

Chapter 254

(House Bill 395)

AN ACT concerning

**Water Pollution Control – Discharge Permits – ~~Concentrated~~ Animal Feeding Operations**

FOR the purpose of repealing a ~~requirement that~~ certain provision of law requiring a person to hold a concentrated animal feeding operation (CAFO) general discharge permit issued by the Department of the Environment before the person may begin construction on any part of a new CAFO; authorizing the Department, under certain circumstances, to authorize a person to begin construction on any part of a new animal feeding operation under a certain approval process established by the Department; and generally relating to the discharge of pollutants into the waters of the State and ~~concentrated~~ animal feeding operations.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–323  
Annotated Code of Maryland  
(2014 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Environment**

9–323.

(a) ~~[(1)]~~ ~~A~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
A person shall hold a discharge permit issued by the Department before the person may construct, install, modify, extend, alter, or operate any of the following if its operation could cause or increase the discharge of pollutants into the waters of this State:

- ~~[(i)]~~ ~~(1)~~ An industrial, commercial, or recreational facility or disposal system;
- ~~[(ii)]~~ ~~(2)~~ A State-owned treatment facility; or
- ~~[(iii)]~~ ~~(3)~~ Any other outlet or establishment.

[(2) A person shall hold a CAFO Discharge permit issued by the Department before the person may begin construction on any part of a new CAFO.]

**(2) IF THE GENERAL DISCHARGE PERMIT FOR ANIMAL FEEDING OPERATIONS IS ADMINISTRATIVELY EXTENDED BY THE DEPARTMENT, THE DEPARTMENT MAY AUTHORIZE A PERSON TO BEGIN CONSTRUCTION ON ANY PART OF A NEW ANIMAL FEEDING OPERATION UNDER AN APPROVAL PROCESS ESTABLISHED BY THE DEPARTMENT THAT REQUIRES THE PERSON TO DEMONSTRATE COMPLIANCE WITH:**

**(i) THE REQUIREMENTS FOR COVERAGE UNDER THE ADMINISTRATIVELY EXTENDED GENERAL DISCHARGE PERMIT; AND**

**(ii) ALL OTHER APPLICABLE LAWS AND REGULATIONS AND REQUIRED CONSTRUCTION PERMITS.**

(b) By rule or regulation, the Department may require a discharge permit for any other activity.

[(c) The Department may not issue a CAFO Discharge permit to a person that violates subsection (a)(2) of this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, April 28, 2026.**