma CAFO Act and rules promulgated pursuant thereto do not prescribe the vegetative buffer compliance alternative. OAC 35-17-5 (Poultry Feeding Operations Rules) section 5(a)(7)(E) states: “Edge of field, grassed strips shall separate water courses from runoff which may be carrying eroded soil or poultry waste.”</p>	
N.A.	<p><b>Note:</b> Oklahoma CAFO, Poultry Feeding Operations Acts and rules promulgated pursuant thereto do not contain provision for alternative practices compliance alternative as specified in section 412.4(c)(5)(ii).</p>		
<b>SUBPART A – HORSES AND SHEEP</b>			
Sec. 412.10 Applicability.	N.A.	Any horse or sheep operation that meets the definition of a CAFO as specified in Section 9-202(B)(11) shall comply with all requirements as set	

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<p>This subpart applies to discharges resulting from the production areas at horse and sheep CAFOs. This subpart does not apply to such CAFOs with less than the following capacities: 10,000 sheep or 500 horses.</p> <p>(a) Except as provided in 40 CFR 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT: There shall be no discharge of process waste water pollutants to navigable waters.</p> <p>(b) Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated waste waters plus the runoff from a 10-year, 24-hour rainfall event for the location of the point source.</p>	<p>OAC 35:17-3-11(e)(5)(B)</p>	<p>forth in the Oklahoma CAFO Act and OAC 35-17-3.</p> <p>This section states in part: Retention structure capacity shall be based upon the following, at a minimum: (i) the runoff volume from open lot surfaces; (ii) the runoff volume from areas between open lot surfaces and the retention structure; (v) all waste and process generated wastewater produced during a period of time not less than twenty-one (21) calendar days; (vi) volume of a 25-year, 24-hour rainfall event.</p> <p>Process wastewater in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process wastewater from a retention structure properly designed, constructed and operated to contain all process wastewaters plus the runoff from a twenty-five-year, twenty-four-hour rainfall event for the location of the point source. There shall be no effluent limitation on discharges from a waste facility constructed and properly maintained to contain the twenty-five-year, twenty-four-hour storm event; provided the proper design, construction and operation of the retention structure shall include but not be limited to one (1) foot of free board.</p>	
<p>Sec. 412.13 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).</p> <p>(a) Except as provided in 40 CFR 125.30 through 125.32 and when the provisions of paragraph (b) of this section apply, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT: There shall be no discharge of process waste water pollutants into U.S. waters.</p>	<p>N.A.</p> <p>2 § 9-205.3. B(1)</p>	<p>The current Oklahoma CAFO Act and rules promulgated pursuant thereto do not address provisions for BPT, BAT, NSPS and PSNS.</p> <p>There shall be no discharge of process wastewater to waters of the state except in accordance with the provisions of the Oklahoma Concentrated Animal Feeding Operations Act.</p> <p>Process wastewater in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow</p>	

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(b) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into U.S. waters.	§ 9-204.1. D (3)	of process wastewater from a retention structure properly designed, constructed and operated to contain all process wastewaters plus the runoff from a twenty-five-year, twenty-four-hour rainfall event for the location of the point source. There shall be no effluent limitation on discharges from a waste facility constructed and properly maintained to contain the twenty-five-year, twenty-four-hour storm event; provided the proper design, construction and operation of the retention structure shall include but not be limited to one (1) foot of free board.	
<p>Sec. 412.15 Standards of performance for new sources (NSPS)</p> <p>(a) Except as provided in paragraph (b) of this section, any new source subject to this subpart must achieve the following performance standards: There must be no discharge of process wastewater pollutants into U.S. waters.</p> <p>(b) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into U.S. waters.</p>	<p>N.A.</p> <p>2 § 9-205.3. B (1)</p> <p>2 § 9-204.1 D (3)</p>	<p><b>Note:</b> Current Oklahoma CAFO Act does not contain performance standards for new sources (NSPS)</p> <p>There shall be no discharge of process wastewater to waters of the state except in accordance with the provisions of the Oklahoma Concentrated Animal Feeding Operations Act.</p> <p>Process wastewater in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process wastewater from a retention structure properly designed, constructed and operated to contain all process wastewaters plus the runoff from a twenty-five-year, twenty-four-hour rainfall event for the location of the point source. There shall be no effluent limitation on discharges from a waste facility constructed and properly maintained to contain the twenty-five-year, twenty-four-hour storm event; provided the proper design, construction and operation of the retention structure shall include but not be limited to one (1) foot of free board.</p>	
<b>SUBPART B – DUCKS</b>			
Sec. 412.20 Applicability. This subpart applies to discharges resulting from the production areas at	N.A.	<b>Note:</b> A duck operation is a CAFO if it meets the definition as prescribed in	

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dry lot and wet lot duck CAFOs. This subpart does not apply to such CAFOs with less than the following capacities: 5,000 ducks.	2 § 10-9.1 B. 19	2 § 9-202 B (11)(b)(1)(f) and B (11)(b)(2).  “Poultry” includes chickens, turkeys, ducks, geese and any other domesticated bird used for human food and/or animal feed.  A poultry operation that produces over ten (10) tons of poultry waste per year is defined as poultry feeding operation and registration is required.	
