



A Farmer's Guide to Environmental Permits



Includes permits and approvals
needed by farmers,
businesses
and individuals.

Maryland State Soil Conservation Committee
June 2020

Prepared by the

Maryland State Soil Conservation Committee
Maryland Department of Agriculture

Reviewed by the

Maryland Department of the Environment
Maryland Department of Natural Resources
Critical Area Commission for the Chesapeake & Atlantic Coastal Bays
U.S. Army Corps of Engineers, Baltimore Regulatory District

These cooperating agencies' programs are open to all citizens without regard to race, color, sex, handicap, religion, age, or national origin.

WHY DO I NEED AN ENVIRONMENTAL PERMIT?

This Guide serves as a quick reference to help farmers, lawn care professionals, pest control specialists and businesses comply with Maryland’s environmental regulations.

In Maryland, a system of permits, registrations, certifications, licenses and other approvals helps protect local waterways and the Chesapeake Bay from agricultural, landscape, and turf-based activities. These state authorizations—required by law for certain activities—are issued by the Maryland Departments of Agriculture, Environment and Natural Resources. A commonly needed federal approval, the U.S. Army Corps of Engineers’ 404 permit, is also included.

Certifications and licenses help ensure that professionals who apply nutrients and pesticides (including organic products and commercial fertilizer) to the land are trained in safety, human health, and environmental considerations. Voucher training is required for farmers who apply nutrients to ten or more acres of land and Maryland Department of Agriculture-approved nutrient management plans are required for all farms grossing at least \$2,500 or producers with 8,000 pounds or more of live animal weight.

Agricultural permits and authorizations for farm projects or activities are more complex and may involve multiple agencies. Farmers should work with their local soil conservation district to determine the most cost-effective way to handle a project with minimal environmental impact. Soil conservation districts provide farmers with advice, assistance and guidance on all permitting requirements—federal, state, and local. A list of soil conservation district offices is provided at the end of this guide.

The Maryland Department of the Environment’s Regulatory Services Coordination Office can also provide assistance. Call them at 410-537-3000 or visit their interactive website for [Environmental Permits and Approvals](#).

Note: Growers should check with their county agricultural agency or search the Maryland Department of Agriculture’s [website](#) for information about operating licenses and permits needed for specific agricultural activities such as organic certification and hemp production.

ABBREVIATIONS USED IN THIS GUIDE

BMPs	Best Management Practices
CNMP	Comprehensive Nutrient Management Plan
CAFO	Concentrated Animal Feeding Operation
DNR	Maryland Department of Natural Resources
MAFO	Maryland Animal Feeding Operation
MDA	Maryland Department of Agriculture
MDE	Maryland Department of the Environment
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NMP	Nutrient Management Plan
SCD	Soil Conservation District
SCWQP	Soil Conservation and Water Quality Plan

IMPORTANT – PLEASE READ

This guide is published as a public resource for general reference purposes ONLY. The information in this guide does not replace or supersede any applicable environmental laws or regulations and should not be considered as legally binding for compliance with local, state or federal requirements.

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#1 NUTRIENT MANAGEMENT PLAN REQUIREMENTS



Farming operations that generate at least \$2,500 in gross income or have 8,000 pounds or more of live animal weight are required to follow state-approved nutrient management plans when fertilizing crops and managing animal manure. Farmers may become certified by MDA to write their own nutrient management plans or have a plan written for their operation by a certified private consultant or University of Maryland Extension advisor. Farmers are required to update their nutrient management plans before they expire and submit Annual Implementation Reports (AIRs) to MDA by March 1 of each year showing that they implemented their plans.

Regulatory Agency

Maryland Department of Agriculture | *Nutrient Management Program*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5959

Website

[MDA Agricultural Nutrient Management Program](#)

Farmer Training and Certification

1. Classes are held in fall and winter. Register for the class that most closely describes your operation. Check the [University of Maryland Extension Agricultural Nutrient Management website](#) for classes and locations.
2. Farmers receive training and take an open book exam.
3. Farmers who pass the exam prepare their own plans under the guidance of an Extension advisor or MDA specialist.

Duration One year. Renewable with approved continuing education credits.

Fees \$20.

#2 NUTRIENT APPLICATOR VOUCHER



Farmers who own or manage agricultural land and apply their own nutrients to ten or more acres are required to attend a two-hour education program on nutrient application once every three years. Farmers who are certified to write their own nutrient management plans are exempt from this requirement.

Issuing Agency

Maryland Department of Agriculture | *Nutrient Management Program*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5959

Website

[MDA Agricultural Nutrient Management Program](#)

How to Apply and What to Expect

1. Classes are offered in fall and winter.
2. University of Maryland Extension schedules free training at locations throughout the state; online training may be available.
3. Contact your local Extension office for a training schedule and class information.
4. Visit MDA's nutrient management training website to check for upcoming classes.
5. Complete the two-hour, MDA-approved education course in a satisfactory manner.

Processing Time One month.

Duration Three years, renewable upon completion of a two-hour MDA-approved education course.

Fees None.

