



# Facts About...

## Animal Feeding Operation Permitting Checklist

Large or medium sized animal feeding operations (AFOs) that discharge, propose to discharge, or could discharge manure, litter or process wastewater to waters of the State must apply for coverage under the General Discharge Permit for Animal Feeding Operations (GD Permit) as a concentrated animal feeding operation (CAFO). In addition, large AFOs that do not discharge to surface waters of the State, but discharge to ground waters of the State, must apply for coverage under the GD Permit as a Maryland Animal Feeding Operation (MAFO).

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

The standard turnaround time to register for CAFO or MAFO GD Permit coverage is 160 days for currently unregistered AFOs and up to 3 years for AFOs currently registered under the 09AF GD Permit. This means that it can take up to 160 days or 3 years, respectively, to acquire coverage once your Notice of Intent (NOI) and the required plans are **considered complete and meet the requirements**. AFOs currently registered under the 09AF GD Permit that submitted a Notice of Intent (NOI) for the renewed GD Permit (14AF) have their registrations extended until their new NOI is processed. You must plan ahead to assure that you have submitted your NOI prior to receiving animals to avoid non-compliance with AFO requirements.

Newly constructed AFOs and expansions of existing AFOs must have their unregistered structures registered under the GD Permit prior to receiving animals to avoid noncompliance with AFO requirements.

Contact Gary Kelman of the Maryland Department of the Environment’s (the “Department”) AFO Division if you have any questions at 410-537-4423 or [gary.kelman@maryland.gov](mailto:gary.kelman@maryland.gov).

*Step 1:* Use the following table to determine the size of your operation. Steps 1A through 1F will help you determine whether your operation is a CAFO or a MAFO.

Animal Type	Size of Animal Feeding Operations based on Number of Animals and/or House Capacity in square feet		
	A	B	C
	Large	Medium	Small
Cattle (includes heifers)	<b>1,000 or more animals</b>	<b>300—999 animals</b>	less than 300 animals
Dairy cattle	<b>700 or more animals</b>	<b>200—699 animals</b>	less than 200 animals
Horses	<b>500 or more animals</b>	<b>150—499 animals</b>	less than 150 animals
Veal	<b>1,000 or more animals</b>	<b>300—999 animals</b>	less than 300 animals
Swine ≥ 55 pounds	<b>2,500 or more animals</b>	<b>750—2,499 animals</b>	less than 750 animals
Swine < 55 pounds	<b>10,000 or more animals</b>	<b>3,000—9,999 animals</b>	less than 3,000 animals
Sheep and lambs	<b>10,000 or more animals</b>	<b>3,000—9,999 animals</b>	less than 3,000 animals
Ducks with liquid manure handling	<b>5,000 or more animals</b>	<b>1,500—4,999 animals</b>	less than 1,500 animals
Chickens with liquid manure handling	<b>30,000 or more animals</b>	<b>9,000—29,999 animals</b>	less than 9,000 animals
Ducks with dry manure handling	<b>30,000 or more animals</b>	<b>10,000—29,999 animals</b>	less than 10,000 animals
Laying hens with dry manure handling	<b>82,000 or more animals</b>	<b>25,000—81,999 animals</b>	less than 25,000 animals



Chickens (other than laying hens) with dry manure handling	<b>125,000 OR more animals OR greater than or equal to 100,000 ft<sup>2</sup> capacity</b>	<b>37,500—124,999 animals AND less than 100,000 ft<sup>2</sup> capacity</b>	less than 37,500 animals
Turkeys	<b>55,000 or more animals</b>	<b>16,500—54,999 animals</b>	less than 16,500 animals

- 1A. If your operation falls in columns A or B of the chart and discharge from your production area will flow to surface waters of the State, you are defined as a CAFO.
- 1B. If your operation falls in column A of the chart and discharge from your production area does not flow to surface waters, but to ground waters, then you are defined as a MAFO.
- 1C. If your operation falls in Column C, you do not have to apply for coverage under the GD Permit as a CAFO or MAFO 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.
- 1D. If your operation falls in Column B, is a chicken with dry manure handling operation that does not discharge to surface waters of the State, and whose total house capacity is greater than 75,000 square feet and less than 100,000 square feet, you must sign a Certification of Conformance immediately upon falling into this category. **If you do not, then your operation is automatically designated as a MAFO and you must submit a NOI and, when available, required plans.**  
(MDE or EPA may designate any AFO as a CAFO if conditions warrant. MDE may designate any AFO as a MAFO if conditions warrant.)
- 1E. If your operation falls in Column B and is a chicken with dry manure handling operation that does not discharge to surface waters of the State, whose total house capacity is 75,000 square feet or less, then you are not subject to regulation as a CAFO or MAFO, unless designated by MDE. It is not necessary to apply for coverage under the GD Permit.
- 1F. If your operation falls in Column B and is not a chicken with dry manure handling operation and discharge from your production area does not flow to surface waters of the State, but to ground waters of the State, then your operation is not defined as a CAFO, but may be a MAFO. Contact the Department for a determination.

