

**PROPOSED AgPDES CAFO GENERAL PERMIT FACT SHEET  
2022-2027**

**AgPDES General Permit No. OKG010000**

Agriculture Pollutant Discharge Elimination System (AgPDES) General Permit for Concentrated Animal Feeding Operations (CAFO)

**AGENCY:** Oklahoma Department of Agriculture, Food, and Forestry (ODAFF)

**ACTION:** Issuance of an AgPDES General Permit for CAFOs

**SUMMARY:** ODAFF is proposing to reissue General AgPDES Permit No. OKG010000 for discharges from concentrated animal feeding operations (CAFOs) in Oklahoma (except Indian Country). This permit was originally issued by Environmental Protection Agency (EPA) Region 6 on January 30, 2012 with an expiration date of January 31, 2017, and reissued April 3, 2017 with an expiration date of April 2, 2022. The current proposal reflects the requirements contained in the Federal CAFO regulations at 40 CFR 122 and 412, and Oklahoma's AgPDES Rules at OAC 35:44-1 and CAFO Rules at OAC 35:17-4.

**ADDRESSES:** Comments on this proposed permit should be sent to ODAFF, Agricultural Environmental Management Services (AEMS) Division, P.O. Box 528804, Oklahoma City, OK 73152-8804; e-Mail [AEMS.AgPDES@ag.ok.gov](mailto:AEMS.AgPDES@ag.ok.gov). The proposed general permit and this Fact Sheet can be found on the Internet at <https://ag.ok.gov/divisions/agricultural-environmental-management/>.

**GENERAL STATUTORY AND REGULATORY INFORMATION**

Section 301(a) of the Clean Water Act (CWA), 33 USC 1311(a), prohibits the discharge of pollutants to waters of the state in the absence of authorizing permits, including National Pollutant Discharge Elimination System (NPDES) permits. The CWA Section 402, 33 USC 1342, authorizes EPA or its delegated agency to issue NPDES permits allowing such discharges on condition that they in part will comply with requirements implementing CWA Sections 301, 304, and 401 [33 USC 1311, 1314, and 1341]. The Oklahoma Agriculture Pollutant Discharge Elimination System Act (2 O.S. §§ 2A-1 *et seq.*), the Oklahoma Agriculture Environmental Permitting Act (2 O.S. §§ 2A-21 *et seq.*), and Oklahoma Administrative Code §§ 35:44-1-1 *et seq.* allow ODAFF to implement the federal NPDES requirements and issue permits to the persons or organizations owning or operating facilities regulated within the areas of environmental jurisdiction of ODAFF.

Among those requirements are effluent limitations reflecting levels of technological capability, water quality standards, and other more stringent requirements the State of Oklahoma may adopt. Violation of a condition contained in an NPDES permit, whether an individual or general permit, is a violation of the CWA and subjects the operator of the permitted facility to the penalties specified in Section 309 of the Clean Water Act, and 2 O.S. § 2A-2 of the Oklahoma Agriculture Pollutant Discharge Elimination System (AgPDES) Act.

Under the CWA, the Permitting Authority may issue general permits to regulate numerous facilities which have similar discharges and are subject to the same conditions and limitations within a specified

geographic area [40 CFR 122.28]. This regulation was adopted into Oklahoma's AgPDES Rules at OAC 35:44-1-2(a)(2)(L). Using general permits conserves resources and reduces the paperwork burden associated with obtaining discharge authorization for the regulated community.

ODAFF has determined that a general permit is the appropriate mechanism to address the majority of CAFOs that are subject to the requirements of the AgPDES program and the CWA.

Supplementary information in this Fact Sheet is organized as follows:

- I. Permit Area and Coverage
- II. Effluent Limitations and Standards
- III. Special Conditions
- IV. Discharge Monitoring and Notification Requirements
- V. Annual Report
- VI. Standard Permit Conditions

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All the references to Federal regulations at 40 CFR parts 122, 124, 125 and 412 in this Fact Sheet have been incorporated into the Oklahoma's AgPDES Rules at OAC 35:44-1-(a)(2), (3), (4) and (5)

## **I. PERMIT AREA AND COVERAGE**

### **A. Permit Area**

This permit offers AgPDES permit coverage for discharges from operations defined as concentrated animal feeding operations (CAFOs) in the State of Oklahoma (except Indian Country).

### **B. Permit Coverage**

This permit provides coverage for any eligible operation that discharges or proposes to discharge which meets the definition of a Large CAFO at 40 CFR 122.23(b)(4), is subject to effluent limitations guidelines at 40 CFR 412 Subparts A (Horses and Sheep), C (Dairy Cows and Cattle Other than Veal Calves), and D (Swine, Poultry, or Veal Calves), and is located in the permit coverage area.

CAFOs are point sources subject to the AgPDES permitting program. A permit is required for any CAFO that discharges pollutants to waters of the state [40 CFR Part 122.21(a) and 122.23(d)(1)]. A CAFO may only be allowed to discharge if it is designed, constructed, operated, or maintained such that a discharge will only occur under 25-year, 24-hour or larger storm events or during chronic storm events.

### **C. Eligibility for Coverage**

The proposed permit has been developed to fulfill the NPDES/AgPDES general permit coverage requirements of 40 CFR 122.28(a), which is incorporated into Oklahoma's AgPDES Rules at 35:44-3-2(a)(2)(L).

Eligible CAFOs may apply for authorization under the terms and conditions of this permit by submitting a notice of intent (NOI) to be covered by this permit. CAFO owners/operators may also seek to be excluded from coverage under this permit by (1) submitting to the Director, in accordance with Part I.E.4 of the proposed permit, a notice of termination form or (2) by applying for an individual NPDES Permit in accordance with Part I.F of the proposed permit.