Note to Farmers: A nutrient applicator voucher does not allow you to apply nutrients for hire or qualify you to develop a nutrient management plan.

#3 NUTRIENT APPLICATOR CONSULTANT



MDA trains and certifies qualified applicants to provide farmers with nutrient management plans. Businesses that provide nutrient management consulting services must be licensed by MDA and are required to file an annual report on their activities.

Issuing Agency

Maryland Department of Agriculture | *Nutrient Management Program*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5959

Website

[MDA Agricultural Nutrient Management Program](#)

How to Apply and What to Expect

1. You must have at least one year of experience in nutrient management planning and/or a degree or academic certificate in an agriculturally related area acceptable to MDA.
2. Submit a completed application to MDA with the \$50 fee. Government agency personnel are exempt from this fee.
3. Pass the nutrient management exam.
4. An optional two-day *Fundamentals of Nutrient Management* training course is offered in June. Check the nutrient management training website for registration information.

Processing Time One month.

Duration One year. Renewable with 6 hours of continuing education credits and \$50 fee after the first year, and 12 hours of continuing education credits and \$150 fee every three years thereafter. Training must be organized or approved by MDA.

License Fees \$50-\$100; government agencies exempt.

#4 PROFESSIONAL TURFGRASS FERTILIZER APPLICATOR



Lawn care professionals hired to apply fertilizer to lawns must be certified by MDA or work under the direct supervision of an individual who is certified. The rule applies to professionals for hire as well as individuals responsible for turf management at golf courses, public parks, airports, athletic fields, businesses, cemeteries, and home lawns.

Issuing Agency

Maryland Department of Agriculture | *Turfgrass Nutrient Management Program*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5959

Website

[MDA Turfgrass Nutrient Management Program](#)

How to Apply and What to Expect

1. Download the [Maryland Professional Lawn Care Manual](#) from the website and use it as a study guide to help you acquire the skills needed to pass Maryland's Professional Fertilizer Applicator Certification Exam.
2. Submit a completed application (available on website) to MDA to take the certification exam. Certificates are issued in conjunction with a Fertilizer Application Business License.
3. Pass the exam with a score of 70 percent or better. Tests are given region-ally throughout the year.

Processing Time

One month.

Fees \$100; there is a \$10 fee for each reexamination. Government agency employees are exempt from the certification fee.

Duration Certificates are valid for up to one year and expire June 30. Certificates may be renewed by paying the \$100 recertification fee and attending MDA-approved continuing education.

#5 FERTILIZER APPLICATOR BUSINESS LICENSE



Required for all businesses engaged in commercial fertilizer applications. Each business is required to employ a least one certified professional fertilizer applicator and file an annual activity report with MDA by March 1.

Issuing Agency

Maryland Department of Agriculture | *Turfgrass Nutrient Management Program*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5959

Website

[MDA Turfgrass Nutrient Management Program](#)

How to Apply and What to Expect

1. Submit a completed application to MDA with the \$50 fee.
2. Designate an employee who is a certified professional fertilizer applicator.
3. A business license is required for each location that applies fertilizer to turfgrass.

Fees \$50.

Duration Valid for up to one year and expires June 30.

#6 PEST CONTROL APPLICATOR CERTIFICATE



Required if you plan to offer or apply a general or restricted use pesticide to someone else's property.

Issuing Agency

Maryland Department of Agriculture | *Pesticide Regulation Section*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5710

Website

[MDA Pesticide Applicator Licensing and Certification](#)

How to Apply and What to Expect

1. You must have one year of experience working with pesticides and/or a degree or academic certificate acceptable to MDA.
2. Submit a completed application to MDA.
3. Certificates are issued in conjunction with a Pesticide Business License.
4. Pass the MDA examination with a score of 70 percent or better. Tests are given bimonthly.

Processing Time Two weeks.

Fees \$75.

Duration Valid July 1 — June 30. Renewable yearly for a \$75 fee with verification of annual recertification training. Add \$25 for each additional pesticide category.

#7 PEST CONTROL CONSULTANT CERTIFICATE



Required if you offer or supply technical advice or supervision, perform pest inspections and identifications, or recommend a specific pesticide to control pests in or on the water, air, land, plants, structures or animals.

Issuing Agency

Maryland Department of Agriculture | *Pesticide Regulation Section*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5710

Website

[MDA Pesticide Applicator Licensing and Certification](#)

How to Apply and What to Expect

1. You must have one year of experience working with pesticides and/or a degree or academic certificate acceptable to MDA.
2. Submit a completed application to MDA.
3. Certificates are issued in conjunction with a Pest Control Consultant License.
4. Pass the MDA examination with a score of 70 percent or better. Tests are given bi-monthly.

Processing Time Two weeks.

Fees \$75.

Duration Valid January 1 — December 31. Renewable yearly for a \$75 fee with verification of annual recertification training.

#8 PESTICIDE APPLICATOR CERTIFICATE – PRIVATE



Required before you purchase or apply a restricted use pesticide to your property or leased property to produce agricultural commodities such as fruits, vegetables, or nursery stock. An examination is given as part of this authorization to ensure adequate knowledge of pest control and product restrictions.