Sec. 412.21 Special definitions. For the purposes of this subpart:  (a) Dry lot means a facility for growing ducks in confinement with a dry litter floor cover and no access to swimming areas.  (b) Wet lot means a confinement facility for raising ducks which is open to the environment, has a small number of sheltered areas, and with open water runs and swimming areas to which ducks have free access.	N.A.	<b>Note:</b> The current Oklahoma CAFO Act, Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto do not specify these special definitions.	
Sec. 412.22 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).  (a) Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the (BPT):  (BPT) Existing duck CAFOs shall achieve the following effluent limitations:	N.A.  N.A.		

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<p>BOD5: Maximum daily 3.66 lb. (1.66 kg)/1,000 ducks Maximum monthly average 2.0 lb. (0.91 kg)/1,000 ducks Fecal coliform: not to exceed MPN of 400 per 100 ml at any one time</p>			
<p>Sec. 412.25 New source performance standards (NSPS).</p> <p>(a) Except as provided in paragraph (b) of this section, any new source subject to this subpart must achieve the following performance standards: There must be no discharge of process waste water pollutants into U.S. waters.</p> <p>(b) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into U.S. waters.</p>	<p>N.A.</p> <p>2 § 9-205.3. B(1)</p> <p>2 § 9-204.1. D (3)</p>	<p>There shall be no discharge of process wastewater to waters of the state except in accordance with the provisions of the Oklahoma Concentrated Animal Feeding Operations Act.</p> <p>Process wastewater in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process wastewater from a retention structure properly designed, constructed and operated to contain all process wastewaters plus the runoff from a twenty-five-year, twenty-four-hour rainfall event for the location of the point source. There shall be no effluent limitation on discharges from a waste facility constructed and properly maintained to contain the twenty-five-year, twenty-four-hour storm event; provided the proper design, construction and operation of the retention structure shall include but not be limited to one (1) foot of free board.</p>	
<p>Sec. 412.26 Pretreatment standards for new sources (PSNS).</p> <p>(a) Except as provided in 40 CFR 403.7 and in paragraph (b) of this section, any new source subject to this subpart must achieve the following performance standards: There must be no introduction of process waste water pollutants to a POTW.</p>	<p>N.A.</p> <p>N.A.</p> <p>N.A.</p>	<p><b>Note:</b> The current Oklahoma CAFO Act and rules promulgated pursuant thereto do not contain provision for pretreatment standards for new sources (PSNS).</p>	

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(b) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be introduced to a POTW.			
<b>Subpart C – Dairy Cows and Cattle Other Than Veal Calves</b>			
Sec. 412.30 Applicability. This subpart applies to operations defined as concentrated animal feeding operations (CAFOs) under 40 CFR 122.23 and includes the following animals: mature dairy cows, either milking or dry; cattle other than mature dairy cows or veal calves. Cattle other than mature dairy cows includes but is not limited to heifers, steers, and bulls. This subpart does not apply to such CAFOs with less than the following capacities: 700 mature dairy cows whether milked or dry; 1,000 cattle other than mature dairy cows or veal calves.	2 § 9-202. B. 11(b)	CAFO means an animal feeding operation which meets the following criteria: (1) more than the number of animals specified in any of the following categories are confined: (a) 1,000 slaughter and feeder cattle, (b) 700 mature dairy cattle, whether milk or dry cows. (2) pollutants are discharged into waters of the state. Provided, no animal feeding operation pursuant to this subparagraph shall be construed to be a concentrated animal feeding operation if such animal feeding operation discharges only in the event of a twenty-five-year, twenty-four-hour storm event.	