### **D. Limitations on Coverage**

In accordance with 40 CFR 122.28(a)(4)(ii), the general permit may exclude specified sources or areas from coverage. Part I.D of the proposed permit describes CAFOs that are not eligible for coverage under this AgPDES general permit and must apply for an individual permit if seeking permit coverage. Parts I.D.1 and I.D.2 have been included in the permit in accordance with 40 CFR Part 122.28(b)(3). Part I.D.3 excludes duck CAFOs. Due to the low number of such facilities in the area covered by the proposed permit, if any such facilities are identified then ODAFF believes individual permit coverage would be more appropriate for such CAFOs. Part I.D.4 excludes any new source subject to 40 CFR Part 412, Subpart D (Swine, Poultry, and Veal Calves). The New Source Performance Standards for such CAFOs could be more appropriately addressed in individual permits. Restrictions on coverage for CAFOs that do not fulfill the Endangered Species Act (Part I.D. 11) and/or the National Historic Preservation Act (Part I.D.6) are included in this AgPDES general permit. Part I.D.7 has been included in the permit in accordance with 40 CFR 131.13(a)(3), and the Oklahoma Water Quality Standards [785:45-3-2] and [785:46-13]. The Oklahoma Water Quality Standards cited in Part I.D.7 may be accessed at <http://www.owrb.ok.gov/quality/standards/standards.php>. Part I.D.8 is based on 40 CFR 122.4(i), which prohibits issuing an AgPDES permit to a new discharger if it will cause or contribute

to a water quality standards violation. Part I.D.9 has been included in the permit in accordance with 40 CFR 412. In Part I.D.5, CAFOs located on Indian lands in Oklahoma are excluded from general permit coverage and would require an individual permit if coverage is sought.

### **E. Application for Coverage**

In accordance with 40 CFR Parts 122.21(i)(1)(x) and 122.28(b)(2), operators of CAFOs seeking coverage under this general permit must submit a notice of intent (NOI) and a nutrient management plan (NMP) to ODAFF.

CAFOs seeking permit coverage may either submit the NOI electronically (if available) or by mail. Applicants submitting their NOI electronically shall do so using ODAFF's eNOI system. This notice must be signed and submitted by mail or electronically to the Agricultural Environmental Management Service (AEMS) Division of Oklahoma Department of Agriculture Food and Forestry (ODAFF).

If submitting an NOI or Notice of Termination (NOT) on or after December 21, 2025, the CAFO will be required to submit these documents using ODAFF's eNOI system, unless eNOI is otherwise unavailable or the CAFO owner/operator has obtained a waiver from the requirements to use eNOI for submission of the documents [40 CFR 122.28(b)(2)].

Upon receipt, ODAFF will review the NOI and NMP to ensure all permit requirements are fulfilled. ODAFF may request additional information from the CAFO owner or operator if additional information is necessary to complete the NOI and NMP or clarify, modify, or supplement previously submitted material. If ODAFF determines the NOI is complete, the NOI, NMP, and draft terms of the NMP to be incorporated into the permit will be made available at ODAFF/AgPDES's website for a 30-day public review and comment period. Concurrently ODAFF will notify by e-mail all environmental related agencies and associations, related trade organizations, State Historic Preservation Office, US Fish and Wildlife Service, and interested individuals of the draft Authorizations covered under the CAFO general permit. ODAFF requires the applicant to publish a notice in a local newspaper regarding the draft Authorizations to be issued. The CAFO is also required to make copies of the NOI and NMP available for public review at a public place, such as a local library or the county court house. ODAFF will respond to comments received during this period and, if necessary, require the CAFO owner or operator to revise the nutrient management plan or hold a public hearing. At the end of this process the applicant will be granted coverage under this general permit only upon written notification by ODAFF. If ODAFF determines the facility cannot be covered under this general permit, the facility shall apply for an individual permit.

### **F. Previous Coverage under 2017 CAFO General Permit**

In an effort to streamline the review of a facility's CAFO General Permit application, if a CAFO facility is covered under the 2017 CAFO General Permit, they may use form AEMS145 to apply for an expedited review process. Given there are no significant changes to the CAFO, the facility may provide their updated NMP with required analysis and calculations for nutrient management. ODAFF will review these updated documents and ensure no other aspects of the CAFO or NMP have significantly changed. If for any reason the Director finds the CAFO facility is not eligible for the expedited review process, the CAFO must develop and submit a new NMP with their permit application.

## **G. Requiring an Individual Permit**

In accordance with 40 CFR Part 122.28(b)(3)(i), ODAFF may determine that providing coverage under a general permit is inappropriate for a particular CAFO and may require such a facility to apply for an individual NPDES permit.

## **H. Continuation of this Permit**

In accordance with 40 CFR Part 122.46(a), this permit has a term of five years from the effective date. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and section I.G of the permit and will remain in force and effect.

## **I. Change in Ownership**

Change in ownership, per requirements of Part H.1 and 2 of the proposed permit, is allowed provided no modification or revocation of the existing permit would occur.

# **II. RATIONALE FOR EFFLUENT LIMITATIONS AND STANDARDS**

## **A. Effluent Limitations**

Section 301 of the CWA prohibits the discharge of pollutants by any point source into waters of the state except in accordance with a permit. It also requires that dischargers comply with effluent limitations necessary to meet state water quality standards. The NPDES permit regulations at 40 CFR 122.44(a) and (d) implement Section 301 by requiring each NPDES permit issued under Section 402 include conditions that meet technology-based effluent limitations and standards, as well as water quality standards and State requirements.

### 1. Technology-based Effluent Limitations

Large CAFOs are subject to the effluent guidelines found at 40 CFR Part 412.

Pursuant to the Clean Water Act (the "Act") Section 402(a)(2) [40 CFR 122.44(k)(3)], best management practices (BMPs) are being proposed in the draft permit. These practices are reasonably necessary either to achieve effluent limitations or to carry out the Act's goals of eliminating the discharge of pollutants as much as practicable and to maintain water quality.

#### **a. Technology-based Effluent Limitations and Standards - Production Area**

The proposed permit has been developed to fulfill the NPDES general permit coverage requirements of 40 CFR 122.42(e)(1)(i), 412.31 and 412.43.

Part II.A.1.a (Effluent Limitations) is based on 40 CFR 412 for Large CAFOs and best professional judgement for other CAFOs. It was contained in the previous general permit requirements and, therefore, also based on 40 CFR 122.44(1) which requires limits in a reissued permit to be at least as stringent as limits in the previous permit. The minimum design considerations for determining storage design specifications (e.g., freeboard, 25-year, 24-hour storm volume, runoff volume, etc.) in II.A.1 are based on EPA's CAFO technical guidance document "Managing Manure Nutrients at

Concentrated Animal Feeding Operations" December 2004, Chapter 2, Section B.1. NRCS, ASABE, or other relevant standards may be used in the design of the waste retention structure, given that the design accounts for all applicable items addressed in II.A.1 of the general permit.

b. Additional measures and records

The production area of the CAFO must fulfill the requirements of Part II.A.1.B of the proposed permit and 40 CFR 412.37(a) and (b).