Issuing Agency

Maryland Department of Agriculture | *Pesticide Regulation Section*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5710

Website

[MDA Pesticide Applicator Licensing and Certification](#)

How to Apply and What to Expect

1. Call your county Extension office for test study materials.
2. Pass the MDA examination with a score of 70 percent or better. Check with your county for test dates. Tests are also given on request at MDA.

Processing Time Two weeks.

Fees \$7.

Duration Three years, renewable with a \$7 fee and verification of recertification training during the final year of a valid certificate.

#9 PESTICIDE BUSINESS LICENSE/PEST CONTROL CONSULTANT LICENSE



Required for all businesses engaged in commercial pesticide applications or recommendations. Each business must employ at least one certified commercial applicator or pest control consultant.

Issuing Agency

Maryland Department of Agriculture | *Pesticide Regulation Section*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5710

Website

[MDA Pesticide Applicator Licensing and Application](#)

How to Apply and What to Expect

1. Submit a completed application to MDA with fee.
2. Submit an original certificate of insurance showing amounts of general liability coverage.

Processing Time Two weeks.

Fees \$150.

Duration Valid from January 1 — December 31. Renewable yearly for a \$150 fee with certificate of insurance and employment verification for at least one certified applicator or pest control consultant.

#10 PESTICIDE DEALER PERMIT



Required if you plan to sell or distribute a restricted use pesticide.

Issuing Agency

Maryland Department of Agriculture | *Pesticide Regulation Section*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5710

Website

[MDA Pesticide Applicator Licensing and Certification](#)

How to Apply and What to Expect

1. Submit a completed application to MDA.
2. Agree to sell restricted use pesticides only to individuals who can produce a valid Pesticide Applicator Certificate.

Processing Time One week.

Fees \$25.

Duration One year, from January 1 — December 31. Renewable with a \$25 fee.

#11 STATE CHEMIST PRODUCT/COMPANY REGISTRATION



The State Chemist Section within MDA regulates the importation, sale, manufacture, consignment, and distribution of pesticides, animal feeds, pet foods, fertilizers, pesticide fertilizers, compost, soil conditioners, and agricultural liming materials to ensure that these products are safe, efficacious, and do not cause adverse effects. Companies that import, sell, manufacture, consign, and distribute these products must register them with the State Chemist. The State Chemist Section maintains a database of registered products and companies on its website.

Issuing Agency

Maryland Department of Agriculture | *State Chemist Section*
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-2721

Website

[MDA State Chemist](#)

Notes

Visit the website for more information, a registration fee schedule, and product registration and report forms.

Fees Yes.

#12 CONCENTRATED ANIMAL FEEDING OPERATION PERMIT



Medium or large animal feeding operations that propose to discharge pollutants, including but not limited to manure, poultry litter, or process wastewater to waters of the state are required to apply for a Concentrated Animal Feeding Operation (CAFO) permit from MDE. CAFOs are animal feeding operations with 37,500 or more animals per flock of chickens with dry manure handling; 25,000 or more laying hens with dry manure handling; 200 or more dairy cattle; 300 or more cattle (including heifers); 750 or more swine weighing more than 55 pounds; or 3,000 or more swine weighing less than 55 pounds. The regulations also include limits on the number of horses, veal, cattle, sheep, lambs, ducks, and turkeys.

Issuing Agency

Maryland Department of the Environment | *Land and Materials Administration*
1800 Washington Boulevard, Suite 610
Baltimore, MD 21230
410-537-3314 | Toll-free 1-800-633-6101

Website

[MDE Animal Feeding Operations](#)

Notes

Work with your soil conservation district to submit a Notice of Intent (NOI) to MDE immediately if you fall under the CAFO definition or within 90 days of being designated as a CAFO along with a Comprehensive Nutrient Management Plan (CNMP). Your soil conservation district will work with you to develop this plan which manages the production, handling, storage, and/or treatment of all nutrients on the farm, from feed to manure.

Duration The permit is reviewed every five years.

Fees Yes.

#13 MARYLAND ANIMAL FEEDING OPERATION PERMIT



Large animal feeding operations (AFOs) that do not discharge or do not propose to discharge pollutants to waters of the state are required to apply for a Maryland Animal Feeding Operation (MAFO) permit from MDE. An AFO is a feedlot or facility where animals are confined, fed, and maintained for at least 45 days in any 12-month period. Feed is brought to the animals, which do not graze or otherwise seek nourishment in pastures or fields. AFOs are classified by MDE as small, medium, or large. A small or medium AFO may also be designated as a MAFO and require a permit if MDE determines that it poses a risk to water quality.

Issuing Agency

Maryland Department of the Environment | *Land and Materials Administration*
1800 Washington Boulevard, Suite 610
Baltimore, MD 21230
410-537-3314 | Toll-free 1-800-633-6101

Website

[MDE Animal Feeding Operations](#)

How to Apply and What to Expect

Work with your soil conservation district to submit a Notice of Intent (NOI) to MDE immediately if you fall under the MAFO definition or within 90 days of being designated as a MAFO.

Duration The permit is reviewed every five years.

Fees No fees for MAFOs.

