# Facts About…

## CAFO/MAFO Environmental Permitting Checklist

**Large or medium sized animal feeding operations (AFOs) that "propose to discharge" wastewater to waters of the State must apply for MDE's General Discharge Permit for Concentrated Animal Feeding Operations (CAFO), Federal discharge permit number MDG01. In addition, large AFOs that do not discharge wastewater to waters of the State must apply for a Maryland Animal Feeding Operation (MAFO) permit, State discharge permit number 09AF.**

**The following checklist will help you determine if you are required to apply for these permits and walk you through the six steps in the permitting process.**

**The standard turnaround time to register for CAFO or MAFO General Permit coverage is 180 days.**

**Contact Gary Kelman of MDE's CAFO Unit if you have any questions at 410-537-4423 or gkelman@mde.state.md.us.**

*Step 1:* Use the following table to determine if your operation is a CAFO or a MAFO.

| **Animal Type** | **Size of Animal Feeding Operations based on Number of Animals or House Capacity in square feet** | | |
|---|---|---|---|
| | A | B | C |
| | Large | Medium | Small |
| Cattle (includes heifers) | **1000 or more animals** | **300—999 animals** | less than 300 animals |
| Dairy cattle | **700 or more animals** | **200—699 animals** | less than 200 animals |
| Horses | **500 or more animals** | **150—499 animals** | less than 150 animals |
| Veal | **1000 or more animals** | **300—999 animals** | less than 300 animals |
| Swine ≥ 55 pounds | **2500 or more animals** | **750—2499 animals** | less than 750 animals |
| Swine < 55 pounds | **10,000 or more animals** | **3,000—9,999 animals** | less than 3,000 animals |
| Sheep and lambs | **10,000 or more animals** | **3,000—9,999 animals** | less than 3,000 animals |
| Ducks with liquid manure handling* | **5,000 or more animals** | **1,500—4,999 animals** | less than 1,500 animals |
| Chickens with liquid manure handling | **30,000 or more animals** | **9,000—29,999 animals** | less than 9,000 animals |
| Ducks with dry manure handling | **30,000 or more animals** | **10,000—29,999 animals** | less than 10,000 animals |
| Laying hens with dry manure handling | **82,000 or more animals** | **25,000—81,999 animals** | less than 25,000 animals |
| Chickens (other than laying hens) with dry manure handling | **125,000 or more animals or greater than or equal to 100,000 $ft^2$** | **37,500—124,999 animals and less than 100,000 $ft^2$** | less than 37,500 animals |
| Turkeys | **55,000 or more animals** | **16,500—54,999 animals** | less than 16,500 animals |



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If your operation falls in columns A or B of the chart and runoff from your production area is likely to discharge water to surface waters of the State, you are defined as a CAFO.

If your operation falls in column A of the chart and runoff from your production area does not discharge water to surface waters, then you are defined as a MAFO.

If your operation falls in Column C, you do not have to apply for a CAFO or MAFO Permit unless your operation is found by MDE or EPA to have the potential of polluting the waters of the State, such as having animal access to surface waters or animal waste stored in such a way to pollute surface waters.

(MDE or EPA may designate any AFO as a CAFO if conditions warrant. MDE may designate any AFO a MAFO if conditions warrant.)

*Step 2:* Find the category on the chart that applies to your operation and submit the documentation required to apply for the new General Permit for CAFOs and MAFOs.

Category 1: CAFOs currently registered under the previous General Permit 96-AF must submit:

- Notice of Intent to comply with the General Permit (NOI); AND
- Comprehensive Nutrient Management Plan (CNMP) developed by the USDA's Natural Resources Conservation Service no later than February 1, 2010 (within 60 days following the effective date of new General Permit)

Category 2: Existing AFO newly defined as a CAFO from Step 1, above, including poultry CAFOs with dry manure handling must submit an Notice of Intent AND Comprehensive Nutrient Management Plan.

Note: *If you operated an AFO that meets the criteria for Category 1 or 2 above that existed prior to February 27, 2009, State regulation required that you apply for coverage under the General Permit by February 27, 2009. If you have not yet submitted an application, you should apply for coverage as soon as possible.*

Category 3: Existing AFO that is defined as a MAFO from Step 1, above, must submit:

- Notice of Intent no later than March 1, 2010 (90 days following the effective date of the General Permit). AFOs must also submit by December 1, 2011 either of the following (2 years following the effective date of the General Permit):
    - Maryland Department of Agriculture Nutrient Management Plan AND a Soil Conservation and Water Quality Plan; OR
    - Comprehensive Nutrient Management Plan.



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Category 4: An AFO that is newly designated as either a MAFO or CAFO by MDE, no later than 90 days after receiving written notice of the designation, must submit:

- MAFO:
  - Notice of Intent, Nutrient Management Plan AND a Soil Conservation and Water Quality Plan ; OR
  - Notice of Intent AND a Comprehensive Nutrient Management Plan
- CAFO:
  - Notice of Intent AND a Comprehensive Nutrient Management Plan.

