

HOUSE BILL 395

M3, M4

EMERGENCY BILL

6lr1920
CF SB 371

By: **Delegates Boyce, Adams, Arentz, Beauchamp, Ghrist, Griffith, Hartman, Hornberger, Hutchinson, Jacobs, Reilly, Sample-Hughes, ~~and Ziegler~~ Ziegler, Anderson, Grammer, Holmes, Nawrocki, Odom, and Stein**

Introduced and read first time: January 22, 2026

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2026

CHAPTER _____

1 AN ACT concerning

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

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

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 9–323
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2025 Supplement)

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

19 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9-323.

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

6 ~~[(i)]~~ ~~(1)~~ An industrial, commercial, or recreational facility or
 7 disposal system;

8 ~~[(ii)]~~ ~~(2)~~ A State-owned treatment facility; or

9 ~~[(iii)]~~ ~~(3)~~ Any other outlet or establishment.

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

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

18 **(I) THE REQUIREMENTS FOR COVERAGE UNDER THE**
 19 **ADMINISTRATIVELY EXTENDED GENERAL DISCHARGE PERMIT; AND**

20 **(II) ALL OTHER APPLICABLE LAWS AND REGULATIONS AND**
 21 **REQUIRED CONSTRUCTION PERMITS.**

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

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

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