Sec. 412.31 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT). Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:  (a) For CAFO production areas. Except as provided in paragraphs (a)(1) through (a)(2) of this section, there must be no discharge of manure, litter, or process wastewater pollutants into waters	2 § 9-205.3. B (1)	There shall be no discharge of process wastewater to waters of the state except in accordance with the provisions of the Oklahoma Concentrated Animal Feeding Operations Act.  Process wastewater in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow	

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<p>of the U.S. from the production area.</p> <p>(1) Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into U.S. waters provided: (i) The production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24- hour rainfall event; (ii) The production area is operated in accordance with the additional measures and records required by Sec. 412.37(a) and (b).</p> <p>(2) Voluntary alternative performance standards. Any CAFO subject to this subpart may request the Director to establish NPDES permit effluent limitations based upon site-specific alternative technologies that achieve a quantity of pollutants discharged from the production area equal to or less than the quantity of pollutants that would be discharged under the baseline performance standards as provided by paragraph (a)(1) of this section.</p> <p>(i) Supporting information. [Omitted].</p> <p>(ii) The Director has the discretion to request additional information to supplement the supporting technical analysis, including inspection of the CAFO.</p> <p>(3) The CAFO shall attain the limitations and requirements of this paragraph as of the date of permit coverage.</p>	<p>2 § 9-204.1. D (3)</p> <p>N.A.</p>	<p>of process wastewater from a retention structure properly designed, constructed and operated to contain all process wastewaters plus the runoff from a twenty-five-year, twenty-four-hour rainfall event for the location of the point source. There shall be no effluent limitation on discharges from a waste facility constructed and properly maintained to contain the twenty-five-year, twenty-four-hour storm event; provided the proper design, construction and operation of the retention structure shall include but not be limited to one (1) foot of free board.</p> <p><b>Note:</b> The current Oklahoma CAFO Act and rules promulgated pursuant thereto do not contain provisions pertaining to voluntary alternative performance standards as prescribed in Section 412.31(a)(2).</p>	
<p>(b) For CAFO land application areas. Discharges from land application areas are subject to the</p>	<p>2 § 202.B.17</p>	<p>“Land Application” means the spreading on, or incorporation of animal waste into the soil mantle primarily for beneficial purposes.</p>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
<p>following requirements:</p> <p>(1) Develop and implement the best management practices specified in Sec. 412.4;</p> <p>(2) Maintain the records specified at Sec. 412.37(c);</p> <p>(3) The CAFO shall attain the limitations and requirements of this paragraph by December 31, 2006.</p>	<p>2 § 9-205.3.A.2</p> <p>OAC 35:17-3.11(e)(7)</p> <p>N.A.</p>	<p>Animal feeding operations licensed pursuant to the provision of the Oklahoma Concentrated Animal Feeding Operations Act other than licensed managed feeding operations shall utilize Best Management Practices, or may substitute for best management practices equivalent measures contained in a site-specific Animal Waste Management Plan meeting the conditions and requirements established by subsection C of this section and by rules promulgated by the Board pursuant to the Oklahoma Concentrated Animal Feeding Operations Act.</p> <p>The following records, in addition to those required by the Act, shall be maintained at the site for a minimum of three (3) years</p> <p><b>Note:</b> A license to operate will not be issued by the Board until the Department approves the applicant's Pollution Prevention Plan that includes BMPs and Animal Waste Management Plan. The applicant must also comply with all the requirements for public notice and hearing.</p>	
<p>Sec. 412.32 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).</p> <p>Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BCT:</p> <p>(a) For CAFO production areas: the CAFO shall attain the same limitations and requirements as Sec. 412.31(a).</p> <p>(b) For CAFO land application areas: the CAFO shall attain the same limitations and requirements as Sec. 412.31(b).</p>	<p>N.A.</p> <p>2 § 9-205.3.A.2.</p> <p>2 § 9-205.2, 2 § 9-205.3.B &amp; C</p> <p>2 § 9-</p>	<p><b>Note:</b> The current Oklahoma CAFO Act and rules promulgated pursuant thereto do not contain provisions for BCT.</p> <p><b>Note:</b> See requirements above.</p> <p>With the exception of <i>Voluntary alternative performance standards</i>, the Pollution Prevention Plan, Best Management Practices and Animal Waste Management Plan contain similar effluent limitations and requirements as Section 412.31(a).</p> <p>A CAFO shall utilize Best Management Practices or equivalent measures contained in a site-specific Animal Waste Management Plan.</p>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
	205.3.A 2	As stated above, a CAFO shall attain the limitations and requirements of the Act and rules prior to the issuance of a license.	
<p>Sec. 412.33 Effluent limitations attainable by the application of the best available technology economically achievable (BAT). Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT:</p> <p>(a) For CAFO production areas: the CAFO shall attain the same limitations and requirements as Sec. 412.31(a).</p> <p>(b) For CAFO land application areas: the CAFO shall attain the same limitations and requirements as Sec. 412.31(b).</p>	<p>N.A.</p> <p>2 § 9-205.2, 2 § 9-205.3.B &amp; C.</p> <p>2 § 9-205.3.A (2)</p>	<p><b>Note:</b> The current Oklahoma CAFO Act and rules promulgated pursuant thereto do not use the term best available technology economically achievable (BAT). They do, however, set similar effluent limitations and requirements as specified in Sec. 412.33.</p> <p>With the exception of <i>Voluntary alternative performance standards</i>, the Pollution Prevention Plan, Best Management Practices and Animal Waste Management Plan contain similar effluent limitations and requirements as Section 412.31(a).</p> <p>A CAFO shall utilize Best Management Practices or equivalent measures contained in a site-specific Animal Waste Management Plan.</p>	
