



Maryland Farm Bureau, Inc.

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

February 24, 2022

To: Senate Education, Health & Environmental Affairs Committee

From: Maryland Farm Bureau, Inc.

Re: **Opposition of SB 492 - Environment - Discharge Permits - Inspections and Administrative Continuations**

On behalf of our member families, I submit this written testimony opposing SB 492. This bill limits the period for which the Department of the Environment may administratively continue certain water pollution discharge permits (zombie permits) to no longer than 3 years starting July 1, 2022, and then no longer than 1 year starting January 1, 2027. It establishes inspection and reporting requirements for the zombie permit holders and establishes administrative penalties for the zombie permit holders determined to be in significant noncompliance of State or federal water quality standards, effluent limitations, or other requirements.

We understand the intent of this bill and are not opposed to stronger enforcement of bad actors. However, the bill uses terms like significant noncompliance. That term is not defined anywhere in statute or regulation. The vast majority of compliance issues CAFO permit holders have been paperwork related. The farm is in full compliance with the on-farm practices, but sometimes there is a form missing or a form was submitted incorrectly. Nothing that is causing pollution issues, but more of a clerical issue. We don't believe these to be "significant noncompliance". Yet, since the bill doesn't define it, we are worried that these paperwork violations will be included. In addition, we believe that the issue trying to be addressed is with Individual permits and not with general permits. A CAFO permit is a general permit.

MDFB would be willing to remove our opposition if there were language added that would define "significant noncompliance" to not include paperwork violations and to narrow the focus of this bill to individual permit holders and remove general permits.

MDFB Policy: We strongly support responsible and workable actions designed to permit and protect the privilege and rights of farmers, commercial fisherman, and aquaculturalists, to produce without undue or unreasonable restrictions, regulations, or legislation. We support actions to ensure that farmers are protected from liability and nuisance suits when carrying out normal production practices.

MARYLAND FARM BUREAU RESPECTFULLY OPPOSES SB 492

A handwritten signature in black ink, appearing to read "Colby Ferguson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Colby Ferguson
Director of Government Relations

For more information contact Colby Ferguson at (240) 578-0396