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## Testimony in OPPOSITION of HB395 – Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations

Environment & Transportation Committee  
February 11, 2026

Dear Chair Korman and members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF HB395**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Although there are currently no permitted Confined Animal Feeding Operation (CAFO) permits in the South, West, or Rhode River Watersheds, we have concerns regarding the precedent HB395 will set. By repealing the need for an operator to have an AFO in permit in hand and rely on stormwater construction only permits to begin initial construction, AFO operation may circumvent public comment processes and individual site review protocols. **This legislation opens the door for other industrial or commercial facilities to seek the same treatment in future sessions, weakening environmental safeguards across sectors.** The Clean Water Act and Maryland law are designed so a source of pollution cannot be built first and permitted later.

Maryland law requires a permit before construction under all general permits. Section 9-323 of the Environment Article states that a person must hold a discharge permit before building, modifying, or operating any facility that could release pollution into water. This requirement has always applied broadly to industrial and commercial facilities; CAFOs were explicitly named in 2019 to apply compliance expectations that are consistent with every other discharge permit managed by the state. Repealing the 2019 provisions does not change the intent or application of this law to AFO operations.

This bill seeks to remedy a consequence of Maryland Department of the Environment not renewing the AFO General Permit on time, which resulted in backlogs and administrative extensions. **Arundel Rivers encourages this committee to ensure that MDE has the required resources to meet their deadlines as opposed to eliminating permit requirements and pre-construction review.**

Arundel Rivers Federation believes this bill will not solve the problem it seeks to address and instead will cause further environmental consequences and permitting loopholes across sectors. For these reasons, we request an **unfavorable report** on HB395.

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett  
South, West, and Rhode Riverkeeper  
Arundel Rivers Federation