<p>Sec. 412.35 New source performance standards (NSPS). Any new point source subject to this subpart must achieve the following effluent limitations representing the application of NSPS:</p> <p>(a) For CAFO production areas. The CAFO shall attain the same limitations and requirements as Sec. 412.31(a)(1) and Sec. 412.31(a)(2).</p> <p>(b) For CAFO land application areas: The CAFO</p>	<p>N.A.</p> <p>2 § 9-205.2, 2 § 9-205.3.B &amp; C.</p> <p>2 § 9-205.3.</p>	<p><b>Note:</b> The term “New source performance standards” is not contained in the current Oklahoma CAFO Act and rules promulgated pursuant thereto.</p> <p>Pursuant to the CAFO Act and rules, a new CAFO facility or expanding operation must comply with all requirements of the Pollution Prevention Plan, Best Management Practices and Animal Waste Management Plan to obtain a license from the Board.</p> <p>With the exception of <i>Voluntary alternative performance standards</i>, the Pollution Prevention Plan, Best Management Practices and Animal Waste Management Plan contain similar effluent limitations and requirements as Section 412.31(a).</p> <p>A CAFO shall utilize Best Management Practices or equivalent measures</p>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
<p>shall attain the same limitations and requirements as Sec. 412.31(b)(1) and Sec. 412.31(b)(2).</p> <p>(c) The CAFO shall attain the limitations and requirements of this paragraph as of the date of permit coverage.</p> <p>(d) Any source subject to this subpart that commenced discharging after April 14, 1993, and prior to April 14, 2003, which was a new source subject to the standards specified in Sec. 412.15, revised as of July 1, 2002, must continue to achieve those standards for the applicable time period specified in 40 CFR 122.29(d)(1). Thereafter, the source must achieve the standards specified in Sec. 412.31(a) and (b).</p>	<p>A (2)</p> <p>2 § 9-204.1 OAC 35:17-3-6</p> <p>OAC 35:17-3-5</p>	<p>contained in a site-specific Animal Waste Management Plan</p> <p>A new CAFO must comply with all requirements of the CAFO Act and rules prior to obtaining a license to operate.</p> <p>In addition to CAFOs, any person who has filed a Notice of Intent (NOI) to be covered under the NPDES General Permit on Concentrated Animal Feeding Operations issued by the Environmental Protection Agency on February 8, 1993 or its replacement or possessing an NPDES Permit shall be required to obtain an Oklahoma CAFO License.</p>	
<p>Sec. 412.37 Additional measures.</p> <p>(a) Each CAFO subject to this subpart must implement the following requirements: (1) Visual inspections. There must be routine visual inspections of the CAFO production area. At a minimum, the following must be visually inspected:</p> <p>(i) Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channelling contaminated storm water to the wastewater and manure storage and containment structure;</p> <p>(ii) Daily inspection of water lines, including drinking water or cooling water lines;</p>	<p>OAC 35:17-3-19(a)</p> <p>OAC 35:-17-3-19(c)</p> <p>N.A.</p> <p>OAC 35:17-</p>	<p>Owner inspections.</p> <p>The owner of the person named in the PPP as the individual responsible for drafting or implementing the plan shall be responsible for inspection and record keeping.</p> <p>The authorized person named in the PPP shall require inspection of designated equipment and facility areas. Material handling areas shall be inspected for evidence of or the potential for pollutants entering the drainage system.</p> <p><b>Note:</b> Current CAFO Act and rules promulgated pursuant thereto do not contain these specific inspection requirements.</p>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
<p>(iii) Weekly inspections of the manure, litter, and process wastewater impoundments; the inspection will note the level in liquid impoundments as indicated by the depth marker in paragraph (a)(2) of this section.</p> <p>(2) Depth marker. All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event, or, in the case of new sources subject to the requirements in Sec. 412.46 of this part, the runoff and direct precipitation from a 100-year, 24-hour rainfall event.</p> <p>(3) Corrective actions. Any deficiencies found as a result of these inspections must be corrected as soon as possible.</p> <p>(4) Mortality handling. Mortalities must not be disposed of in any liquid manure or process wastewater system, and must be handled in such a way as to prevent the discharge of pollutants to surface water, unless alternative technologies pursuant to Sec. 412.31(a)(2) and approved by the Director are designed to handle mortalities.</p>	<p>3-11(e)(7)</p> <p>OAC 35:17-3-11(5)(C)(iv)</p> <p>OAC 35:17-3-19(c)</p> <p>2 § 9-205.3.H</p> <p>OAC 35-17-3-17 (a) &amp; (c)</p>	<p>Weekly measure of water level in the retention structure.</p> <p>The following minimum design standards are required for construction or modification of a retention structure embankment:  A permanent measuring device shall be maintained in the wastewater retention structure to show the volume required to contain a 25-year, 24-hour rainfall event.  <b>Note:</b> The current CAFO Act and rules promulgated pursuant thereto do not contain a provision for the 100-year, 24-hour rainfall event.</p> <p>Material handling areas shall be inspected for evidence of or the potential for pollutants entering the drainage system. A follow-up procedure shall be used to insure that appropriate action has been taken in response to the inspection.</p> <p>Every animal feeding operation licensed pursuant to the provisions of Oklahoma Concentrated Animal Feeding Operations Act shall develop a plan approved by the Department for the disposal of carcasses associated with normal mortality. The plan shall include provisions for the disposal of carcasses associated with normal mortality, with emergency disposal when a major disease outbreak or other emergency results in deaths significantly higher than normal mortality rates and other provisions which will provide for a decrease in the possibility of the spread of disease and prevent the contamination of waters of the state.</p> <p>This section states in part: “Dead animals shall be disposed of properly and in an environmentally safe manner in accordance with Federal, State, and local requirements.”  Accepted methods of carcass disposal include the following: (1) Rendering;</p>	



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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
volume of any overflow.			