ST OF POSSIBLE APPROVALS NEEDED FOR AGRICULTURAL ACTIVITIES

Agricultural Activity	1	2	3	4	5	6	7	8	9	10	11	12
Animal Crossings												
Animal Production												✓
Animal Waste/Manure Mgmt.	✓											✓
Aquatic Pest Management												
Commercial Pesticide Applicator						✓			✓			
Construction Activities												
Crop Irrigation												
Excavation/Mining												
Filling/Dredging												
Land/Forest Clearing												
Nutrient Application	✓	✓										
Nutrient Mgmt. Consulting			✓									
Pest Control Consulting							✓		✓			
Pesticide Dealer										✓		
Ponds/Aquaculture												
Restricted Pesticide Application								✓				
Sell/Distribute Products Registered with State Chemist											✓	
Sludge												
Spring Development												
Turfgrass Fertilizer Application				✓	✓							
Wetland Activities												

Permits, Licenses, Certifications or Approvals Needed

- | | |
|--|---|
| 1 Nutrient Management Plan Requirement | 9 Pesticide Business License/Consultant |
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| 3 Nutrient Management Consultant | 11 State Chemist Registration |
| 4 Prof. Fertilizer Applicator (Turfgrass) | 12 Animal Feeding Operation Permit (CAFO) |
| 5 Fertilizer Applicator Business License (Turfgrass) | 13 Animal Feeding Operation Permit (MAFO) |
| 6 Pest Control Applicator Certificate | 14 Construction Notification |
| 7 Pest Control Consultant Certificate | 15 Construction Activity Approval |
| 8 Pesticide Applicator Certificate (Private) | 16 Sewage Sludge Utilization Permit |

ACTIVITIES

13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
						✓		✓				✓					✓
✓	✓																
✓	✓				✓												
										✓							
	✓	✓															
					✓						✓						
		✓		✓	✓	✓	✓	✓			✓	✓				✓	
		✓		✓		✓		✓	✓								✓
		✓		✓		✓										✓	
					✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓
			✓														
						✓	✓	✓			✓	✓					✓
		✓				✓		✓	✓							✓	✓

- 17 Surface Mine Permit
- 18 Industrial Wastewater Discharge Permit
- 19 Nontidal Wetlands Permits
- 20 Pond Approvals
- 21 Section 401 Water Quality Certification
- 22 Tidal Wetlands License/Permit
- 23 Toxic Materials Permit
- 24 Waterway Appropriation and Use Permit

- 25 Waterway Construction Permit
- 26 Aquaculture Permit
- 27 Commercial Shellfish Aquaculture Lease and Federal Permit
- 28 Shellfish Nursery Permit
- 29 Critical Areas and Coastal Bays Requirements
- 30 U.S. Army Corps of Engineers 404 Permit

#14 ANIMAL WASTE STORAGE STRUCTURE CONSTRUCTION NOTIFICATION



Required if you plan to construct an animal waste or manure storage structure.

Agency to Be Notified

Maryland Department of the Environment | *Sediment, Stormwater and Dam Safety Program*

1800 Washington Boulevard, Suite 610

Baltimore, MD 21230-1719

410-537-3314 | Toll-free 1-800-633-6101

Web Resources

[MDE Guidance: Agricultural Practices and Agricultural Structures \(PDF\)](#)

How to Apply and What to Expect

1. Work with your soil conservation district to complete a construction notification form for MDE explaining the type of structure you plan to build and its location on your property. A property sketch, zoning and surrounding land use considerations, design specifics, construction schedule, and animal units (including the kind and number of livestock served) should be included.
2. Submit this information to MDE by certified/return receipt mail or by email to sarah.butcher@maryland.gov. MDE does not issue confirmations, so keep your certified/return mail receipt as proof of submittal.

Processing Time Not applicable.

Fees None.

#15 CONSTRUCTION ACTIVITY APPROVALS



Required if you plan to create an impervious area on your property that disturbs 5,000 sq. feet or more of land. New buildings, driveways, or parking areas constructed on your property may require this approval. If your project disturbs one acre or more of land, you may also be required to submit a Notice of Intent (NOI) to MDE.

Approval Authority

Local stormwater management approval authority or the soil conservation district.

How to Apply and What to Expect

1. Contact your local soil conservation district to determine the proper authorizations needed.
2. You will be required to obtain an approved Stormwater Management Plan for the project. In addition, the farm's Soil Conservation and Water Quality Plan will need to address how you plan to prevent sediment from leaving the construction site.
3. The soil conservation district will walk you through the application process and coordinate any additional authorizations required by the local government or MDE.
4. A site visit may be performed. Landowners will need to provide a sketch of the proposed project.

Duration Up to five years depending on the project.

Processing Time 30 to 45 days.

Fees Vary, depending on the jurisdiction.

#16 SEWAGE SLUDGE UTILIZATION PERMIT



Required if you plan to transport sewage sludge or apply it to land. Sewage sludge application, however, is usually performed by a contractor. In these instances, the contractor is required to obtain the permit.

