

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Land Management Administration • Waste Diversion and Utilization Program
1800 Washington Boulevard • Suite 610 • Baltimore MD 21230
410-537-3000 • 1-800-633-6101 • www.mde.state.md.us

Certification of Conformance
Animal Feeding Operation (AFO)
Code of Maryland Regulations (COMAR) 26.08.03.09

If you are a chicken (other than laying hens) AFO with dry manure handling and between 75,001 and 99,999 square feet total house capacity and you do not discharge or propose to discharge, then you are a Maryland Animal Feeding Operation (MAFO) unless you have submitted a Certification of Conformance.

COMAR 26.08.01.01B(11-1) defines "Certification of conformance" as "a certification by a dry manure chicken (other than laying hens) AFO that:

- (a) The AFO has, and is implementing:
 - (i) A current nutrient management plan (NMP); and
 - (ii) A current soil conservation and water quality plan (conservation plan);
- (b) The AFO's NMP and conservation plan are consistent with the requirements of COMAR 26.08.03.09C(5)(b) and incorporates all buffers, setbacks, and storage requirements otherwise applicable to MAFOs as required in the general permit for animal feeding operations issued under COMAR 26.08.04.09N in effect at the time of the certification;
- (c) The AFO agrees to allow the Department the access necessary to confirm conformance; and
- (d) The AFO agrees to provide researchers authorized by the Maryland Department of Agriculture (MDA) and the Department the same access otherwise applicable to MAFOs as required in the general permit for animal feeding operations issued under COMAR 26.08.04.09N in effect at the time of the certification.

"I certify under penalty of law that I am the owner or operator of an animal feeding operation (AFO), and that said AFO is a **chicken (other than laying hens) AFO with dry manure handling and a total house size capacity between 75,001 and 99,999 square feet that is not otherwise categorized by the Maryland Department of the Environment as a CAFO or MAFO.** I certify under penalty of law that this document and all other documents required for this certification [see COMAR 26.08.01.01B(11-1)] were prepared under my direction or supervision and that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons directly involved in gathering and evaluating the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Facility/Feedlot/Farm Legal Name: _____ (dba: _____)

Facility/Feedlot/Farm Owner/Operator Name: _____

Facility/Feedlot/Farm Location: _____

City: _____ **County:** _____ **Zip:** _____

Facility/Feedlot/Farm Owner/Operator Phone No.: _____

Signature of Responsible Party

Date

Applicable Regulations

COMAR 26.08.01.01B(42-1) defines MAFO as an AFO that is not a CAFO (Concentrated Animal Feeding Operation) and is:

- (a) A large AFO according to Table 1 of COMAR 26.08.03.09A;
- (b) A medium AFO according to Table 1 of COMAR 26.08.03.09A, designated as MAFO in accordance with COMAR 26.08.03.09.C(2); or
- (c) A chicken (other than laying hens) AFO with dry manure handling and at least 75,000 square feet total house capacity:
 - (i) That has not submitted to the Department a certification of conformance required under COMAR 26.08.03.09F; or
 - (ii) For which the certification of conformance has been rejected in accordance with that regulation.

COMAR 26.08.03.09

F. Certification of Conformance.

(1) A chicken (other than laying hens) AFO with dry manure and a total house size capacity of 75,000 square feet or greater that is not otherwise categorized as a CAFO or MAFO, ***shall submit to the Department a certification of conformance*** within the time period specified in the general permit for AFOs issued under COMAR 26.08.04.09N.

(2) The Department may designate a facility a MAFO before or after the submittal of a certification of conformance if the Department determines that the facility is a MAFO under this regulation.

(3) **Failure to submit the required certification shall result in the automatic designation of the facility as a MAFO, and the facility shall be subject to enforcement and penalty for operating without a State discharge permit from the effective date of this regulation or the date the facility began operating, whichever occurs later.**

(4) A certification of conformance **may be rejected** after notice to the AFO if the Department determines that any of the following have occurred:

- (a) False or inaccurate information was contained in the certification;
- (b) Conditions or specifications included in the required NMP or conservation plan have been or are about to be violated;
- (c) Substantial deviation from the required plans has occurred;
- (d) The AFO has failed to permit an authorized representative of the Department, upon presentation of proper credentials, to:
 - (i) Enter at any reasonable time upon the AFO's premises where a pollutant source is located, pertinent operations are conducted, or records related to the required plans are maintained;
 - (ii) Access and copy any records related to the required plans;
 - (iii) Inspect facilities to ensure compliance with the conditions of the certification;
 - (iv) Inspect any monitoring equipment or method required in the plans; or
 - (v) Sample any discharge or pollutants;
- (e) Any State or federal water quality stream standard or effluent standard has been or is threatened to be violated; or
- (f) Any other good cause exists for rejecting the certification.