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## **Study: Maryland Dept of Environment CAFO Permit Backlog Endangers Chesapeake Bay Clean-Up Effort**

### ***MDE Permit Fee Waivers 'Inexcusable,' Says Report Author; 'Marylanders Pay for Driver's Licenses and Fishing Permits, But Industrial Farms Pollute for Free'***

Maryland's program to regulate pollution from massive industrial animal farms in the state is far behind, according to a [new study from the Center for Progressive Reform](#). The study reveals that the state has yet to register 26 percent of Maryland's concentrated animal feeding operations (CAFOs) and Maryland animal feeding operations (MAFOs) — large industrial-size chicken farms — thus missing out on tens of thousands of pounds of pollution reduction in the Chesapeake Bay. In addition, the Maryland Department of the Environment is waiving pollution permit application fees for the CAFOs and MAFOs, leaving money on the table that could be used to hire staff to process and enforce permits.

The permitting program is a critical part of the effort to reduce pollution in the Chesapeake Bay to levels required by the U.S. Environmental Protection Agency (EPA) and agreed to by Maryland in 2010. EPA's Total Maximum Daily Load (TMDL) program, a sort of pollution diet for the Bay, specifies allowable levels of pollution and requires major polluting sectors, including massive industrial farms, to reduce their discharges into the Bay. Maryland is committed to reducing 248,000 pounds-per-year of nitrogen and 41,000 pounds-per-year of phosphorus from industrial animal agriculture by 2025.

But the authors of the CPR study, CPR President Rena Steinzor (a professor of law at the University of Maryland) and CPR Policy Analyst Anne Havemann, found that 87 of 506 CAFOs and state-regulated MAFOs have yet to have their complete permit applications processed, leaving operators with no clear requirements to reduce pollution, and MDE with nothing to enforce. Permit applications are required to include facility-specific plans for controlling pollution. Until permits are approved, the state cannot even require facilities to comply with their own plans.

The study also found that MDE has waived all permit fees for CAFOs and MAFOs. By state law, application fees can range from \$120 to \$1,200, depending on the size of the operation applying to pollute. MDE's decision to waive the fees has denied the state resources that could be applied to speeding up permit-processing and paying for enforcement.

"Marylanders are required to pay a fee to get a driver's license or for sport fishing in the Bay. But large industrial farms are allowed to pollute for free," said Steinzor. "It's inexcusable, particularly because the state is so far behind in processing permits, and because the money the state is leaving on the table could pay for the staff that MDE needs to process permits and then enforce them."

[A new interactive map](#), created for CPR by the Chesapeake Commons and derived from publicly available information, tells the story of how regulation of industrial agriculture is falling behind in Maryland. The map shows the location of Maryland CAFOs and MAFOs and provides information on the time it took for a specific farm to submit a complete application and, once complete, the time it took for the state to process that permit.

The authors recommend that:

- MDE begin charging application fees;
- MDE prioritize the processing of permits for the operations with the greatest capacity to pollute, including the largest facilities and those that are located near an impaired waterway;
- MDE increase its number of on-site inspections; and
- EPA increase its spot inspections of CAFOs in the Bay watershed.

A summary of the report is available at

[http://www.progressivereform.org/MD\\_CAF0\\_Permitting\\_1310.cfm](http://www.progressivereform.org/MD_CAF0_Permitting_1310.cfm). The full report is at [http://www.progressivereform.org/articles/MD\\_CAF0\\_Permitting\\_1310.pdf](http://www.progressivereform.org/articles/MD_CAF0_Permitting_1310.pdf).

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