<p>(c) Recordkeeping requirements for the land application areas. Each CAFO must maintain on-site a copy of its site-specific nutrient management plan. Each CAFO must maintain on-site for a period of five years from the date they are created a complete copy of the information required by Sec. 412.4 and 40 CFR 122.42(e)(1)(ix) and the records specified in paragraphs (c)(1) through (c)(10) of this section. The CAFO must make these records available to the Director and, in an authorized State, the Regional Administrator, or his or her designee, for review upon request.</p> <p>(1) Expected crop yields;            (2) The date(s) manure, litter, or process waste water is applied to each field;            (3) Weather conditions at time of application and for 24 hours prior to and following application;            (4) Test methods used to sample and analyze manure, litter, process waste water, and soil;            (5) Results from manure, litter, process waste water, and soil sampling;            (6) Explanation of the basis for determining manure application rates, as provided in the technical standards established by the Director.            (7) Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater;            (8) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;</p>	<p>2 § 9-205.2.G</p>	<p>A copy of the completed Pollution Prevention Plan shall be maintained at the site as long as the facility is in operation. The PPP shall include an approved Best Management Practices and Animal Waste Management Plan (AWMP).</p> <p><b>Note:</b> The Oklahoma CAFO Act and rules promulgated pursuant thereto do not contain record keeping requirements for the land application areas as specified in Section 412.37(c).</p> <p>2 § 9-205.3.C states in part: The AWMP shall include at a minimum:</p> <ol style="list-style-type: none"> <li>1. All calculations in determining land application rates, acreage and crops for the land application rate of both solid and liquid animal waste on land owned or controlled by the licensee.</li> <li>2. Land application of animal waste shall not exceed the nitrogen uptake of the crop coverage or planned crop planting with any land application of wastewater or manure.</li> <li>3. Timing and rate of application shall be in response to crop needs, expected precipitation and soil conditions.</li> <li>4. Adequate equipment and land application area shall be available for removal of such waste and wastewater as required to maintain the proper operating volume of the retention structure.</li> </ol>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
(9) The method used to apply the manure, litter, or process wastewater; (10) Date(s) of manure application equipment inspection.			
<b>SUBPART D – SWINE, POULTRY, AND VEAL CALVES</b>			
Sec. 412.40 Applicability. This subpart applies to operations defined as concentrated animal feeding operations (CAFOs) under 40 CFR 122.23 and includes the following animals: swine; chickens; turkeys; and veal calves. This subpart does not apply to such CAFOs with less than the following capacities: 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; and 1,000 veal calves.	2 § 9-202.B (18)	Licensed Managed Feeding Operations (LMFO) means an animal feeding operation primarily using a liquid animal waste management system, where animals are primarily housed in a roof-covered structure and which has more than the number of animals specified in any of the following categories confined: <ul style="list-style-type: none"> <li>(a) 2,500 swine each weighing over 25 kilogram, approximately 55 pounds,</li> <li>(b) 10,000 weaned swine each weighing under 25 kilograms,</li> <li>(c) 100,000 laying hens or broilers, if the facility has continuous overflow watering,</li> <li>(d) 30,000 laying hens or broilers, if the facility has a liquid manure system, or</li> <li>(e) any combination of swine weighing over twenty-five (25) kilograms or under twenty-five (25) kilograms which would equal one thousand (1,000) animal units.</li> </ul>	
Sec. 412.43 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT). Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:  (a) For CAFO production areas. (1) The CAFO shall attain the same limitations and	2 § 9-205.2 A  OAC 35:17-3-6(a)(19)	A Pollution Prevention Plan (PPP) shall be developed by each licensed managed feeding operation prior to the submission of an application pursuant to the provisions of this section and rules promulgated by the State Board of Agriculture pursuant thereto. The Pollution Prevention Plan shall include, but not be limited to, provisions for documentation of structural controls, documentation of Best Management Practices, an approved plan for the disposal of animal waste and record keeping provisions.  Applications for LMFOs shall also include an Odor Abatement Plan (OAP), a Pest Management Plan (PMP), and any other plan required by the	The Oklahoma CAFO Act and rules promulgated pursuant thereto do not contain provisions for BPT, BCT or BAT.