2. Other Limitations -Applicable to the Production Area

- a. Additional Requirements: Large CAFOs are subject to the effluent guidelines found at 40 CFR Part 412. All requirements of this section [Parts II.A.2.a(i)-(xi)] were contained in the previous permit issued in 2017 and are retained in the proposed permit, consistent with 40 CFR 122.44(1) and 40 CFR 412.37(a) and (b).
- b. Prohibitions: The prohibitions included in Part IIA.2.b (i) - (vii) were contained in the previous permit and are retained in the proposed permit.

3. Water Quality-based Effluent Limitations and Standards- Production Area

Federal regulations [40 CFR 122.44(d)] require permit limitations to control all pollutants which may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard. A state-wide general permit must assure water quality standards will not be violated by authorized discharges from any facility covered by that permit, including CAFOs located on small upstream tributaries. A general permit's water quality-based requirements must, therefore, be sufficiently protective to ensure no authorized discharges anywhere in the state will violate water quality standards. ODAFF may impose additional water quality-based limitations on a site-specific basis or require the facility to obtain coverage under an individual permit, if information in the NOI, required reports, or from other sources indicates the discharges are not controlled as necessary to meet applicable water quality standards.

In those cases where technology-based effluent limitations are not sufficient to meet water quality standards, and where an analysis of frequency, duration, and magnitude of the anticipated discharge (consisting of potential overflows of manure, litter, or process wastewater) indicates the reasonable potential to violate applicable water quality standards, the permitting authority must develop more stringent water quality-based effluent limitations on a site-specific basis. NPDES permits for CAFOs may include BMPs as water quality-based effluent limitations or use BMPs that are reasonably necessary to meet water quality-based effluent limitations [40 CFR 122.44(k)].

- a. In addition, these requirements may apply to instances where the CAFO discharges to 303(d) listed (impaired) water bodies and the discharge contains pollutants for which the waterbody is listed. For CAFO operations this may include but is not limited to nutrients, oxygen demanding substances, or bacteria. Examples of this include discharges to water quality impaired waters, discharges to water designated by the State as Tier 2 or 3, or excessive chronic discharges.

CAFOs that discharge or propose to discharge to an impaired water will be informed by ODAFF if any additional limits or controls are necessary to protect water quality. For impaired waters with an EPA approved or established total maximum daily load (TMDL), additional requirements will be consistent with the assumptions of any available wasteload allocation in the TMDL. For

impaired waters without an EPA approved or established TMDL, additional requirements will be consistent with water quality standards. Coverage under an individual permit may be required in accordance with Part I.D.1 of the proposed permit. Any additional limits or controls shall be included in the NMP.

CAFOs that discharge or propose to discharge to an impaired water must implement and maintain any control measures or conditions on their site that enabled the CAFO to become eligible for coverage under Part I.D.7 of the proposed permit and shall include these control measures or conditions in its NMP.

- b. If the CAFO discharges or proposes to discharge directly to waters within the boundaries of areas listed in Table 1 of Appendix B of Oklahoma Water Quality Standards [785:45] (National and State Parks, National Forests, Wildlife Areas, Wildlife Management Areas, and Wildlife Refuges), EPA may notify the facility that additional analyses, control measures, or other permit conditions are necessary to ensure that the recreational and ecological significance of these waters will be maintained, or notify you that an individual permit application is necessary in accordance with Part I.D.1. Any such additional requirements shall be included in the NMP. The Oklahoma Water Quality Standards may be accessed at <http://www.owrb.ok.gov/quality/standards/standards.php>.

If at any time the facility becomes aware, or ODAFF determines any discharge causes or contributes to an exceedance of applicable water quality standards, the facility must take corrective action as required in Part II.A.3 of the proposed permit.

4. Technology-based Effluent Limitations and Standards - Land Application Areas under the Control of the CAFO Owner/Operator

The CAFO must develop and implement a nutrient management plan [40 CFR 412.4(c)(1)]. This section is based upon the following regulatory requirements:

- a. Develop and implement an NMP that is based on a field-specific assessment of the potential for nitrogen and phosphorus transport from the field [40 CFR 412.4(c)(1)].
- b. 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 [40 CFR 412.4(c)(1)].
- c. Determine application rates for manure, litter, and process wastewater that minimize phosphorus and nitrogen transport from the field to surface waters in accordance with the most current Oklahoma NRCS Conservation Practice Standard Code 590 (Nutrient Management) which has been adopted by the Director as the technical standard for nutrient management [40 CFR 412.4(c)(2)].
- d. In addition to the above technology-based effluent limitations for the land application areas, EPA has established Best Professional Judgement (BPJ) requirements for identification of site-specific conservation practices to control runoff of pollutants to waters of the state [40 CFR 122.42(e)(1)(vi)].
- e. Establishment of protocols to land apply manure, litter, and process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater [40 CFR 122.42(e)(1)(vii)].

- f. Analyze manure and soil a minimum of once annually prior to land application.
- g. Periodically inspect equipment used for land application of manure, litter, or process wastewater for leaks [40 CFR 412.4(c)(4)].
- h. Do not apply manure, litter, or process wastewater 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. 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. As a compliance alternative, the permittee may also demonstrate a set-back 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 [40 CFR 412.4(c)(5)].
- i. Complete on-site records including the site-specific NMP must be maintained to document implementation of all required land application practices [40 CFR 412.37(b)].

5. Other Limitations for Land Application Areas under the Control of the CAFO Owner/Operator

- a. This section contains additional BMPs to control discharges from land application areas.

The requirements of this section were contained in the previous permit issued in 2017 and are retained in the draft permit, consistent with 40 CFR 122.44(1).

- b. Prohibitions

- (i) There shall be no discharge of manure, litter, or process wastewater to waters of the state from a CAFO as a result of the application of manure, litter, or process wastewater to land areas under the control of the CAFO, except where it is an agricultural storm water discharge [40 CFR 122.23(e)].