Issuing Agency

Maryland Department of the Environment | *Land and Materials Administration*
1800 Washington Boulevard, Suite 610
Baltimore, MD 21230
410-537-3314 | Toll-free 1-800-633-6101

Download Sewage Sludge Utilization Permit Application

[MDE Sewage Sludge Utilization Permit Application \(PDF\)](#)

How to Apply and What to Expect

1. Submit a completed application to MDE. A nutrient management plan is required for land application. MDE will distribute copies to local agencies for review.
2. Sites are inspected and local authorities may request an informational meeting for local residents.
3. A final decision is made on the permit.

Processing Time Up to ten months.

Fees \$175 for agricultural land application.

Duration Five years.

#17 SURFACE MINE PERMIT/LICENSE



To ensure proper development of the state’s mineral non-fuel resources and adequate land reclamation, authorization is required for excavation activities in excess of one acre that result in the off-site transport of minerals. Any non-fuel earthen material—including sand, gravel, stone, clay, and topsoil—is considered a mineral.

Issuing Agency

Maryland Department of the Environment | *Mining Program*
1800 Washington Boulevard, Suite 655
Baltimore, MD 21230
410-537-3557 | Toll-free 1-800-633-6101

Website

[MDE Mining Permit Applications and Other Forms](#)

How to Apply and What to Expect

1. Submit a completed application to MDE. Sites less than five acres do not require engineer-designed site plans, but mining activities are limited to 30,000 tons per year.
2. Obtain sediment control approval from your soil conservation district and other necessary local approvals.
3. An opportunity for public hearing may be provided.
4. A final decision is made. A license is issued to the mine operator. A permit is issued to mine a site.
5. Contact the mining program for assistance with the application.

Processing Time Two months; three to six months if a public hearing is required.

Fees Bonding/\$1,250 per acre; License/\$300; Permit/\$12 per acre, per year, plus one-time \$30 per acre reclamation fee for new acreage.

Duration Licenses are renewed yearly for \$150. Permits are issued for up to five years.

#18 NPDES INDUSTRIAL & GENERAL SURFACE WATER DISCHARGE PERMITS



Industrial, agricultural, commercial, or institutional facilities that discharge wastewater, either construction or industrial stormwater, or pesticides to surface waters of Maryland may need a National Pollutant Discharge Elimination System (NPDES) permit. The construction stormwater permit is required when over 1 acre of land is disturbed during construction, whereas the industrial stormwater permit is required when there is processing of agricultural products such as a brewery, cidery or winery, or types of agricultural products on-site included, but not limited to timber products, food and kindred products, and leather. Agricultural wastewater includes aquaculture or seafood processing. An industrial discharge to the local municipal wastewater collection system (sanitary sewer) may require a pretreatment permit.

Issuing Agency

Maryland Department of the Environment | *Industrial & General Discharge Permits Division*

1800 Washington Boulevard, Suite 455

Baltimore, MD 21230

410-537-3323 | Toll-free 1-800-633-6101 x3323

Email: SWPPP.Permit@Maryland.gov

Website

[MDE NPDES Industrial and General Surface Water Permits](#)

How to Apply and What to Expect

1. Submit a National Pollutant Discharge Elimination System (NPDES) permit application along with a facility map to MDE.
2. Your soil conservation district and University of Maryland Extension may be able to assist you in preparing your application. A nutrient management plan may be required if your activity involves land-applying a soil amendment.
3. For individual permits, once your application is determined to be complete, MDE offers the public an opportunity to ask questions about the application. An informational meeting may also be required, if requested.
4. MDE may inspect the site to determine if it qualifies for a general permit.
5. For individual permits, once a proposed permit is drafted, MDE opens a comment period. A public hearing may be required, if requested.
6. A final decision is made on the permit.

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Processing Time 12 months or more for individual permits; 100 days or less for general permit registrations.

Fees Application fee ranges from \$0 - \$20,000, depending on volume, type of industry, and use; annual fee ranges from \$0 - \$5,000, depending on volume.

Publication Charges \$250 - \$2,000, depending length of notice(s) and the publication's rates.

Duration Up to five years, depending on the discharge volume.

#19 NONTIDAL WETLANDS, PERMITS, EXEMPTIONS AND MITIGATION



Agriculture and forestry activities are exempted from the regular permit process, although mitigation and best management practices (BMPs) may be required. Forestry activities must implement the BMPs contained in the soil conservation district-approved erosion and sediment control plan that has been prepared by a registered professional forester.

Issuing Agency

Maryland Department of the Environment | *Water and Science Administration – Regulatory Services Coordination Office*
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230
410-537-3762 | Toll-free 1-800-633-6101

Website

[MDE Nontidal Wetland and Waterway Permits, Approvals and Certifications](#)

Exemptions

These agricultural activities are exempted from permit/mitigation requirements:

1. Repair and maintenance of drainage ditches, farm ponds, channels, sub-surface drains, bridges, water control structures, aquaculture ponds and associated structures, roads, causeways and all existing BMPs.
2. Agricultural activities on land that has lain fallow for 5 years or less.
3. Agricultural activities in areas set aside or taken out of production by formal agricultural programs. Exemption expires five years after participation in the set-aside program ends.
4. Structures needed for the continued operation of a farm in areas where agricultural activities have been ongoing.
5. Agricultural activities in isolated nontidal wetlands measuring less than one acre and without significant plant and wildlife value, as determined by the local soil conservation district (SCD) and verified by MDE.
6. Agricultural activities with a cumulative impact on nontidal wetlands of less than 5,000 square feet, when the local SCD has determined that the area has no significant plant or wildlife value. Must be verified by MDE.

