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Why are polluters getting discounts? [Commentary]

Maryland has for years failed to collect permit fees from certain animal farms

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By **Rena Steinzor**

3:02 p.m. EST, December 26, 2013

If you own a car in Maryland, you know the experience. Every two years, you get a light brown envelope from the Motor Vehicle Administration with a bill for your automobile registration fee — \$77.50 per year as of July, and more if your vehicle weighs two tons or more.

Nobody particularly likes paying registration fees, but we do it. And somewhere in the back of our minds we recognize, grudgingly perhaps, that like driver's license renewal fees, registration fees help offset the cost of making sure vehicles on Maryland's roads are safe, that their polluting emissions are within acceptable limits, and that the people who drive them are licensed to do so.

So far as I know, there's no way I could get the MVA to waive my registration fee. If I want to drive my car, I have to pay. Fair enough.

But it turns out the state doesn't take that same no-nonsense, even-handed approach to everything. Instead, state officials have decided to give 540 "concentrated animal feeding operations" (CAFOs) — industrial-style chicken farms mostly — a free ride, waiving more than \$400,000 in legally mandated fees this year alone.

Maryland CAFOs produce millions of chickens that eventually turn up on dinner tables across the state and beyond. They have an unfortunate byproduct: around 650 million pounds of manure, a major source of pollution for the Chesapeake Bay. The pollution can be mitigated if chicken producers store it under cover so rain doesn't wash it into water, plant buffer crops to catch run-off and don't overload the land during spring planting season.

By law, CAFOs are required to register for pollution permits if they want to keep raising chickens. Those permits are the only way to get them to cut down their pollution. Putting every water source covered by the Clean Water Act under more stringent permits has become a considerably more urgent matter in the last few years because the Chesapeake Bay is so overloaded with pollution.

The **U.S. Environmental Protection Agency** (EPA) has finally stepped up and developed what amounts to a nutrient diet for 93 pollution water "segments" that are too dirty for their designated uses — drinking and swimming in some cases and boating in others. The Chesapeake Bay watershed states all submitted plans to EPA laying out how they'd limit pollution, which sectors would reduce their emissions, and by how much. For Maryland's agricultural sector, the state has committed to eliminating 248,000 pounds per year of nitrogen and 41,000 pounds of phosphorus from all animal feeding operations — those are the two most harmful components of the manure, pollution-wise.

That's a tall order, and to meet the requirement, the state needs to know which farms are polluting and how

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much pollution each is "contributing," and then work with them to develop plans to reduce it — the job of the Maryland Department of the Environment (MDE). Once permits are issued, the farms can then be held accountable for following reduction plans they themselves participated in preparing. If they don't do what they promise, they may be fined — both to discourage future violations and to help pay the cost of cleaning up the pollution. If they follow their plans and live up to the terms of their permits, everybody benefits from a restored bay

Along with their applications, the CAFOs are supposed to pay a modest fee — between \$120 and \$1,200, depending on their size, chump change for most of them. But for whatever reason, MDE is waiving those fees every time. Nobody pays. Fees were supposed to begin applying in 2010. Since then, MDE has lost millions.

To make matters worse, MDE is way behind in processing permit applications. One reason for that is that it has too few staff to do the job — just three permit processors and three inspectors. It doesn't take a personnel expert to know that if MDE had the missing \$400,000 this year, it could pay for more staff to speed the process along.

By waiving the fees, MDE is effectively transferring the cost of processing and enforcing permits to taxpayers. I don't know about you, but I'm paying my own way when it comes to registering my car and keeping my license up to date. Businesses pay permitting fees all the time. Why is the state giving chicken producers a free ride? I can't think of any good reason.

Silver Spring resident Rena Steinzor is the President of the Center for Progressive Reform and the co-author of the new report, [Falling Behind: Processing and Enforcing Permits for Animal Agriculture Operations in Maryland is Lagging](#). Her email is rsteinzor@law.umaryland.edu.

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