

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

Chapter 04 Permits

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330, Annotated Code of Maryland

.09 General Discharge Permits.

A.—M. (text unchanged)

N. General Discharge Permit for Animal Feeding Operations.

(1)—(2) (text unchanged)

(3) *In accordance with the Environment Article, §9-323(a)(2), Annotated Code of Maryland, a person shall have coverage under a CAFO discharge permit before the person may begin construction on any part of a new CAFO.*

[(3)] (4) Public Process for CAFOs and MAFOs.

(a)—(i) (text unchanged)

(j) The Department shall publish public notice of a preliminary approval of the required plans in accordance with [§N(3)(c)] §N(4)(c) of this regulation. The notice shall provide for a period of 30 days for public comment and shall specify how to review and copy the preliminary approval, NOI, and the required plans. For a CAFO, the notice shall also specify the procedure for making a written request for a public hearing regarding the preliminary approval of the terms of the required plans.

(k)—(n) (text unchanged)

(o) Interested Persons.

(i)—(ii) (text unchanged)

(iii) The Department shall provide a copy of the public notice of the preliminary approval in [§N(3)(i)] §N(4)(i) of this regulation to interested persons and provide them access to a copy of the preliminary approval via electronic mail or U.S. mail or through providing a link to the Department's web site.

(iv) (text unchanged)

(p)—(q) (text unchanged)

O.—P. (text unchanged)

.09-1 Fees for General Discharge Permits.

A.—I. (text unchanged)

J. Fee for Discharges from Concentrated Animal Feeding Operations.

[(1)] A CAFO shall pay an annual permit fee. The first annual fee payment shall be submitted to the Department with the NOI form. The Department will bill the permittee annually, and the fee shall be paid annually not later than the anniversary of the effective date of the permit. The following permit fees shall be collected based on the size category of the facility defined in Table 1 under Regulation 26.08.03.09A(3):

Size Category	Large	Medium	Small
Annual Permit Fee	\$1200	\$600	\$120

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(1) *A CAFO with a total house capacity of 350,000 square feet or more shall pay fees to the Department in accordance with the following requirements:*

(a) *The CAFO shall pay to the Department an application fee of \$2,000 with the NOI form if the operation is:*

(i) *A proposed new CAFO; or*

(ii) *A modification of an existing CAFO to expand the total house capacity of the facility to 350,000 square feet or more; and*

(b) *A CAFO that holds a discharge permit and has a total house capacity of 350,000 square feet or more shall pay to the Department an annual permit fee of \$1,200 no later than one year after the date of renewed coverage under a discharge permit, and pay a \$1,200 permit fee for every year thereafter.*

(2) *Except as provided under §J(1) of this regulation, a CAFO shall pay to the Department an application fee with the NOI form that is based on the size category of the CAFO defined in Table 1 under COMAR 26.08.03.09A(3), in the accordance with the following schedule:*

Size Category	Large	Medium	Small
Application Fee	\$800	\$300	\$60

(3) *There is no annual fee for a CAFO with a total house capacity of less than 350,000 square feet.*

[(2)] (3) (text unchanged)

K. (text unchanged)