Mitigation

Mitigation or monetary compensation is required if you are conducting new agricultural activities in nontidal wetlands resulting in impacts to nontidal wetlands. Mitigation includes purchasing credits from an approved mitigation bank, creation, restoration, or enhancement of nontidal wetlands. The SCD will help you prepare a mitigation plan, if a plan is necessary. Monetary compensation

continued...



may be accepted in lieu of mitigation if MDE determines that mitigation is not feasible. Mitigation may be deferred if the Secretary of Agriculture determines, after reviewing financial considerations, that it will create an economic hardship and jeopardize the continued operation of a farm. Mitigation may be deferred until one of the following occurs:

1. Economic hardship no longer exists.
2. Agricultural activities no longer take place in the nontidal wetland.
3. The current owner or operator transfers the farm to a new owner or operator. In these instances, the original owner/operator remains responsible for mitigation.

Permit and Mitigation Procedures

1. Contact your SCD to find out if your activities will affect nontidal wetlands and to determine local, state, and federal requirements.
2. Your SCD will determine the size of the proposed wetland impact, whether it is in an isolated wetland, and if it will impact areas with significant plant and wildlife value. The SCD will then submit this information to MDE. If your SCD determines that it is necessary, submit a completed joint federal/state application for construction in any floodplain, waterway, or wetland area to MDE's Regulatory Services Coordination Office. The application will be forwarded to the U.S. Army Corps of Engineers and other state agencies, as required. Include project plans, description, location, and site map.
3. Work with the SCD to develop a Soil Conservation and Water Quality Plan with BMPs to minimize impact and to design a mitigation component, if required. Submit the mitigation component to MDE.
4. A site inspection will be performed.
5. If the U.S. Army Corps of Engineers, MDE's Dam Safety Division or Nontidal Wetlands and Waterways Division requires a permit, or if a Water Quality Certification is required, an opportunity for public comment is provided. A hearing may be held.
6. A final decision is made.

Processing Time Standard permit turnaround time for minor projects is 180 days and 365 days for major projects. Processing time varies with project complexity.

Fees \$750 application fee, however, the following projects are exempt from the fee: (1) regulated activities conducted by the state, municipal corporation, county, bi-county or multi-county agency; (2) performance of agricultural BMPs contained in a SCWQP approved by the SCD; and, (3) performance of forestry BMPs contained in an erosion and sediment control plan prepared by a registered forester and approved by the appropriate SCD.

#20 SMALL POND APPROVALS



You must obtain a permit from MDE's Dam Safety Permits Division if you are planning to construct, repair, or modify a dam or reservoir in Maryland. Certain small ponds meeting all of the criteria provided below may be exempt from the MDE permit requirements if the plans and specifications are approved by the appropriate soil conservation district:

- a. Drainage area to the pond must be less than 640 acres; and
- b. The height of the pond (measured from the upstream toe to the top of dam) must be less than 20 feet; and
- c. The dam must be a "low hazard" structure, the failure of which is not likely to cause loss of life or property damage. (Refer to MDE Guidance for Completing a Dam Breach Analysis for Small Ponds and Dams in Maryland); and
- d. The pond may not be located in a Use III watershed or the watersheds of the Gwynns Falls, Jones Falls or Herring Run streams; and
- e. The pond must have a maximum storage volume less than 50 acre-feet.

Issuing Agency

Maryland Department of the Environment | *Dam Safety Permits Division*
1800 Washington Boulevard, Suite 440
Baltimore, MD 21230
410-537-3552 | Toll-free 1-800-633-6101

Website

[MDE Small Pond Process](#)

MDE Notes

- Plans must be submitted to the local soil conservation district (SCD) for approval and prepared in accordance with USDA Natural Resources Conservative Service (NRCS) Maryland Pond Code 378, January 2000 (MD378). Additional guidance and policies intended to clarify aspects of MD378 are provided on the MDE Dam Safety website. A detailed list of the supporting data and documentation necessary to obtain SCD approval is provided in MD378.
- The USDA-NRCS Pond Summary Sheet is to be submitted with the plans to the SCD and forwarded to MDE as evidence of SCD approval. Upon completion of construction, an as-built approval and revised USDA-NRCS Pond Summary Sheet must be completed and forwarded to MDE.
- If the pond is being planned for stormwater management, please refer to the *MDE Stormwater Design Manual* for additional design criteria. Ponds proposed in Use III, Natural Trout Waters must include design features that mitigate thermal discharges.