- (ii) Waste shall not be applied to land when the ground is frozen, saturated with water, or during rainfall events. This requirement was contained in the previous permit and is retained in the draft permit, consistent with 40 CFR 122.44(1).

- c. Water Quality-Based Effluent Limitations.

Discharges from CAFO land application areas, except where it is an agricultural storm water discharge, are subject to NPDES requirements, including water quality-based effluent limitations. Federal regulations [40 CFR 122.44(d)] require permit limitations to control all pollutants which may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard. In most instances, a CAFO that meets technology-based permit limits requiring manure to be applied at appropriate agronomic rates will eliminate all or most dry weather discharges. However, if such discharges remain, the Permitting Authority must determine the need for additional water quality-based effluent limitations to meet applicable water quality standards based on the circumstances of each particular case [see the Preamble to the Final Rule, 73 FR 70,418 (November 20, 2008)]. A state-wide general permit must ensure water quality standards will not be violated by authorized discharges from any facility covered by that permit, including CAFOs located on small upstream tributaries. A general permit's



water quality-based requirements must, therefore, be sufficiently protective to ensure no authorized discharges anywhere in the State will violate water quality standards (see water quality-based effluent limitations and standards-production areas above).

EPA has determined water quality-based effluent limitations are necessary to address dry weather discharges from land application areas that cause or contribute to an excursion above Oklahoma Water Quality Standards. The proposed permit prohibits all dry weather discharge from the land application area. This does not include the dry weather discharge of irrigation water not associated with nutrient application on fields where manure was previously applied, as long as the manure application did not exceed agronomic rates as defined in the NMP.

## 6. Effluent Limitations - Other Discharges

Permit limitations are based on BPI when national effluent limitations guidelines that apply to the appropriate category, or to the particular process involved, have not been issued. ODAFF can use BPI to develop special permit conditions to address specific discharges at CAFOs, such as wash-down of equipment that has been in contact with manure, discharges of fuel, and pollutants (i.e., manure, feathers, and feed) which have fallen to the ground immediately downwind from confinement building exhaust ducts and ventilation fans and are carried by storm water runoff to waters of the state (see Section 4.1.1 of EPA's December 31, 2003, NPDES Permit Writers' Guidance Manual and Example NPDES Permit for CAFOs).

Discharges from CAFOs, including process wastewater discharges from outside the production area, non-process wastewater discharges, and storm water discharges not addressed under the Effluent Limitations Guidelines (ELG), except where they are considered an agricultural storm water discharge, are subject to NPDES requirements, including water quality-based effluent limitations. ODAFF has determined water quality-based effluent limitations are necessary to address the following discharges that may cause or contribute to an excursion above Oklahoma Water Quality Standards.

Process wastewater discharges from outside the production area, including wash-down of equipment that has been in contact with manure, raw materials, products or byproducts that occurs outside of the production area, and runoff of pollutants from raw materials, products or byproducts (such as manure, feathers, litter, bedding, and feed) from the CAFO that have been spilled or otherwise deposited outside the production area that have the potential to contribute pollutants to waters of the state shall be identified in the NMP. The NMP shall identify measures necessary to ensure applicable water quality standards are not exceeded.

Wastewater discharges that do not meet the definition of process wastewater, including discharges associated with feed, fuel, chemical, or oil spills, equipment repair, and equipment cleaning where the equipment has not been in contact with manure, raw materials, products or byproducts, and domestic wastewater discharges that have potential to contribute pollutants to waters of the state shall be identified in the NMP. The NMP shall identify measures necessary to ensure water quality standards are not exceeded.

Storm water discharges not addressed under the effluent limitations in Part II above remain subject to applicable industrial or construction storm water discharge requirements.

## **B. Other Legal Requirements**

No condition of this permit releases the permittee from any responsibility or requirements under other statutes or regulations, Federal, State/Tribal, or local [40 CFR Parts 122.1(f) and 122.49].

### **III.SPECIAL CONDITIONS**

#### **A. Nutrient Management Plan (NMP)**

##### 1. Schedule.

CAFOs seeking coverage under this permit must submit the completed NMP to ODAFF along with the NOI. The permittee shall implement its NMP as soon as possible and modify as necessary upon authorization under this permit in accordance with 40 CFR 122.23(h).

##### 2. NMP Review and Terms

Each permittee must develop, submit with its NOI, and implement a site specific NMP. The NMP must specifically identify and describe the practices that will be implemented to assure compliance with the effluent limitations and special conditions in this CAFO general permit. The NMP must be developed in accordance with the Oklahoma NRCS Conservation Practice Standard Code 590 (Nutrient Management). As provided in 40 CFR 123.36, these technical standards must be consistent with 412.4(c)(2), which in part provides that such standards must operate to minimize the transport of nutrients to surface waters. The nutrient management plan accomplishes this primarily by restricting the quantity of nutrients that can be land applied and matching that quantity with the nutrient needs of the crops being grown on the fields used for such land application [40 CFR 122.23(h)].

Upon receipt of the NMP, the AgPDES Director will review the NMP. The Director can request additional information if needed. The Director will use the NMP to identify site-specific permit terms, which must be incorporated as terms and conditions of the permit [40 CFR 122.23(h)].

Once the NOI and NMP are complete and have been reviewed by the Director, the Director will notify the public of his or her proposal to grant coverage under the general permit. The Director will publish the NOI submitted by the CAFO, including the CAFO's NMP, and the terms of the NMP to be incorporated into the permit, as determined by the Director, at the ODAFF, AEMS Division internet site (<https://ag.ok.gov/divisions/agricultural-environmental-management/>). The notice will also provide the opportunity to request a public hearing on the NOI and draft NMP in accordance with 40 CFR 124.11 and 12. The Director also requires the applicant to publish the notice in a local newspaper and make available to the public, copies of the NOI and NMP at a public office, such as a county court house or local public library, for their review. The public is provided 30 days to comment and request a hearing on the proposed terms of the NMP to be incorporated into the permit. The Director will respond to significant comments and can revise the NMP or terms of the permit if necessary [40 CFR 122.23(h)].

The Director will notify the CAFO owner or operator coverage under the general permit has been authorized and of the applicable terms and conditions of the permit. These site-specific permit terms will be provided to the permittee in a written permit authorization notice. When the Director authorizes the CAFO owner or operator to discharge under the general permit, the terms of the NMP must be incorporated as terms and conditions of the permit for the CAFO [40 CFR 122.23(h)].

