

Testimony in Opposition of HB0395/SB0371
Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations
House Environment and Transportation Committee 11 February 2026
Submitted on 9 February 2026 by 1:00 pm

To the Chair and Committee Members,

My name is Janet Ruhl. I live in Galena, MD, on the Sassafras River, and I urge an **unfavorable** report on HB0395/SB0371. Thank you in advance for your consideration to oppose this bill.

Maryland law requires that a person hold a concentrated animal feeding operation (CAFO) discharge permit, issued by the Department of the Environment (MDE), **before** the person may begin construction on any part of a new CAFO. Because MDE failed to reissue the Animal Feeding Operation (AFO) General Permit on time, there is a backlog of poultry growers who cannot move forward with financing or construction.

HB0395/SB0371 seeks to **repeal** the requirement that a person hold a CAFO discharge permit, issued by MDE, **before** the person may begin construction on any part of a new CAFO. While repealing the current requirement might address the poultry growers' immediate permitting and construction delays, repealing the requirement is **not** the correct response to the MDE failure to reissue the AFO General Permit. The correct response to these permitting delays is to ensure MDE meet review deadlines, or require administrative extensions, such that permits do not expire.

Indeed, this Bill:

- Could result in CAFO owners investing in new or modified facilities that will never be allowed to operate. At present, CAFO discharge permits are still required before a facility starts operations. If a new facility is never be granted a CAFO discharge permit, it will never be allowed to operate and the owner's investment is lost.

To alleviate this business hardship, the next step could be a repeal of the CAFO discharge permit requirements **prior** to facility operation.

- Will set precedent by indicating environmental safeguards can be set aside when not convenient, for example when the permitting agency is unable to meet its remit. The Clean Water Act and Maryland law are designed so a source of pollution cannot be built first and permitted later.

Because this bill stands at the top of two slippery slopes (investment prior to known permitting and weakening the environment safeguards), I **oppose** HB0395/SB0371 repealing the need for a CAFO discharge permit **prior** to construction on any part of a new CAFO. I urge the members to hold MDE accountable for issuing and renewing the AFO General Permit as the solution to the current backlog. **Do not weaken Maryland's environmental law and threaten our waters to solve an short-term problem.**

Thank you for your consideration, and I look to this committee to give HB0395/SB0371 an **unfavorable** report.

Sincerely,
Janet C. Ruhl