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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
(2) The CAFO shall attain the limitations and requirements of this paragraph by December 31, 2006.	N.A.	<p><b>Note:</b> The LMFO shall attain the same limitations and requirements as Sec. 9-205.B, Sec. 9-205.C, Sec. 9-205.E and Sec. 9-205.G of the Oklahoma CAFO Act.</p> <p><b>Note:</b> Prior to issuance of a license, a new LMFO or expanding operation shall comply with all limitations and requirements as specified in Sec. 9-205.2 (Pollution Prevention Plan), Sec. 9-205.3 (Best Management Practices) and other requirements deemed necessary by the Department.</p>	
<p>Sec. 412.44 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT). Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BCT:</p> <p>(a) For CAFO production areas: the CAFO shall attain the same limitations and requirements as Sec. 412.43(a).</p> <p>(b) For CAFO land application areas: the CAFO shall attain the same limitations and requirements as Sec. 412.43(b).</p>	<p style="text-align: center;">N.A.</p> <p style="text-align: center;">2 § 9-205.3.B</p> <p style="text-align: center;">2 § 9-202.B (17)</p> <p style="text-align: center;">2 § 9-205.3.</p>	<p><b>Note:</b> The current Oklahoma Concentrated animal Feeding Operations Act and rules promulgated pursuant thereto do not contain provisions for best conventional pollutant control technology (BCT) as referred to in Sec. 412.44.</p> <p>The criteria for Best Management Practices shall be promulgated by rule by the Board, based upon existing physical and economic conditions, opportunities and constraints and shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1. There shall be no discharge of process wastewater to waters of the state except in accordance with the provisions of the Oklahoma Concentrated Animal Feeding Operations Act</li> <li>2. Animal waste shall be isolated from outside surface drainage by ditches, dikes, berms, terraces or other such structures except for a twenty-five-year, twenty-four-hour rainfall event.</li> <li>3. Animal waste handling, treatment, management and removal shall: (i) comply with the Odor Abatement Plan; (ii) conform to the Pest Management Plan.</li> </ol> <p>Land application means the spreading on, or incorporation of animal waste into the soil mantle primarily for beneficial purposes.</p> <p>All licensed managed feeding operations shall utilize Best Management Practices meeting the conditions and requirements established by subsection</p>	

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	A (1)	B of this section and rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Concentrated Animal Feeding Operations Act. <b>Note:</b> The LMFO shall attain the same limitations and requirements as Sec. 9-205.B, Sec. 9-205.C, Sec. 9-205.E and Sec. 9-205.G of the Oklahoma CAFO Act.	
<p>Sec. 412.45 Effluent limitations attainable by the application of the best available technology economically achievable (BAT). Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT:</p> <p>(a) For CAFO production areas: the CAFO shall attain the same limitations and requirements as Sec. 412.43(a).</p> <p>(b) For CAFO land application areas: the CAFO shall attain the same limitations and requirements as Sec. 412.43(b).</p>	<p>N.A.</p> <p>2 § 9-205.3.B</p> <p>2 § 9-202.B (17)</p> <p>2 § 9-205.3. A (1)</p>	<p><b>Note:</b> The Oklahoma CAFO Act and rules promulgated pursuant thereto do not contain a provision for best available technology economically achievable (BAT) as referred in Sec. 412.45.</p> <p>The LMFO shall attain the same limitations and requirements as Sec. 9-205.3.B.</p> <p><b>Note:</b> See requirements cited above.</p>	
<p>Sec. 412.46 New source performance standards (NSPS). Any new source subject to this subpart must achieve the following effluent limitations representing the application of NSPS:</p>		<p><b>Note:</b> The Oklahoma CAFO Act and rules promulgated pursuant thereto do not contain a provision for New source performance standards (NSPS) as prescribed in Sec. 412.46. The Act and rules implement setback requirements from occupied residences for animal feeding operations using a liquid animal waste management system where swine are primarily housed in a roof-covered structure. The setback requirements include restrictions to locate: (1) land application site from occupied residences and drinking water wells; (2) LMFO facility from a state park, city limit, a surface public water supply, designated scenic river, public drinking water well, a national park,</p>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
<p>(a) For CAFO production areas. There must be no discharge of manure, litter, or process wastewater pollutants into waters of the U.S. from the production area, subject to paragraphs (a)(1) through (a)(3) of this section.</p> <p>(1) Waste management and storage facilities designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 100-year, 24-hour rainfall event and operated in accordance with the additional measures and records required by Sec. 412.47(a) and (b), will fulfill the requirements of this section.</p>	<p>2 § 9-205.2 A</p>	<p>any historic property or museum owned by the State of Oklahoma, and water body specified as Outstanding Resource Waters. (<b>Re:</b> 2 § 9-210.1. Setback requirements; § 9-210.3. Liquid animal waste management systems – Location)</p> <p>A Pollution Prevention Plan (PPP) shall be developed by each licensed managed feeding operation prior to the submission of an application pursuant to the provisions of this section and rules promulgated by the State Board of Agriculture pursuant thereto. The Pollution Prevention Plan shall include, but not be limited to, provisions for documentation of structural controls, documentation of Best Management Practices, an approved plan for the disposal of animal waste and record keeping provisions.</p>	
	<p>2 § 9-205.3a</p>	<p>An Odor Abatement Plan shall be developed by each licensed managed feeding operation prior to the submission of an application pursuant to the provisions of this section and rules promulgated by the State Board of Agriculture pursuant thereto.</p>	
	<p>2 § 9-205.2.F (5) &amp; (6)</p>	<p>In addition to other requirements specified by this section, the Pollution Prevention Plan shall include but not be limited to:</p> <p>A description of management controls appropriate for the facility. The management controls shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) the location and description of existing structural and non-structural controls;</li> <li>(b) documentation of retention structure capacity and the assumptions and calculations used in determining the appropriate volume capacity, and</li> <li>(c) a description of the design standards for the retention facility embankments.</li> </ul> <p>A description of the design standards for any retention facilities.</p> <p>Any hydraulic connection between wastewater and waters of the state outside that authorized by the provisions of the Oklahoma Concentrated Animal Feeding Operations Act and rules promulgated pursuant thereto</p>	