##### 3. NMP Content

The proposed general permit specifies each NMP must, at a minimum, include practices and procedures necessary to implement the applicable effluent limitations and standards. In addition, each NMP must meet measures required under 40 CFR 122.42(e)(1)(i-ix) and specified in the general permit. (Note: EPA has addressed mortality management [40 CFR 122.42(e)(1)(ii)] and direct contact of confined animals with waters of the state [40 CFR 122.23(1)(iv)] in Part II.A of the proposed permit and therefore does not require the NMP to address these requirements.) These requirements include the following:

- a. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities [40 CFR 122.42(e)(1)(i)].
- b. Ensure clean water is diverted, as appropriate, from the production area [40 CFR 122.42(e)(1)(iii)].
- c. Ensure chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals or contaminants [40 CFR 122.23(1)(v)].
- d. Identify appropriate site-specific conservation practices to be implemented, including as appropriate, buffers or equivalent practices, to control runoff of pollutants to waters of the state and specifically, to minimize the runoff of nitrogen and phosphorus [40 CFR 122.23(1)(vi)]. The requirement to identify areas that have a high potential for significant erosion and measures to limit erosion and pollutant runoff was included in the previous permit and is retained in the draft permit, consistent with 40 CFR 122.44(1).
- e. Identify protocols for appropriate testing of manure, litter, process wastewater, and soil [40 CFR 122.23(1)(vii)].
- f. Establish protocols to land apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater [40 CFR 122.23(1)(viii)].
- g. Application rates may be expressed in NMPs consistent with one of the two approaches described in (i) and (ii) below:
  - (i) Linear Approach: An approach that expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications:
    - (A) The terms include maximum application rates from manure, litter, and process wastewater for each year of permit coverage, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the Director, in pounds per acre, per year, for each field to be used for land application, and certain factors necessary to determine such rates. At a minimum, the factors that are terms must include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field, the crops to be planted in each field or any other uses of a field such as a pasture or fallow fields; the realistic yield goal for each crop or use identified for each field; the nitrogen and phosphorus recommendation from ODAFF approved sources (see below) for each crop or use identified for each field, credits for all nitrogen in the field that will be plant available; consideration of multi-year phosphorus application; and accounting for all other additions of plant available nitrogen and phosphorus to the field. In addition, the terms include the form and source of manure, litter, and process wastewater to be land-applied; the timing

and method of land application; and the methodology by which the NMP accounts for the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

ODAFF approved sources for nitrogen and phosphorus crop recommendations include the Oklahoma NRCS, Oklahoma State University, or an equivalent source.

- (B) Large CAFOs that use this approach must calculate the maximum amount of manure, litter, and process wastewater to be land applied at least once each year using the results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application [40 CFR 122.42(e)(5)(i)].
- (ii) Narrative Rate Approach: The "narrative rate approach" expresses the field-specific rate of application as a narrative rate prescribing how to calculate the amount of manure, litter, and process wastewater allowed to be applied. This approach results in the amount, in tons or gallons, of manure, litter, and process wastewater to be land applied according to the following specifications:
  - (A) The terms include maximum amounts of nitrogen and phosphorus derived from all sources of nutrients for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the Director, in pounds per acre, for each field, and certain factors necessary to determine such amounts. At a minimum, the factors that are terms must include: the outcome of the field specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses such as pasture or fallow fields (including alternative crops identified in accordance with paragraph (ii)(B) of this section); the realistic yield goal for each crop or use identified for each field; and the nitrogen and phosphorus recommendations from ODAFF approved sources (see below) for each crop or use identified for each field. In addition, the terms include the methodology by which the NMP accounts for the following factors when calculating the amounts of manure, litter, and process wastewater to be land applied: results of soil tests conducted in accordance with protocols identified in the nutrient management plan; credits for all nitrogen in the field that will be plant available; the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied; consideration of multi-year phosphorus application; accounting for all other additions of plant available nitrogen and phosphorus to the field; the form and source of manure, litter, and process wastewater; the timing and method of land application; and volatilization of nitrogen and mineralization of organic nitrogen.

ODAFF approved sources for nitrogen and phosphorus crop recommendations include the Oklahoma NRCS, Oklahoma State University, or an equivalent source.

- (B) The terms of the NMP include alternative crops identified in the CAFO's nutrient management plan that are not in the planned rotation. Where a CAFO includes alternative crops in its nutrient management plan, the crops must be listed by field, in addition to the crops identified in the planned crop rotation for that field and the nutrient management plan must include realistic crop yield goals and the nitrogen and phosphorus recommendations from sources specified by the Director for each crop. Maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of manure, litter, and process

wastewater to be applied must be determined in accordance with the methodology described in (ii)(A) of this section.

(C) For CAFOs using this approach, the following projections must be included in the NMP submitted to the Director, but are not terms of the NMP: the CAFO's planned crop rotations for each field for the period of permit coverage; the projected amount of manure, litter, or process wastewater to be applied; projected credits for all nitrogen in the field that will be plant available; consideration of multi-year phosphorus application, accounting for all other additions of plant available nitrogen and phosphorus to the field; and the predicted form, source, and method of application of manure, litter, and process wastewater for each crop. Timing of application for each field, insofar as it concerns the calculation of rates of application, is not a term of the NMP.

(D) CAFOs that use this approach must calculate maximum amounts of manure, litter, and process wastewater to be land applied at least once each year using the methodology required in paragraph (ii)(A) of this section before land applying manure, litter, and process wastewater and must rely on the following data;

(1) A field-specific determination of soil levels of nitrogen and phosphorus, including for nitrogen, a concurrent determination of nitrogen that will be plant available consistent with the methodology required in paragraph (ii)(A) of this section, and for phosphorus, the result of the most recent soil test conducted in accordance with soil testing requirements approved by the Director; and

(2) The results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application in order to determine the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied [122.42(e)(5)(ii)].

ODAFF has determined the Manure Management Planner (see <https://www.purduemmp.myfarms.com/>) is an acceptable process for developing a narrative rate approach in Oklahoma.

(iii) Identify and maintain all records necessary to document the development and implementation of the NMP and compliance with the permit [40 CFR 122.42(e)(5)(ix)].

