

New Department Of Environment Permit for Agricultural Animal Feeding Operations to Take Effect Dec. 1

Permit will Protect Chesapeake Bay, Allow Farmers to Move Ahead with New Operations

BALTIMORE, MD (October 13, 2009) - The Maryland Department of Environment will issue a general discharge permit, effective December 1, 2009, for Maryland Animal Feeding Operations (MAFOs) and Concentrated Animal Feeding Operations (CAFOs). The permit implements regulations adopted in January for animal feeding operations. The permit and regulations require measures to control nutrient discharges from Maryland's largest agricultural animal operations and will better protect local waterways and the Chesapeake Bay.

A legal challenge by an environmental organization delayed the permit since January. The Department of the Environment recently issued a final decision affirming the findings of the Office of Administrative Hearings' proposed decision to uphold the permit. While that decision has been appealed, the appeal does not stay the implementation of the permit. The permit is needed to allow farmers to comply with the regulations for new and existing animal operations.

New federal Environmental Protection Agency regulations governing CAFOs, along with the legal challenges to the Maryland permit developed to implement the new federal requirements, have created concern among farmers seeking to obtain permits for new poultry operations. MDE, the Maryland Department of Agriculture (MDA), soil conservation districts, and USDA's Natural Resource Conservation Services offer technical and financial assistance to farmers as they work to comply with permit requirements and further reduce nutrient impacts on the Bay and its tributaries.

Last year, the federal Environmental Protection Agency (EPA) revised its definition of what constitutes a surface water discharge as it pertains to animal feeding operations, resulting in a significantly higher number of large Maryland operations being defined as CAFOs (covered under a federal permit issued under state authority). Nearly 500 Maryland farmers filed Notices of Intent to comply with CAFO permit requirements by a February 27, 2009, deadline. Once the permit is effective, MDE will be able to move forward in processing these Notices of Intent and also move forward with registering new and existing operations as MAFOs.

Maryland Department of the Environment Secretary Shari T. Wilson said: "To protect the environment and public health, Maryland is reducing nutrient pollution from all sources – from wastewater treatment plants to septic systems and urban and suburban runoff – and this includes agriculture. This permit will help Maryland farmers further protect and restore the Chesapeake Bay by ensuring that all farmers are operating under clear and consistent guidelines."

"Maryland farmers have a long, outstanding record of environmental conservation," said Agriculture Secretary Buddy Hance. "Through their stewardship of our land and water, Maryland farmers have accomplished a lot, but we all need to do more if we want to reach our Bay restoration goals. The environmental leadership of Maryland farmers is a model for other states to follow."

The Department of Agriculture (MDA) has tracked the permit closely to ensure the permit is as manageable and affordable as possible for poultry and livestock farmers while further safeguarding water quality. MDA provides financial and technical assistance for best management practices that may be warranted for farmers to meet standards. Technical assistance and assistance in permit requirements is provided through local soil conservation districts.

The MAFO permit requires a Soil Conservation and Water Quality Plan and a Nutrient Management Plan or a Comprehensive Nutrient Management Plan. Implementation of these technical-based plans help farmers manage fertilizers, animal waste, and other nutrient sources more efficiently to meet crop needs while preventing groundwater or surface water impacts. The permit also authorizes on-farm inspections and enforcement of any water quality problems by MDE.

MDE guidelines allow an operation to determine whether it is a CAFO or MAFO that must be covered under the general permit. That determination is based on the size of the operations and whether it proposes to or has the potential to discharge to surface waters. Detailed information will be sent directly to farmers about how to comply with the permit and its regulations on November 1, 2009. This information

will allow for phased in adoption of the required comprehensive nutrient management plans in acknowledgement of concerns about the availability of NCRS staff to prepare the Plans.

The permit and regulations are part of a broad campaign to protect and restore the state's waterways, including the Chesapeake Bay. The effort to reduce nutrient pollution also includes upgrading wastewater treatment plants and septic systems, better managing urban and suburban stormwater runoff, controlling emissions from power plants, planting cover crops, and expanding forested buffers and wetlands. Maryland has committed to new, two-year milestones that more than double the State's nitrogen reduction efforts and position the State to work with the federal Environmental Protection Agency on water restoration goals established as part of President Obama's Chesapeake Bay Executive Order.

Maryland farm operators have a long record of natural resource conservation. According to the Maryland Department of Agriculture:

- Since 1984, farmers have spent over \$12.25 million of their own money to match \$98 million in state and federal funds to install over 20,000 water quality best management practices (BMP) or about 2.5 BMPs per day, every day, for 24 years. Installation of agricultural BMPs on farmland will account for 67 percent of 2.5 million pounds of nitrogen of Maryland's recent 2011 Chesapeake Bay milestones.
- Ninety-nine percent of the state's 6,000 eligible farmers on 1.3 million acres (or 99 percent of cropland) are in compliance with the Nutrient Management Law.
- Farmers signed up to plant 330,500 acres of cover crops to take up excess nutrients over the winter.
- Landowners have installed riparian buffers and conservation cover on a total of 74,000 acres now in the Conservation Reserve Enhancement Program (CREP).
- Nearly 500 operations submitted a Notice of Intent for a federal CAFO permit by the February deadline so they would not be found out of compliance, even though they did not know for sure if they qualified as a CAFO.

For more information visit: For more information visit:

<http://www.mde.state.md.us/Permits/WaterManagementPermits/cafo.asp>