#21 SECTION 401 WATER QUALITY CERTIFICATION



Validates the U.S. Army Corps of Engineers 404 Permit by certifying that a project will comply with Maryland water quality standards. Required if you intend to alter a floodplain, waterway, tidal, or nontidal wetland. Agricultural activities that may require this approval include ponds, spring developments, and live-stock crossings.

Issuing Agency

Maryland Department of the Environment | *Water and Science Administration—Regulatory Services Section*

1800 Washington Boulevard, Suite 430

Baltimore, MD 21230-1708

410-537-3745 | Toll-free 1-800-633-6101

Website

[MDE Water Quality Certifications](#)

Web Resources

[MDE Request for Water Quality Certification \(PDF\)](#)

How to Apply and What to Expect

Contact your soil conservation district for assistance in determining necessary permits. In addition to the 404 Permit, a permit from MDE's Nontidal Wetlands and Waterways Division may be required. If you are planning a pond, request a pre-application meeting with MDE to receive assistance.

1. If a permit is required, submit a joint federal/state permit application to MDE's Regulatory Services Coordination Office. MDE will be contacted by the Corps if certification is needed.
2. Following a site inspection, an opportunity for public comment is provided. A public hearing may be held.
3. A final decision is made on the certification at the close of the notice period. If approved, MDE will send the certification to you or your agent, with a copy to the Corps.

Processing Time Two to three months.

Fees None.

#22 TIDAL WETLANDS LICENSE/PERMIT



Tidal wetlands are open waters and marshes influenced by the rise and fall of the tide. Because of the importance of wetlands, a permit, license, or other approval is required for any work that may change a tidal wetland. Activities that may require this authorization include construction of piers and associated structures, construction of shore erosion control structures, dredging and marsh establishment (living shoreline).

Issuing Agency

Maryland Department of the Environment | *Water and Science Administration—
Wetlands and Waterways Program*
1800 Washington Boulevard, Suite 430
Baltimore, MD 21230
410-537-3522 | Toll-free 1-800-633-6101

Website

[MDE Tidal Wetland Permits, Licenses and Certifications](#)

Fees Yes.

Duration Three years.

#23 TOXIC MATERIALS PERMIT



Required for any homeowner, farmer, local government, or other person who wants to control nuisance aquatic life in ponds, ditches, or waterways using chemical products (e.g., mosquito control, algae removal).

Issuing Agency

Maryland Department of the Environment | *Industrial and General Discharge Permits Division*

1800 Washington Boulevard, Suite 455

Baltimore, MD 21230

410-537-3323 | Toll-free 1-800-633-6101 x3323

Websites

[MDE Water Permit Applications and Other Forms](#)

[MDE Guide to Environmental Permits and Approvals](#)

How to Apply and What to Expect

1. Submit a completed application.
2. MDE reviews and issues or denies the application. Although public participation is not required for this permit, MDE recommends that the applicant keep the public informed.
3. Commercial and public agency applicators of pesticides will also need a license from the Maryland Department of Agriculture.
4. The proposed product and method of application must be approved by MDE. The permit will include a schedule for applying the product.
5. The Maryland Department of Natural Resources must also sign off on this permit.

Processing Time 45 days

Fees None.

Duration Maximum five years.

Notes: In case of an emergency, a limited permit for certain chemicals can be obtained from the local soil conservation district in one to three days.

#24 WATER APPROPRIATION AND USE PERMIT



Required you plan to withdraw an annual average of 10,000 gallons or more of water per day from surface water or groundwater for agricultural use.

Issuing Agency

Maryland Department of the Environment | *Water and Science Administration—
Water Supply Program*
1800 Washington Boulevard, Suite 445
Baltimore, MD 21230
410-537-3714 | Toll-free 1-800-633-6101

Website

[MDE Water Appropriation or Use Permit](#)

Web Resources

[University of Maryland Fact Sheet: Agricultural Water Law in Maryland \(PDF\)](#)

How to Apply and What to Expect

1. Download the application from the website.
2. Submit a completed application to MDE along with an irrigation design schematic, if available. If the proposed use is for the withdrawal of water from a well, provide a copy of the completion report for any test wells that have been drilled on the property. If the proposed use is for the withdrawal of water from a surface water source, provide a map showing the location of the intake(s).
3. A site visit may be performed.
4. If the requested quantity is more than 10,000 gallons per day, you will be required to participate in a public notification process.
5. A comment period is provided for requests of more than 10,000 gallons per day. A public hearing may be held.
6. A final decision is made on the permit.

Processing Time 90 days to 18 months.

Fees None.

Duration Twelve years maximum.

#25 WATERWAY CONSTRUCTION PERMIT



Required before construction can begin on any project—such as fill, buildings, bridges, or culverts—that changes the course, current, or cross-section of a stream or its 100-year flood plain. Agricultural activities that may require this permit include ponds and dams. A general permit may allow best management practices (BMPs) such as livestock crossings, drainage outlets, and spring developments if certain guidelines are met.