4. Signature.

The NMP shall be signed by the owner/operator or other signatory authority in accordance with Part VI.F (Signatory Requirements) of this permit [40 CFR 122.41(k)].

5. NMP Maintained On-site

A current copy of the NMP shall be kept on-site at the permitted facility in accordance with Part IV.C of this permit and provided to the permitting authority upon request [40 CFR 412.37(c)].

6. Changes to the NMP

a. The general permit recognizes a CAFO owner or operator may need to make changes to its NMP. When a CAFO owner or operator covered by this general permit makes changes to the CAFO's

NMP previously submitted to the Director, the CAFO owner or operator must provide the Director with the most current version of the CAFO's NMP and identify changes from the previous version [40 CFR 122.42(e)(6)(i)].

- b. The Director will review the revised NMP. If the Director determines the changes to the NMP require revision of the terms of the NMP incorporated into the permit issued to the CAFO, the Director must then determine whether such changes are substantial [40 CFR 122.42(e)(6)(ii)]. Substantial changes to the terms of an NMP incorporated as terms and conditions of a permit include, but are not limited to [40 CFR 122.42(e)(6)(iii)]:
    - (i) Addition of new land application areas not previously included in the CAFO's NMP, except if the added land application area is covered by the terms of an NMP incorporated into an existing AgPDES permit and the permittee complies with such terms when applying manure, litter, and process wastewater to the added land [40 CFR 122.42(e)(6)(iii)(A)];
    - (ii) For NMPs using the Linear Approach, changes to the field-specific maximum annual rates of land application (pounds of nitrogen and phosphorus from manure, litter, and process wastewater). For NMPs using the Narrative Rate Approach, changes to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop [40 CFR 122.42(e)(6)(iii)(B)] [40 CFR 122.42(e)(6)(iii)(C)];
    - (iii) Addition of any crop or other uses not included in the terms of the CAFO's NMP; and
    - (iv) Changes to site specific components of the CAFO's NMP, where such changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the state [40 CFR 122.42(e)(6)(iii)(D)].
  - c. If the changes to the terms of the NMP are not substantial, the Director will include the revised NMP in the permit record, revise the terms of the permit based on the site-specific NMP, and notify the permittee and the public of any changes to the terms of the permit based on revisions to the NMP [40 CFR 122.42(e)(6)(ii)(A)].
  - d. If the Director determines the changes to the terms of the NMP are substantial, the Director will notify the public, make the proposed changes and make the information submitted by the CAFO owner or operator available for public review and comment, and respond to all significant comments received during the comment period. The Director may require the permittee to further revise the NMP, if necessary. Once the Director incorporates the revised terms of the NMP into the permit, the Director will notify the permittee of the revised terms and conditions of the permit [40 CFR 122.42(e)(6)(ii)(B)].
7. Requirements associated with nutrient management plan implementation
- a. Adequate storage of manure, litter, and process wastewater [40 CFR 122.42(e)(1)(i)].
  - b. Diversion of clean water from the production area, as appropriate [40 CFR 122.42(e)(1)(iii)].
  - c. Chemicals and other contaminants handled on-site may not be disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants [40 CFR 122.42(e)(1)(v)].

- d. Appropriate protocols for manure, litter, and process wastewater testing [40 CFR 122.42(e)(1)(vii)].
  - e. Appropriate protocols for soil testing [40 CFR 122.42(e)(1)(vii)].
8. Certified Specialists to Develop NMPs.

ODAFF promotes and supports the use of certified specialists to develop or modify NMPs, which will help to ensure the quality of NMPs. ODAFF encourages CAFO owners/operators to use these certified specialists to prepare their NMPs. Although a certified specialist may be used, CAFO owners/operators are solely responsible for assuring their NMPs comply with all permit conditions and are properly implemented.

## **B. Facility Closure**

Abandoned or improperly closed CAFOs pose a pollution threat to surface water and groundwater that can be significant for large facilities and increases due to a lack of proper closure of containment basins and other manure handling and wastewater facilities. These requirements are contained in the example CAFO permit contained in Appendix J in EPA's December 31, 2003, NPDES Permit Writers' Guidance Manual and Example NPDES Permit for CAFOs. It should be noted the Oklahoma NRCS also has closure plan recommendations. Where possible, ODAFF has made efforts to ensure any plan developed under one of these other requirements would meet the requirements established in the CAFO General Permit. The permittee is responsible for ensuring all applicable requirements are met.

The CAFO general permit includes specific closure requirements for lagoons and other surface impoundments, as well as for other manure, litter, and process wastewater storage and handling facilities. Under the general permit no such facilities may be abandoned and each must be properly closed as promptly as practicable upon ceasing operation. In addition, any lagoon or other earthen or synthetic lined basin that is not in use for a period of twelve consecutive months must be properly closed unless the facility is financially viable, intends to resume use of the structure at a later date, and either: (1) maintains the structure as though it were actively in use to prevent compromise of structural integrity; or (2) removes manure and wastewater to a depth of one foot or less and refills the structure with clean water to preserve the integrity of the synthetic or earthen liner. In either case, the permittee must notify ODAFF of the action taken and must conduct routine inspections, maintenance, and record keeping as though the structure were in use. Prior to restoration of use of the structure, the permittee shall notify ODAFF and provide the opportunity for inspection.

All closure of lagoons and other earthen or synthetic lined basins must be consistent with Oklahoma NRCS Conservation Practice Standard Code 360 (Closure of Waste Impoundments). Consistent with this standard the permittee must remove all waste materials to the maximum extent practicable and dispose of them in accordance with the permittee's NMP, unless otherwise authorized by ODAFF.

Closure of all other manure, litter, or process wastewater storage and handling structures must occur as promptly as practicable after the permittee has ceased to operate, or, if the permittee has not ceased to operate, within 12 months after the date on which the use of the structure ceased. To close a manure, litter, or process wastewater storage and handling structure, the permittee must remove all manure, litter, or process wastewater and dispose of it in accordance with the permittee's NMP or document its transfer from the permitted facility in accordance with off-site transfer requirements specified in Part III.C of the proposed permit, unless otherwise authorized by the ODAFF [40 CFR 122.23(h)].