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	<p>2 § 9-205.4. A &amp; C.</p> <p>2 § 9-205.4.F (1) &amp; (2)</p> <p>OAC 35:17-3-11(e) (5) (B)</p>	<p>shall constitute a discharge to waters of the state.</p> <p>Except as otherwise provided by Section 9-210.2 of this title and subsection E of this section, all retention structures of licensed managed feeding operations shall maintain a minimum separation of ten (10) feet between the bottom of the retention structure and the maximum historical groundwater elevation which is measured from the bottom of the retention structure and the highest point of the seasonal groundwater table.</p> <p>Subsection E of this section states in part: The Department may allow a separation of less than ten (10) feet but in no event less than four (4) feet between the bottom of the retention structure and the maximum historical groundwater elevation.</p> <p>Licensed managed feeding operations initially licensed on or after August 1, 1998, shall install a leak detection system or sufficient monitoring wells both up-gradient and down-gradient around the perimeter of each retention structure prior to using the retention structure for storage of liquid waste pursuant to rules promulgated by the State Department of Agriculture.</p> <p>By September 1, 1999, licensed managed feeding operations licensed prior to August 1, 1998, shall install and maintain in working order a leak detection system or sufficient monitoring wells both up-gradient and down-gradient around the perimeter of each retention structure.</p> <p>Documentation of retention structure capacity shall be submitted to the Department and shall be based upon input parameters, the assumptions and actual calculations, showing volumes of all intermediate steps, used in determining the appropriate volume capacity. All waste retention structures for LMFOs shall be designed for the maximum number of animals that are or will be licensed at the facility. Retention structure capacity shall be based upon the following, at a minimum:</p> <p style="padding-left: 40px;">(i) The rainfall multiplied by the area of the retention structure.</p>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
<p>(2) The production area must be operated in accordance with the additional measures required by Sec. 412.47(a) and (b).</p> <p>(3) Provisions for upset/bypass, as provided in 40 CFR 122.41(m)- (n), apply to a new source subject to this provision.</p>	<p>OAC 35:17-3-19(a), (c), (d), and (e)</p> <p>2 § 9-205.3.B (5)</p>	<ul style="list-style-type: none"> <li>(ii) The volume of rainfall from any roofed area that is directed into the retention structure.</li> <li>(iii) All waste retention structures designed for LMFOs shall have a capacity for all waste and process generated wastewater produced during a period of time not less than one hundred and eighty (180) calendar days.</li> <li>(iv) Volume of a 25-year, 24-hour rainfall event.</li> <li>(v) One (1) foot of freeboard below spillway or outlet.</li> </ul> <p>The owner or the person named in the PPP as the individual responsible for drafting or implementing the plan shall be responsible for inspections and record keeping.</p> <p>The authorized person named in the PPP shall require inspection of designated equipment and facility areas. Material handling areas shall be inspected for evidence of or the potential for pollutants entering the drainage system. A follow-up procedure shall be used to insure that appropriate action has been taken in response to the inspection.</p> <p>In addition to the Department annual inspection, a complete inspection of the facility shall be performed at least annually by the owner.</p> <p>The Department may sample wells on or near the site.</p> <p>If, for any reason, there is a discharge, the licensee is required to make immediate notification to the Department. The report of the discharge shall include:</p> <ul style="list-style-type: none"> <li>(a) a description and cause of the discharge, including a description of the flow path to the receiving water body,</li> <li>(b) an estimation of the flow rate and volume discharged,</li> <li>(c) the period of discharge, including exact dates and times, and if not already corrected, the anticipated time the discharge is expected to continue,</li> <li>(d) steps taken to reduce, eliminate and prevent recurrence of the</li> </ul>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
		<p>discharge, and,</p> <p>(e) test results for fecal coliform bacteria, five-day biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), ammonia nitrogen, total Kjeldahl nitrogen (TKN), any pesticides which the operator has reason to believe could be in the discharge, or such other parameters as required by the Department which the Department has reason to believe could be in the discharge.</p>	
<p>(b) For CAFO land application areas: the CAFO shall attain the same limitations and requirements as Sec. 412.43(b)(1).</p> <p>(c) The CAFO shall attain the limitations and requirements of this paragraph as of the date of permit coverage.</p>	<p>2 § 9-202.B (17)</p> <p>2 § 9-205.3. A (1)</p>	<p><b>Note:</b> See requirements cited above.</p> <p><b>Note:</b> Prior to issuance of a license, a new LMFO or expanding operation shall comply with all limitations and requirements as specified in Sec. 9-205.2 (Pollution Prevention Plan), Sec. 9-205.3 (Best Management Practices) and other requirements deemed necessary by the Department.</p>	
<p>(d) Voluntary superior environmental performance standards. Any new source CAFO subject to this subpart may request the Director to establish alternative NPDES permit limitations based upon a demonstration that site-specific innovative technologies will achieve overall environmental performance across all media which is equal to or superior to the reductions achieved by baseline standards as provided by Sec. 412.46(a). The quantity of pollutants discharged from the production area must be accompanied by an equivalent or greater reduction in the quantity of pollutants released to other media from the production area (e.g., air emissions from housing and storage) and/or land application areas for all manure, litter, and process wastewater at on-site and off-site locations. The comparison of quantity</p>	N.A.	<p>The current Oklahoma CAFO Act and rules promulgated pursuant thereto do not contain a provision for the voluntary superior environmental performance standards as prescribed in Sec. 412.46 (d).</p>	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
of pollutants must be made on a mass basis where appropriate. The Director has the discretion to request supporting information to supplement such a request.			
