



# Animal Feeding Operation (AFO) Permitting Process Checklist

## What You Need to Know

This checklist will help you determine if you are required to apply for the General Discharge (GD) Permit for Animal Feeding Operations (AFOs) and will walk you through the **five steps** in the permitting process.

### Five Steps in the Permitting Process:

➤ **Step 1:**

Use the following AFO Size Table to determine the size of your operation. Steps 1A through 1D will then help you determine whether 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 <sup>2</sup>	37,500—124,999 animals and less than 100,000 ft <sup>2</sup>	less than 37,500 animals
Turkeys	55,000 or more animals	16,500—54,999 animals	less than 16,500 animals

- 1A. If your operation falls in columns A or B of the AFO size table and any potential 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 AFO size table and there is no potential for a discharge from your production area to flow to surface waters, but may flow 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 and is a chicken with dry manure handling operation that does not discharge to surface waters of the State, 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.

➤ **Step 2:**

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

Remember, you are not permitted to receive animals until your AFO is registered under the GD Permit.

Category*	Definition	Required Documentation
1	An AFO <b>newly defined</b> from Step 1 as a CAFO or MAFO	<b>Immediately</b> submit: <ul style="list-style-type: none"> <li>• NOI</li> <li>• CNMP or NMP/CP</li> </ul>
2	An existing AFO <b>newly designated</b> as a CAFO or MAFO by MDE	<b>Within 90 days</b> must submit: <ul style="list-style-type: none"> <li>• NOI</li> <li>• CNMP or NMP/CP</li> </ul>
3	An <b>expansion</b> of an existing registered AFO	<b>Immediately</b> submit: <ul style="list-style-type: none"> <li>• NOI</li> <li>• CNMP or NMP/CP</li> </ul>
4	New constructions/proposed AFOs	<b>Immediately</b> submit: <ul style="list-style-type: none"> <li>• NOI</li> <li>• CNMP or NMP/CP</li> </ul>

NOI= Notice of Intent; CNMP= Comprehensive Nutrient Management Plan; NMP= Nutrient Management Plan

➤ **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. If the plans do not satisfy the requirements, the AFO Program will work with you and your plan-writer to complete your application

➤ **Step 4:**

Public Participation:

The Department publishes a public notice on its website 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 a 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 public hearing date, location, and time is advertised on the Department's website at least 30 days prior to the hearing. If no public hearing is requested and no comments are made, the AFO is registered. Otherwise, after the public hearing, the Department prepares and publishes a Notice of Final Approval (NFA) of the required plans. Any person aggrieved by the Department's final approval may request a contested case hearing and, following that, may challenge the final approval in civil court. The CAFO or MAFO will not be registered until the end of the public participation process, which includes the contested case hearing.

All public notifications will be posted on the Department's web site at:

<https://mde.maryland.gov/programs/Land/RecyclingandOperationsprogram/Pages/AFOInfo.aspx>

➤ **Step 5:**

CAFO/MAFO Registration:

- CAFOs:  
If there are no requests for a public hearing, then 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 Notice of Final Approval (NFA) which addresses those comments

- MAFOs:

Although there is no requirement for holding a public hearing for MAFOs, comments are still invited. If significant comments are received, the Department will publish a NFA which addresses those comments

\*The NFA includes a 15 day opportunity for those adversely affected by the project to request a contested case hearing. If the administrative law judge rules in support of the registration, then you will receive a letter stating that your CAFO/MAFO is registered/covered under the GD Permit along with a registration certificate.

## Questions?

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Contact Gary Kelman, Division Chief, of the Maryland Department of the Environment's (the "Department") AFO Division if you have any questions at 410-537-3314 or [gary.kelman@maryland.gov](mailto:gary.kelman@maryland.gov).