### **C. Requirements for the Transfer of Manure, Litter, and Process Wastewater to Other Persons**

Under the CAFO general permit, where CAFO-generated manure, litter, or process wastewater is sold or given away the permittee must comply with specific requirements that document the transaction and promote proper management. These requirements are based on 40 CFR 122.42(e)(3) and the expired permit. These include the following conditions:

- a. The permittee must maintain records showing the date and amount of manure, litter, and/or process wastewater that leaves the permitted operation;
- b. The permittee must maintain records of the name and address of the recipient;
- c. The permittee must provide the recipient(s) with representative information on the nutrient content of the manure, litter, and/or process wastewater; and
- d. These records must be retained on-site, for a period of five years and be submitted to the permitting authority upon request.

The CAFO general permit does not establish requirements for off-site management of CAFO generated manure, litter, or process wastewater. However, the Director can use the documentation specified above to ensure proper management of such materials as appropriate.

### **D. Additional Special Conditions**

The proposed permit requirements in Part III.D were contained in the previous permit issued in 2017 and are being continued in the current proposal in accordance with 40 CFR 122.44(1).

Part III.D.8 of the proposed permit will contain requirements to address the protection of endangered or threatened species in the permit area. ODAFF has included conditions contained in the previous permit in this proposed permit: (1) Develop and implement an Emergency Action Plan (EAP); (2) implement emergency cut-off systems for any wastewater conveyance lines that are operated by a pump and have a surficial hydrologic connection to waters in any of the areas of concern; and (3) implement sludge testing prior to land application and soil sampling for certain metals in the areas where sludge or mixed sludge and wastewater is applied. Data obtained in such sampling could prove helpful in the next permit reissuance. However, if adequate data is available indicating the metal level in sludge, mixed sludge/wastewater and soil testing in the area where sludge is applied is insignificant, the monitoring requirement of metal contained in sludge, mixed sludge/wastewater, and soil in the area where sludge is applied may be ceased upon approval by the Director of AgPDES.

## **IV. DISCHARGE MONITORING AND NOTIFICATION REQUIREMENTS**

### **A. Notification of Discharges Resulting from Manure, Litter, and Process Wastewater Storage, Handling, On-site Transport, and Application**

The general permit provides that in the event of a discharge of pollutants to waters of the state, the permittee is required to make immediate oral notification within 24-hours to ODAFF/AEMS Division at 405-522-5892. The permittee must also notify ODAFF/AEMS Division at PO. Box 528804, Oklahoma City, OK 73152-8804 in writing within fourteen (14) working days of the discharge from



the facility. In addition, the permittee must keep a copy of the notification submitted to ODAFF together with the other records required by this permit. The discharge notification must include: 1) A description of the discharge and its cause, including a description of the flow path to the receiving water body and an estimate of the flow and volume discharged; and 2) The period of non-compliance, including exact dates and times, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the discharge. This reporting requirement is a standard permit condition under 40 CFR 122.41(1)(6). Note that runoff that meets the criteria of the agricultural storm water exemption does not constitute a point source discharge.

**B. Monitoring Requirements for All Discharges from Retention Structures**

The CAFO general permit provides that in the event of any overflow or other discharge of pollutants from a manure and/or wastewater storage or retention structure, whether or not authorized by this permit, all discharges must be sampled and analyzed, and an estimate of the volume of the release and the date and time must be recorded [40 CFR 122.41(j)].

Samples must, at a minimum, be analyzed for the following parameters: total Nitrogen, nitrate Nitrogen, ammonia Nitrogen, total Phosphorus, E. coli bacteria, fecal coliform, five-day biochemical oxygen demand (BODS), total suspended solids, pH, temperature, and any pesticides which the operator has reason to believe could be in the discharge. The discharge must be analyzed in accordance with approved EPA methods for water analysis listed in 40 CFR Part 136 [40 CFR 122.41].

If conditions are not safe for sampling, the permittee must provide documentation of why samples could not be collected and analyzed. For example, the permittee may be unable to collect samples during dangerous weather conditions (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.). However, once dangerous conditions have passed, the permittee shall collect a sample from the retention structure (pond or lagoon) from which the discharge occurred [40 CFR 122.41].

All proposed requirements of part IV.B. of this permit were contained in the previous permit issued in 2017 are being continued in accordance with 40 CFR part 122.44(1).

**C. General Inspection, Monitoring, and Record keeping Requirements**

Under the general permit, the permittee shall inspect, monitor, and record the results of such inspection and monitoring in accordance with Table IV-A; these are required per 40 CFR § 122.42(e) (2) & (3), 40 CFR § 412.37 (b) & (c), and are to be continued from the previous permit in accordance with 40 CFR § 122.44(1).

<b>Table IV-A NPDES Large CAFO Permit Record Keeping Requirements</b>		
<b>Parameter</b>	<b>Units</b>	<b>Frequency</b>
<b>Permit and Nutrient Management Plan</b> <i>(Note: Required by the AgPDES CAFO Regulation-applicable to all CAFOs)</i>		
The CAFO must maintain on-site a copy of the current AgPDES permit, including [SPECIFY MECHANISM TO IDENTIFY SITE SPECIFIC TERMS].	N/A	Maintain at all times