Category 5: An existing AFO on December 1, 2009, that later expands to become a MAFO or CAFO, no later than 90 days after receiving written notice of the designation must submit:

- MAFO:
  - Notice of Intent, Nutrient Management Plan AND Soil Conservation and Water Quality Plan OR
  - Notice of Intent AND Comprehensive Nutrient Management Plan
- CAFO:
  - Notice of Intent AND Comprehensive Nutrient Management Plan

Category 6: New CAFOs or MAFOs may not begin operation prior to receiving written notification from the MDE that the AFO is registered under the General Permit.

- New AFO meeting the criteria of a CAFO must apply for a General Permit within 180 days before beginning operation but can begin operation as soon as they are registered under the General Permit;
- New AFO meeting the criteria of a MAFO must apply at least 90 days before beginning operation but can begin operation as soon as they are registered under the General Permit;
- New sources must comply with the permit requirements for an approved Nutrient Management Plan and Soil Conservation and Water Quality Plan as of the date of permit coverage

Category 7: AFOs that are not CAFOs or MAFOs that raise "chickens (other than laying hens) with dry manure handling" with a house capacity greater than 75,000 square feet, must send in a "Certification of Conformance" no later than December 1, 2012 (within 3 years of the effective date of the General Permit).

<u>Comprehensive Nutrient Management Plans</u>:

What is a Comprehensive Nutrient Management Plan or CNMP?

- A CNMP is a soil and water quality conservation plan that is fully integrated with a nutrient management plan. It is a specific farm plan to ensure that producers make the best use of manure and poultry litter while also protecting water quality.
- A CNMP guides the management of the production, handling, storage and/or treatment of all nutrients on the farm, from feed to manure. The CNMP is individually designed, considering the unique land, labor and equipment resources of your operation. The U.S. Department of Agricultural (USDA) Natural Resources Conservation Service (NRCS) or a NRCS certified technical service provider works with you to create a CNMP that best meets your management objectives and environmental concerns, while meeting NRCS technical standards. CNMPs include a description of manure storage structures, handling methods, application



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rates, erosion control practices, guidance on when and where to apply manure and litter, and a record-keeping tool.

- A CNMP is the starting point to minimizing any potential for nutrients or other pollutants from the production area and the land application area to discharge to the waters of the State.

How do I obtain a CNMP for my farm operation?

- NRCS will help you design a CNMP specifically for your operation. Assistance to develop your CNMP may also be available from certified Technical Service Providers (TSPs). You may qualify for financial assistance for CNMP development under the NRCS Environmental Quality Incentives Program (EQIP). For more information on how to have a CNMP developed for your operation, contact your local USDA Field Office Service Center http://www.md.nrcs.usda.gov/contact/directory/

What if I am not able to obtain a CNMP immediately?

- You may not have been able to have a CNMP developed in time to send it in with your NOI due to the limited number of certified technical service providers (TSPs) or NRCS certified conservation planners. MDE is working with NRCS to train additional TSPs. In the meantime, for those farms that have submitted their NOIs and CNMP Status Forms without the CNMP, MDE will be requiring farmers to sign compliance agreements that will certify that they are taking the necessary steps on a prescribed schedule to obtain coverage under the General Permit. These compliance agreements with schedules will also require the farms to enhance their operation as necessary to reduce any production area runoff from polluting the surface waters of the State. MDE is working with NRCS to prioritize farms that are in need of a CNMP based on several factors including their potential to pollute the surface waters of the State.

*Step 3:* MDE Review: MDE reviews the NOI and the required plans (CNMP, NMP, or CP) to determine if the required plans satisfy the requirements for the General Permit. If MDE determines that the required plans satisfy the requirements of the General Permit, MDE prepares a preliminary approval.

*Step 4*: Public Participation: MDE publishes a public notice of the preliminary approval of the required plans and provides 30 days for public comments. For CAFOs, the notice will specify the procedure for making a written request for public hearing regarding the preliminary approval of the required plans. MDE schedules a public hearing when a written request is received within 20 days of the publication of the public notice. MDE prepares and publishes a notice of final approval of the required plans. Any person aggrieved by MDE's final approval may request a contested case hearing and, following that, may challenge the final approval in court. All public notifications will be posted on MDE's web site at http://www.mde.state.md.us/Programs/LandPrograms/Solid_Waste/cafo_search/index.asp.

Both CAFOs and MAFOs have a public comment period, however, MAFOs have no requirement for a hearing.



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*Step 5:* CAFO/MAFO Registration under General Permit

CAFOs:

- If there are no requests for a public hearing, you will receive a letter stating that your CAFO is registered under the General Permit. This letter will include details explaining what the enforceable elements of your CNMP are.
- If there is a public hearing and significant comments are received, MDE will publish a final determination which addresses those comments. You will then receive a letter stating that your CAFO is registered under the General Permit. This letter will include details explaining what the enforceable elements of your CNMP are.

MAFOs:

- Although there is no requirement for holding a public hearing for MAFOs, comments are still invited. If significant comments are received, we will publish a final determination which addresses those comments. You will then receive a letter stating that your MAFO is registered under the General Permit. This letter will include details of what the enforceable elements of your CNMP are.



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