(e) Any source subject to this subpart that commenced discharging after April 14, 1993, and prior to April 14, 2003, which was a new source subject to the standards specified in Sec. 412.15, revised as of July 1, 2002, must continue to achieve those standards for the applicable time period specified in 40 CFR 122.29(d)(1). Thereafter, the source must achieve the standards specified in Sec. 412.43 (a) and (b).	2 § 9-210.2.A (1) & (2)	<p>Any concentrated animal feeding operation which is licensed by or which has submitted a substantially completed application to the State Department of Agriculture on or before September 1, 1997, shall be required to comply with all applicable provisions within one (1) year of such date or may enter into a compliance schedule with the Department to come into compliance.</p> <p>The provisions of Section 9-210.1 of this title relating to setback requirements and the provisions of subsection B and C of Section 9-205.4 of this title relating to utilization of liners in retention structures or documentation of no hydrologic connection and to a minimum separation of four (4) feet between the bottom of the retention structure and the maximum groundwater elevation shall not apply to the facilities specified by this subsection.</p> <p>On or after September 1, 1997, any expanding operations shall be in accordance with the Oklahoma Concentrated Animal Feeding Operations Act and rules promulgated pursuant thereto</p>	
	2 § 9-210.2.D	Liquid animal waste management – Location <b>Note:</b> After March 9, 1998, a new or expanding licensed managed feeding operation that applies for an operating license shall comply with all setback requirements as specified in this Section.	
	2 § 9-210.3	Subsection F of this section further states: The provisions of this section shall not apply to animal feeding operation which has been licensed by or which had submitted an application to the State Department of Agriculture on or prior to March 9, 1998. In addition, the provisions of this section shall not apply to any animal feeding operation with a capacity of 2,000 animal units or less which was established prior to June 1, 1998.	

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FEDERAL REQUIREMENT/ CITATION	STATE CITATION	STATE REQUIREMENT	COMMENT
	2 § 10-9.8a	<p>Restrictions on Location of Certain Poultry Feeding Operations</p> <p><b>Note:</b> On or after September 1, 2002, new or expanding poultry feeding operations shall comply with all restrictions on location as specified in this section.</p>	
<p>Sec. 412.47 Additional measures.</p> <p>(a) Each CAFO subject to this subpart must implement the requirements of Sec. 412.37(a).</p> <p>(b) Each CAFO subject to this subpart must comply with the record-keeping requirements of Sec. 412.37(b).</p> <p>(c) Each CAFO subject to this subpart must comply with the record-keeping requirements of Sec. 412.37(c).</p>	<p>OAC 35:17-3-19(a), (c), (d), and (e)</p> <p>2 § 9-205.2 G</p> <p>OAC 35:17-3-19(f)</p> <p>2 § 9-205.2</p> <p>2 § 9-205.3. D, E, F &amp; G</p>	<p><b>Note:</b> These subsections specify inspection requirements for an owner or operator of a licensed managed feeding operation.</p> <p><b>Note:</b> This subsection specifies record keeping requirements. A licensed managed feeding operation shall maintain the records, specified in the subsection, at the site as long as the facility is in operation.</p> <p>Records documenting significant observation made during the site inspection shall be retained as part of the Pollution Prevention Plan. Owners of LMFOs shall retain all records for so long as the facility is in operation.</p> <p><b>Note:</b> A copy of the Pollution Prevention Plan shall be retained on site. The PPP shall be amended as needed and the Department shall approve any amendments to the PPP.</p> <p>Records shall be maintained of all animal waste applied on land owned or controlled by the licensee, and sold or given to other persons for disposal.</p> <p>If the animal waste from a licensed managed feeding operation is sold or given to other persons for land application or disposal, the licensed managed feeding operation shall maintain a log of: date of removal from the animal feeding operation; names of such other persons; and amount, in wet tons, dry tons or cubic yards, of animal waste removed from the animal feeding operation.</p> <p>The licensed managed feeding operation shall remain liable and responsible for compliance with all rules promulgated by the Board regarding proper handling and disposing of animal waste even if such disposal or application</p>	

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		<p>is performed by persons not employed or controlled by the licensed managed feeding operation.</p> <p>Soils in areas in which animal waste is applied shall be analyzed annually, for phosphate, nitrates and soil pH prior to the first application of animal waste in the calendar year. A copy of the results of the analysis shall be submitted to the Department. Such analysis shall be retained by the animal feeding operation as long as the facility is in operation.</p>	