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February 11, 2026

Oppose: HB 395 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

Mr. Chairman and Members of the Committee:

Maryland LCV Opposes HB 395 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations.

Concentrated Animal Feeding Operations (CAFOs) are established under Maryland law as requiring an Animal Feeding Operation (AFO) General Discharge Permit to operate. These permits are in place to help protect water quality from nutrient discharges that harm the Chesapeake Bay, its tributaries, and public health. In 2019, the Maryland General Assembly, recognizing the importance of environmental review and opportunity for public notice and comment *before* construction begins, established in law that CAFOs must obtain this permit prior to building new or expanding existing facilities. This law has protected water quality, allowed for important community input on construction plans, and provided regulatory certainty for agricultural operators.

HB 395, as written, would remove these important safeguards, creating an awkward exemption that does not solve the root cause of the problem facing the agricultural community, and may even create additional burdens for the agricultural operators requesting relief.

Maryland LCV acknowledges the Maryland Department of the Environment's (MDE) delay in renewing the AFO General Permit has caused hardship for operators wanting to develop new facilities, however HB 395 is not the right approach to address this problem. Were this legislation to move forward as is, and MDE were to allow operators to proceed with construction plans without a permit, operators would still be required to go through all the steps to obtain that permit before housing animals.

Additionally, HB 395 would apply this exemption from permitting prior to construction broadly across industrial facilities, not just to CAFO's. This would be contrary to Maryland law established for the protection of water quality and safety and would weaken important legal safeguards protecting Marylanders from pollution. Indeed, removing the established process for permit application and review would mean there would be no legal requirement in place for the issuance of public notice and comment. Especially for the many Environmental Justice communities in Maryland in

30 West Street, Suite C
Annapolis, MD 21401
Phone: 410-280-9855

www.mdlcvo.org

which CAFOs are located, notice and public comment is greater than a bureaucratic exercise. It provides the opportunity for Maryland communities to request assurances that additional pollution burdens will be mitigated or avoided.

Even without this legislation, it is possible and within the jurisdiction of MDE to provide permits to new agricultural operators wishing to construct and operate CAFOs in Maryland through issuance of individual permits. For the duration of the time the AFO General Discharge Permit is administratively continued, we recommend the use of the individual permit process be followed to serve the intention of this legislation, rather than adopting this bill language, based on concerns noted above.

Maryland LCV respectfully urges the committee to reject HB 395.