*Step 2:* Find the category on the chart that applies to your operation and submit the listed documentation required to apply for the GD Permit as a CAFO or a MAFO.

Category 1: Existing AFO newly defined as a CAFO or a MAFO from Step 1, including poultry CAFOs with dry manure handling must immediately submit a NOI AND:

- A Comprehensive Nutrient Management Plan (CNMP); OR
- A Maryland Department of Agriculture Nutrient Management Plan (NMP) AND a Soil Conservation and Water Quality Plan (CP).

Category 2: An AFO that is newly designated as either a MAFO or CAFO by MDE, no later than 90 calendar days after receiving written notice of the designation, must submit either:

- A NOI AND a CNMP; OR
- A NOI, NMP AND a CP.

Category 3: An existing AFO on December 1, 2014, that later expands to become a MAFO or CAFO, no later than 90 calendar days after receiving written notice of the designation must submit either:

- A NOI AND a CNMP; OR
- A NOI, NMP AND a CP.



Category 4: New CAFOs or MAFOs may not begin operation prior to receiving written notification from the MDE that the AFO is registered under the GD Permit. Planning and construction of the operation may be performed, but animals may not be grown until the operation is registered.

- New AFOs meeting the criteria of a CAFO must apply for coverage under the GD Permit within 160 calendar days before beginning operation but can begin operation as soon as they are registered under the GD Permit;
- New AFO meeting the criteria of a MAFO must apply at least 90 calendar days before beginning operation but can begin operation as soon as they are registered under the GD 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 GD Permit coverage.

Category 5: New/proposed 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, may send in a “Certification of Conformance” prior to receiving animals and, if accepted by MDE, do not have to apply for coverage under the GD Permit.

Category 6: New/proposed poultry AFOs or expansions of existing registered poultry AFOs must apply and be registered under the GD Permit prior to receiving animals. Submit the NOI to the Department as soon as you have the necessary information and submit the required plans as soon as you can obtain them. Construction of the new structures can begin at the farmer’s own risk, once the project is registered under the General Discharge Permit for Stormwater Associated with Construction Activity but prior to being registered under the GD Permit. Birds cannot be received until registered under the GD Permit.

#### Comprehensive Nutrient Management Plans:

What is a Comprehensive Nutrient Management Plan or CNMP?

- A CNMP is a soil and water quality conservation plan that is integrated with a nutrient management plan. It is a operation/farm specific 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 Agriculture (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 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 in developing 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 required plan immediately?

- Please send your NOI to MDE with a note explaining what you are doing to obtain the required plans.

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

*Step 4: Public Participation:* The Department publishes a public notice of the preliminary approval of the NOI and the required plans and provides 30 calendar days for public comments. For CAFOs, the notice also specifies the procedure for making a written request for public hearing regarding the preliminary approval of the NOI and the required plans. The Department schedules a public hearing when a written request is received within 20 calendar days of the publication of the public notice. The Department prepares and publishes a notice of final approval of the required plans unless no modifications are made in which case the AFO is registered as in Step 5. Any person aggrieved by the Department'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 the Department's web site at

<http://www.mde.state.md.us/programs/Land/RecyclingandOperationsprogram/AFO/Pages/CAFO.aspx>

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

*Step 5: CAFO/MAFO Registration/Coverage under GD Permit*

CAFOs:

- If there are no requests for a public hearing, you will receive a letter stating that your CAFO is registered under the GD Permit along with a registration certificate.
- If there is a public hearing and significant comments are received, the Department will publish a final approval which addresses those comments. You will then receive a letter stating that your CAFO is registered/covered under the GD Permit along with a registration certificate.

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 approval which addresses those comments. You will then receive a letter stating that your MAFO is registered under the GD Permit along with a registration certificate.

**For questions, please contact Mr. Gary Kelman at 410-537-4423 or [gary.kelman@maryland.gov](mailto:gary.kelman@maryland.gov).**