

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
LAND AND MATERIALS ADMINISTRATION**

**NOTICE OF FINAL DETERMINATION  
General Discharge Permit for Animal Feeding Operations  
State Discharge Permit No. 19AF; NPDES Permit No. MDG01**

The Maryland Department of the Environment (MDE or the Department) is reissuing with revisions the General Discharge Permit (GD Permit) for Animal Feeding Operations (AFOs), Maryland Permit No. 19AF, NPDES Permit No. MDG01. This General Discharge Permit will replace Maryland Permit No. 14AFA, NPDES Permit No. MDG01A that was effective August 1, 2016 and expired November 30, 2019.

The General Discharge Permit is necessary to protect water quality and to comply with federal requirements under 40 Code of Federal Regulations (CFR) Parts 122, 123, 124, 125, and 412, as well as state requirements under Code of Maryland Regulations (“COMAR”) 26.08.04.09N. All large and medium AFOs that discharge or propose to discharge to waters of the state must be covered under the General Discharge Permit. Other AFOs may be required to be covered under the General Discharge Permit at the discretion of MDE or the United States Environmental Protection Agency (“EPA”).

On September 4, 2019, MDE published a Notice of Tentative Determination to reissue with revisions the AFO General Discharge Permit. MDE conducted public hearings on October 15, 2019 at the Thurmont Regional Library, 76 East Moser Road, Thurmont, Maryland 21788 and on October 21, 2019 at the Wicomico Civic Center, 500 Glen Avenue, Salisbury, Maryland 21804. The public comment period was extended by 60 days and written public comments were received by MDE through December 27, 2019. In addition to the General Discharge Permit revisions proposed in the Tentative Determination, MDE has made the following additional revisions, in addition to renumbering, spacing, and other non-substantive changes, to the draft General Discharge Permit in response to comments received as part of the public participation process:

**General:** The usage of the terms “surface water” and “waters of the state” was clarified throughout the General Discharge Permit.

**Part II:**

(a) The definition of “organic poultry” has been moved from Part IV.D.3(a) and added as Part II.V. “Organic poultry” means a poultry CAFO or Maryland Animal Feeding Operation (MAFO) that complies with the organic standards established by the United States Department of Agriculture (USDA) National Organics Program at 7 CFR 205;

(b) The definition of “poultry litter manure” or “litter” has been clarified to include the phrase “that has come in contact with poultry” at Part II.Y. “Poultry litter manure” or “litter” means the fecal and urinary excretion of poultry, including poultry litter and materials used as bedding that has come in contact with poultry;

(c) The definition of “poultry pasture” has been moved from Part IV.D.3(b) and added as Part II.Z. “Poultry pasture” means an area of an organic poultry feeding operation where chickens are allowed access to areas outside a poultry house. The poultry pasture allows for raising poultry on pasture in addition to indoor confinement. The poultry pasture is not considered part of the production area as long as the area maintains vegetation during the normal vegetative growing season; and

(d) The term “vegetative” has been added prior to “growing season” in Part II.BB.

**Part III.B.5:** MDE will develop a form on which a Comprehensive Nutrient Management Plan (CNMP) writer must identify the resources evaluated and identify all specific resource concerns at an AFO. This form must be provided to MDE by the CNMP writer or an AFO owner or operator along with the AFO's CNMP.

**Part III.B.5:** When submitting a Notice of Intent (NOI) for coverage under the General Discharge Permit for a proposed, renewed, or modified AFO, the Required Plan must identify the distance to and the name of the nearest waterbody(s), the 12-digit watershed name and number, the water quality status of the watershed(s) by identifying if there are any Total Maximum Daily Load (TMDL) impairments for nitrogen, phosphorus, bacteria or sediment and if the facility is located in a Tier 2 watershed(s).

**Part V.B.1.1:** MDE's Annual Implementation Report (AIR) form will be revised to include a question regarding the status of resource concerns on an AFO's Implementation Schedule.

As provided by § 1-601(c) of the Environment Article, a Final Determination by the Department on the issuance, denial, renewal, or revision of the General Discharge Permit is subject to judicial review at the request of any person that: (1) Meets the threshold standing requirements under federal law; and (2) (i) Is the applicant; or (ii) Participated in the public participation process through the submission of written or oral comments, unless an opportunity for public participation was not provided. Judicial review is based on the administrative record before the Department and limited to objections raised during the public comment period unless the petitioner demonstrates that: (i) The objections were not reasonably ascertainable during the comment period; or (ii) Grounds for the objections arose after the comment period. Md. Code Ann., Envir. § 1-601(d). A person petitioning for judicial review shall file the petition in accordance with Title 1, Subtitle 6 of the Environment Article and the Maryland Rules. Md. Code Ann., Envir. § 1-605(a), (c). A party submitting a petition for judicial review shall file the petition within thirty (30) calendar days after publication of a notice of Final Determination. Md. Code Ann., Envir. § 1-605(b).

The General Discharge Permit and MDE's "*Response to Public Comments Regarding General Discharge Permit for Animal Feeding Operations, Maryland Permit # 19AF; NPDES Permit # MDG01*" may be viewed on the Animal Feeding Operations Program Webpage:

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

Copies of these documents may be obtained from MDE at a cost of \$0.36 per page. For further information regarding this notice, please contact C. John Sullivan III, Manager, Resource Management Program at (410) 537-3314 or [John.Sullivan1@maryland.gov](mailto:John.Sullivan1@maryland.gov).