

MDE Requirements for Expanding and New Poultry Houses

August, 2015

There has been an increase in new construction relating to poultry animal feeding operations (“AFOs”). This includes new poultry houses and manure storage sheds on existing and new AFOs. The Maryland Department of the Environment (“MDE”) wants to make you aware of certain important requirements. This includes not only requirements after the construction is over, but also during the planning and design of the AFO before construction begins. The following is a list of important precautions, permits, and resources for information to assist poultry growers. **Please note that the checklist is not all inclusive.** MDE encourages AFO operators/owners to research all legal requirements prior to planning and building any new construction or expansion of existing poultry AFOs. The failure to provide all required notifications, and obtain all required permits and authorizations, both prior to and after construction may place the AFO in violation of applicable local, State, and federal law.

Pre-construction

- **DO NOT** try to fit more structures on a field than can be placed in a manner that allows required buffer areas, stormwater management, and protection of surface waters of the State from discharges of manure, litter, and process wastewater;
 - o Poultry structures on new AFOs or substantially independent of the existing portion of an existing AFO should be located at least 100 feet from surface waters of the State (public ditches, tax ditches, streams, rivers, ponds, lakes, tidal and non-tidal wetlands, and public drainage systems);
- **DO NOT** adjust the location of the structures from the approved plans without receiving re-approval from all signoffs;
- **DO NOT START CONSTRUCTION** before receiving all approvals including, but not limited to, the following:
 - o General Permit for Stormwater Associated with Construction Activity; issued by MDE, Water Management Administration (WMA); Contact WMA if project will disturb one acre or more of earth; see MDE webpage at <http://go.usa.gov/gFMW> or email mde.constructionswnoi@maryland.gov;
 - o Erosion and Sediment Control Plan; approved by Soil Conservation Service; contact your local district office;
 - o Storm Water Management Plan; approved by local county department of public works or equivalent agency; contact your local agency; and
 - o Waterway Construction Permit (if located within the 100-year non-tidal floodplain); contact Bill Seiger at 410-537-3821 or william.seiger@maryland.gov.
- **SUBMIT an NOI** for coverage under the General Discharge Permit for Animal Feeding Operations (“AFO GD Permit”), which is issued by MDE, at least three months prior to receiving birds; contact Gary Kelman at 410-537-4423 or gary.kelman@maryland.gov;
 - o Make sure that you write “new construction” on the NOI; and
 - o Develop and submit to MDE the applicable required plan (Comprehensive Nutrient Management Plan or a Nutrient Management Plan plus a Soil Conservation and Water Quality Plan) to complete the AFO GD Permit application. **COVERAGE UNDER THE AFO GD PERMIT CANNOT BE ACQUIRED UNTIL BOTH THE NOI AND THE REQUIRED PLAN ARE RECEIVED AND PROCESSED.**

- No discharges from the production area (which includes the animal confinement and manure storage areas) are authorized with the exception of certain precipitation events as long as the owner or operator was in compliance with the required plan at the time of the precipitation event.
- **NOTIFY** the AFO Division of any modification (adding poultry houses, manure storage sheds, or other changes to poultry operations) to an existing AFO in writing and as required by the AFO GD Permit. Send the notification to MDE/LMA, 1800 Washington Blvd., Suite 610, Baltimore, Maryland 21230-1719.
 - If the planned expansion is determined by the AFO Division to be a substantial modification, public participation is required prior to construction.
- **CONTACT** MDE's Water Supply Program if you will need additional water to support the new poultry houses to determine whether or not you need a Water Appropriation and Use Permit; call the Water Supply Program at 410-537-3714.

During Construction

- **CHECK** on the progress of the AFO GD Permit registration; contact Gary Kelman at 410-537-4423 or gary.kelman@maryland.gov); and
- **MAKE SURE** that contractors follow Erosion and Sediment Control Plan and the terms and conditions in the General Permit for Stormwater Associated with Construction Activity.

Post- Construction

- **FINISH** all site work before receiving birds;
- **SUBMIT** a Notice of Termination for the General Permit for Stormwater Associated with Construction Activity when the site meets the final stabilization requirements; to do this, revisit MDE webpage at <https://egov.maryland.gov/mde/npdes/Account/Login>; and
- **DO NOT** receive birds until registered under the AFO G D Permit; contact Gary Kelman at 410-537-4423 or gary.kelman@maryland.gov.

For questions, you can contact Gary Kelman at 410-537-4423 or gary.kelman@maryland.gov.