

SENATE BILL 841

M3, M4

0lr3332
CF 0lr2880

By: **Senators Lam, Lee, and Washington**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Water Pollution Control – Discharge Permits – Industrial Poultry Operations**

3 FOR the purpose of prohibiting the Department of the Environment from issuing certain
4 discharge permits to a person for a certain new industrial poultry operation or for
5 the purpose of extending or expanding a certain industrial poultry operation;
6 defining certain terms; and generally relating to the discharge of pollutants into
7 waters of the State and industrial poultry operations.

8 BY repealing and reenacting, with amendments,

9 Article – Environment

10 Section 9–323

11 Annotated Code of Maryland

12 (2014 Replacement Volume and 2019 Supplement)

13 BY adding to

14 Article – Environment

15 Section 9–323.1

16 Annotated Code of Maryland

17 (2014 Replacement Volume and 2019 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Environment**

21 9–323.

22 (a) (1) A person shall hold a discharge permit issued by the Department before
23 the person may construct, install, modify, extend, alter, or operate any of the following if
24 its operation could cause or increase the discharge of pollutants into the waters of this
25 State:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) An industrial, commercial, or recreational facility or disposal
2 system;

3 (ii) A State-owned treatment facility; or

4 (iii) Any other outlet or establishment.

5 (2) [A] **SUBJECT TO § 9-323.1 OF THIS SUBTITLE**, A person shall hold a
6 CAFO Discharge permit issued by the Department before the person may begin
7 construction on any part of a new CAFO.

8 (b) By rule or regulation, the Department may require a discharge permit for any
9 other activity.

10 (c) The Department may not issue a CAFO Discharge permit to a person that
11 violates subsection (a)(2) of this section.

12 **9-323.1.**

13 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
14 **INDICATED.**

15 (2) **“DISCHARGE PERMIT” INCLUDES:**

16 (I) **A GENERAL DISCHARGE PERMIT FOR STORMWATER**
17 **ASSOCIATED WITH CONSTRUCTION ACTIVITY;**

18 (II) **A GENERAL DISCHARGE PERMIT FOR ANIMAL FEEDING**
19 **OPERATIONS; OR**

20 (III) **AN INDIVIDUAL NATIONAL POLLUTANT DISCHARGE**
21 **ELIMINATION SYSTEM PERMIT.**

22 (3) (I) **“INDUSTRIAL POULTRY OPERATION” MEANS AN ANIMAL**
23 **FEEDING OPERATION THAT PRODUCES 300,000 OR MORE BROILER CHICKENS PER**
24 **YEAR.**

25 (II) **“INDUSTRIAL POULTRY OPERATION” INCLUDES TWO OR**
26 **MORE POULTRY OPERATIONS IF:**

27 1. **THE DISTANCE BETWEEN THE POULTRY OPERATIONS**
28 **IS WITHIN 3 MILES; AND**

29 2. **THE POULTRY OPERATIONS ARE UNDER COMMON**

1 OWNERSHIP OR CONTROL.

2 (B) THE DEPARTMENT MAY NOT ISSUE A DISCHARGE PERMIT TO A PERSON
3 FOR:

4 (1) A NEW INDUSTRIAL POULTRY OPERATION; OR

5 (2) THE PURPOSE OF EXTENDING OR EXPANDING ANY INDUSTRIAL
6 POULTRY OPERATION IN OPERATION ON OR BEFORE SEPTEMBER 30, 2020.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2020.