<b>Table IV-A NPDES Large CAFO Permit Record Keeping Requirements</b>		
<b>Parameter</b>	<b>Units</b>	<b>Frequency</b>
The CAFO must maintain on-site a current site specific NMP that reflects existing operational characteristics. The operation must also maintain on-site all necessary records to document that the NMP is being properly implemented with respect to manure and wastewater generation, storage and handling, and land application. In addition, records must be maintained showing the development and implementation of the NMP is in accordance with the minimum practices defined in 40 CFR § 122.42(e).	N/A	Maintain at all times
<b>Soil and Manure/Wastewater Nutrient Analysis (Note: Required by the CAFO ELG- applicable to Large CAFOs)</b>		
Analysis of manure, litter, and process wastewater to determine nitrogen and phosphorus content. <sup>1</sup>	ppm Pounds/ton	At least annually after initial sampling if land application occurs
Analysis of soil in all fields where land application activities are conducted to determine phosphorus content. <sup>1</sup>	ppm	At least annually after initial sampling if land application occurs
<b>Operation and Maintenance (Note: Required by the CAFO ELG- applicable to Large CAFOs)</b>		
Visual inspection of all water lines	N/A	Daily <sup>2</sup>
Documentation of depth of manure and process wastewater in all liquid impoundments	Feet	Weekly
Documentation of all corrective actions taken. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction.	N/A	As necessary
Documentation of animal mortality handling practices	N/A	As necessary
Design documentation for all manure, litter, and wastewater storage structures including the following information:		
<ul style="list-style-type: none"> <li>• Volume for solids accumulation</li> <li>• Design treatment volume</li> <li>• Total design storage volume<sup>3</sup></li> <li>• Days of storage capacity</li> </ul>	Cubic yards/gallons Cubic yards/gallons Cubic yards/gallons Days	Once in the permit term unless revised
Documentation of all overflows from all manure and wastewater storage structures including: (Note: Required by the AgPDES Regulation- applicable to all CAFOs)		
<ul style="list-style-type: none"> <li>• Date and time of overflow</li> <li>• Estimated volume of overflow</li> <li>• Analysis of overflow (as required by Permitting Authority)</li> </ul>	Month/day/year Total gallons ppm	Per event Per event Per event
<b>Land Application (Note: Required by the CAFO ELG- applicable to Large CAFOs)</b>		
For each application event where manure, litter, or process wastewater is applied, documentation of the following by field:		

**Table IV-A NPDES Large CAFO Permit Record Keeping Requirements**

Parameter	Units	Frequency
<ul style="list-style-type: none"> <li>Date of application</li> <li>Method of application</li> <li>Weather conditions at time of application and for 24 hours prior to and following application</li> <li>Total amount of nitrogen and phosphorus applied<sup>4</sup></li> </ul>	Month/day/year N/A N/A Pounds/acre	Daily Daily Daily Daily
Documentation of the crop and expected yield for each field	Bushel/acre	Seasonally
Documentation of the actual crop planted and actual yield for each field	Bushel/acre	Per harvest
Documentation of test methods and sampling protocols used to sample and analyze manure, litter, and wastewater and soil.	N/A	Once in the permit term unless revised
Documentation of the basis for the application rates used for each field where manure, litter, or wastewater is applied.	N/A	Once in the permit term unless revised
Documentation showing the total nitrogen and phosphorus to be applied to each field including nutrients from the application of manure, litter, and wastewater and other sources	Pounds/acre	Once in the permit term unless revised
Documentation of manure application equipment inspection	N/A	Seasonally
<b>Manure Transfer</b> ( <i>Note: Required by the AgPDES CAFO Regulation-applicable to Large CAFOs</i> )		
For all manure transfers the CAFO must maintain the following records:		
<ul style="list-style-type: none"> <li>Date of transfer</li> <li>Name and address of recipient</li> <li>Approximate amount of manure, litter or wastewater transferred</li> </ul>	Month/day/year N/A Tons/gallons	As necessary As necessary As necessary
<p><sup>1</sup> Refer to the state nutrient management technical standard for the specific analyses to be used.</p> <p><sup>2</sup> Visual inspections should take place daily during the course of normal operations. The completion of such inspection should be documented in a manner appropriate to the operation. Some operations may wish to maintain a daily log. Other operations may choose to make a weekly entry, when they update other weekly records, that required daily inspections have been completed.</p> <p><sup>3</sup> Total design volume includes normal precipitation less evaporation on the surface of the structure for the storage period, normal runoff from the production area for the storage period, 25-year, 24-hour precipitation on the surface of the structure, 25-year, 24-hour runoff from the production area, and residual solids.</p> <p><sup>4</sup> Including quantity/volume of manure, litter, or process wastewater applied and the basis for the rate of phosphorus application.</p>		

## V. ANNUAL REPORTING

Under the general permit, the permittee must submit an annual report to ODAFF by March 31<sup>st</sup> of each year using the Annual Report Form AEMS120. The requirement and criteria for the annual report are specified in 40 CFR 122.42(e)(4), which is incorporated in the AgPDES Rules at OAC 35:44-1-2(a)(2)(O).

### 1. Annual Report

The annual report must include the following information:

- a. The number and type of animals, whether in open confinement or housed under roof;
- b. Estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous calendar year (tons/gallons);
- c. Estimated amount of total manure, litter, and process wastewater transferred to another person by the CAFO in the previous calendar year (tons/gallons);
- d. Total number of acres for land application covered by the NMP;
- e. Total number of acres under control of the CAFO that were used for land application of manure, litter, and process wastewater in the previous calendar year;
- f. Summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous calendar year, including date, time, and approximate volume;
- g. A statement indicating whether the current version of the CAFO's NMP was developed or approved by a certified nutrient management planner;
- h. Actual crops planted and actual yields for each field for the preceding calendar year;
- i. Results of all samples of manure, litter, or process wastewater for nitrogen and phosphorus content for manure, litter, and process wastewater that was land applied;
- j. Results of calculations conducted in accordance with Parts III.A.3.h.i(B) (for the Linear Approach) and III.A.3.h.ii(C) (for the Narrative Rate Approach);
- k. Amount of manure, litter, and process wastewater applied to each field during the preceding calendar year, and;
- l. For CAFOs using the Narrative Rate Approach to address rates of application:
  - (i) The results of any soil testing for nitrogen and phosphorus conducted during the preceding calendar year.
  - (ii) The data used in calculations conducted in accordance with Part III.A.3.h.ii(C).
  - (iii) The amount of any supplemental fertilizer applied during the preceding calendar year.

## 2. Electronic Reporting

If submitting the annual report on or after December 21, 2025, the CAFO will be required to submit these documents using ODAFF's eNOI system, unless eNOI is otherwise unavailable or the CAFO owner/operator has obtained a waiver from the requirements to use eNOI for submission of the annual report [40 CFR 122.42(e)(4)].

## **VI. STANDARD CONDITIONS**

This AgPDES General Permit for CAFOs incorporates the standard conditions applicable to all permits issued by EPA under the NPDES program. These conditions consist of general conditions, proper operation and maintenance, monitoring and records, reporting requirements, signatory requirements, certification, availability of reports, and penalties for violations of permit conditions. Additional information on each of these standard permit conditions is contained in Section VI of the general permit [40 CFR § 122.41]. All conditions required in the previous permit issued in 2017 are continued in this permit in accordance with 40 CFR § 122.44(1).