



Center for Progressive Reform Editorial Memorandum:

Money Left on the Table: Why Is the Maryland Department of the Environment Letting Taxpayers Subsidize Chesapeake Bay Polluters?

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It's no secret that the Chesapeake Bay is in deep trouble from over-pollution. Years of half-hearted interstate efforts to check polluting emissions and restore the health and vitality of the nation's largest estuary have failed. The Environmental Protection Agency's Total Maximum Daily Load (TMDL) plan for the Bay represents the Chesapeake's last, best chance of recovery.

To meet the TMDL — effectively a water pollution budget for state and the region — states must compel polluters to reduce their discharges sharply. One key to that effort is the Maryland Department of the Environment's (MDE) pollution permit program for the 588 Concentrated Animal Feeding Operations (CAFOs) and similar industrial chicken farms across the state.

The permit program is critical to pollution reduction. The farms produce not just chickens, but great quantities of manure, and permits are the only way the state can compel CAFOs to follow certain best practices that limit the quantity of pollutants flowing into the Bay. Those practices include storing manure under cover so that rain doesn't wash it into nearby streams, planting buffer crops to catch run-off, and being careful to not overload the land with manure during spring planting season.

A new report from the Center for Progressive Reform reveals three related problems with the state's permitting operation.

- First, **MDE's CAFO pollution permit program is woefully behind.** Eighty-seven of a total of 506 complete applications have yet to be processed, leaving operators with no clear requirements to reduce pollution and MDE with no enforceable conditions.
- The **CAFO program is understaffed**, relying on three permit writers and the same number of inspectors. A loss of even one employee can cut the program's productivity in half, as occurred in 2012.
- MDE is **giving the industry a free ride.** It has yet to collect application and annual fees for CAFO permits, which are \$120 for small CAFOs, \$600 for medium CAFOs, and \$1,200 for large CAFOs — chicken feed for the farms, relatively speaking. This year, the state

has waived fees totaling more than \$400,000. *Collecting these fees would ensure that the program has sufficient resources to hire additional permit writers and inspectors.*

Significantly, Maryland statute does not simply allow MDE to collect pollution permit fees; it instructs MDE to collect those fees. For whatever reason, and under questionable authority, MDE is simply waiving the fees. As a result, Maryland taxpayers are picking up the tab.

Those same taxpayers are expected to pay their own way when it comes to fees for driver's licenses, auto registration, and ironically, sport fishing in the Bay. But for reasons clear only to MDE, chicken farms are granted across-the-board waivers.

In our report, [*Falling Behind: Processing and Enforcing Permits for Animal Agriculture Operations in Maryland is Lagging*](#), we recommend:

- MDE should immediately begin to assess annual permit fees for CAFOs, both for those with permits and those with pending permits.
- MDE should use the fees collected to hire sufficient staff to clear up its backlog of permit applications, prioritizing those CAFOs with the greatest capacity to pollute, including the largest facilities located near polluted waterways.
- Additional staff could bring enforcement actions against the dozens of CAFOs that have not yet applied for permits or whose applications are incomplete, requiring them to develop the required "comprehensive nutrient management plans" so vital to reducing pollution.
- Additional staff could also increase the number of spot inspections of CAFOs with permits, and increase the number of physical, on-site — as opposed to documents-only — inspections of their smaller cousins, "Maryland Animal Feeding Operations" (MAFOs) to ensure that they are complying.

If you're interested in writing about the subject, we suggest several resources you might find helpful. I'd also be delighted to discuss the issue with you.

- First, [a summary of our report](#) on the subject, and the [full report](#).
- Second, in conjunction with our report, the Chesapeake Commons prepared an [interactive map](#) that allows users to track MDE's permit-processing progress by CAFO, anywhere in the state.
- Third, the *Baltimore Sun* has written two pieces touching on this issue: a [news account of our report](#) and MDE's reaction, and [an editorial](#).

The [Center for Progressive Reform](#) is a nonprofit research and educational organization dedicated to protecting health, safety, and the environment through analysis and commentary.

Visit CPR on the web at www.progressivereform.org and read CPRBlog at www.progressivereform.org/cprblog. For more information or to arrange interviews, contact Erin Kesler at 202.747.0698 or at ekesler@progressivereform.org.

Links in this editorial memo:

- *Falling Behind: Processing and Enforcing Permits for Animal Agriculture Operations in Maryland is Lagging:* http://www.progressivereform.org/articles/MD_CAF0_Permitting_1310.pdf
- Summary of *Falling Behind*: http://www.progressivereform.org/MD_CAF0_Permitting_1310.cfm
- Interactive map: <http://www.progressivereform.org/mdcafomap.cfm>
- *Baltimore Sun* news story: <http://www.baltimoresun.com/features/green/blog/bs-gr-farm-permits-20131118,0,3161903.story>
- *Baltimore Sun* editorial: <http://www.baltimoresun.com/news/opinion/editorial/bs-ed-chesapeake-20131204,0,3091782.story>