



**The Maryland Department of the Environment
Secretary Serena McIlwain**

House Bill 395

Water Pollution - Discharge Permits - Concentrated Animal Feeding Operations

Position: Support
Committee: Environment and Transportation
Date: February 11, 2026
From: Jeremy D. Baker, Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 395.

Bill Summary

HB 395 would repeal a requirement that a person hold a concentrated animal feeding operation (CAFO) general discharge permit before the person may begin construction on any part of a new such facility.

Position Rationale

The proposed revisions to § 9-323 of the Environment Article under SB 371 would have a minimal impact on MDE operations because they simply remove a procedural hurdle for applicants and a specific limitation on the Department's permitting authority.

Since MDE already performs pre-construction inspections to ensure new facilities meet all standards, the Department's oversight process remains largely the same. Under the bill, and in alignment with active National Pollutant Discharge Elimination System (NPDES) general permits, the Department will still require operations to obtain a construction general permit before breaking ground. Furthermore, all notices of intent and technical plans must be posted for public review before an operation can be officially registered. Any CAFO that begins construction but fails to meet permit requirements, such as minimum setbacks, will remain subject to enforcement action. Finally, starting construction before a final permit is issued does not guarantee that the facility will ultimately be granted coverage.

Accordingly, MDE asks for a **FAVORABLE** report for HB 395.

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