Issuing Agency

Maryland Department of the Environment | *Water and Science Administration—Wetlands and Waterways Program*

1800 Washington Boulevard, Suite 430

Baltimore, MD 21230

410-537-3762 | Toll-free 1-800-633-6101

Website and Application

[MDE Nontidal Wetland and Waterway Permits, Approvals and Certifications](#)

How to Apply and What to Expect

1. Check local requirements.
2. Work with your soil conservation district (SCD) to develop project designs and determine if the project is authorized by a general waterway construction permit or Regional Letter of Authorization for agricultural BMPs. If so, your SCD will notify MDE.
3. If a permit is needed, submit a completed joint state/federal application to MDE's Regulatory Services Coordination Office. The application will be forwarded to other agencies, as required. Include construction plans, project description, construction sequence and design computations.
4. A site inspection may be performed by the MDE project manager. A comment period is provided and a hearing may be held.
5. A final decision is made on the permit.

Processing Time 180 days for minor projects and 365 days for major projects. Processing time varies with project complexity and completeness of application.

Fees \$750 application fee. The following are exempt from the fee: (1) regulated activities conducted by the State, municipal corporation, county, bicounty or multi county agency; (2) performance of agricultural best management practices contained in a soil conservation and water quality plan approved by the appropriate soil conversation district; and, (3) performance of forestry best management practices contained in an erosion and sediment control plan prepared by a registered forester and approved by the appropriate soil conservation district.

Duration Five years. Construction must begin within 2 years of permit issuance.

#26 AQUACULTURE PERMIT



Aquaculture facilities are regulated to minimize environmental impacts, protect the genetic integrity of native fish species, prevent aquatic disease outbreaks and avoid the accidental introduction of exotic species. Operators of new aquaculture facilities may also be required to obtain additional permits. (See checklist on center spread.) This permit is intended to authorize commercial aquaculture operations that culture species other than shellfish.

Issuing Agency

Maryland Department of Natural Resources | *Aquaculture and Industry Enhancement Division*

Tawes State Office Building, E-4

580 Taylor Avenue

Annapolis, MD 21401

410-260-8329 | Toll-free 1-877-620-8367

Download Application

[DNR Aquaculture Permit Application \(PDF\)](#)

How to Apply and What to Expect

1. Submit a completed application to DNR along with a location map, description of culture operation, a solid waste management plan, and sketch of facility. Plans for treatment and entrapment systems for hybrid or nonnative species must be included.
2. DNR will visit the site to check for compliance with state aquaculture regulations.
3. A final decision is made on the permit.

Processing Time One month.

Fees None.

Duration Five years, renewable. The permittee is required to report production to the Aquaculture and Industry Enhancement Division annually.

#27 COMMERCIAL SHELLFISH AQUACULTURE LEASE AND FEDERAL PERMIT



Prior to conducting commercial shellfish aquaculture activities in Maryland waters, an individual or business must apply for and obtain a state lease and federal permit for the proposed shellfish aquaculture activities. Maryland DNR serves as the primary point of contact for applicants in submitting a Joint Application for a State Commercial Shellfish Aquaculture Lease and Corps of Engineers Federal Permit. Applicants who intend to culture shellfish directly on bottom and not in containers should submit an application for a Submerged Land Lease. Applicants who intend to culture shellfish off-bottom and in containers should submit an application for a Water Column Lease.

Issuing Agencies

Maryland Commercial Shellfish Aquaculture Lease
Maryland Department of Natural Resources | *Aquaculture and Industry
Enhancement Division*
Tawes State Office Building, E-4
580 Taylor Avenue
Annapolis, MD 21401
410-260-2401 | Toll-free 1-877-620-8367

Department of the Army Permit for Shellfish Aquaculture
U.S. Army Corps of Engineers, Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

Download Requirements and Application

[DNR - U.S. Army Corps of Engineers Joint Application \(PDF\)](#)

How to Apply and What to Expect

Submit a completed application and fee to DNR along with other required maps and plans, including the GPS corner coordinates of the proposed lease location.

1. DNR will conduct the state review of the project and coordinate with the US Army Corps of Engineers, Baltimore District on the federal review of the project.
2. DNR will conduct a hydrographic survey of the proposed site.
3. Following the survey, the application will be placed on public notice.
4. Once the application review and public notice period have concluded, a decision will be made on issuance of the lease.
5. If a favorable decision is reached, DNR will issue the applicant a Submerged Land or a Water Column Shellfish Lease.

continued...



Processing Time Six months – One year.

Fees \$300 non-refundable application fee and annual rent of \$3.50 per acre for a submerged land lease and \$25 per acre for a water column lease payable to DNR.

Duration 20 years, renewable for one additional 20-year period. Leaseholders are required to submit monthly harvest reports and an annual usage report to the Aquaculture and Industry Enhancement Division.

#28 SHELLFISH NURSERY PERMIT



A Shellfish Nursery Permit is required for shellfish aquaculture operations that propose to culture shellfish larvae or seed within their facilities. Based on the design and size of the project, these operations may be exempt from also obtaining a shellfish lease. The Shellfish Nursery Permit is intended to authorize on-land and in-water activities that produce shellfish seed up to a maximum length of one inch. Depending on the size and scope of the project, applicants may also be required to obtain other permits.

Issuing Agency

Maryland Department of Natural Resources | *Aquaculture and Industry Enhancement Division*

Tawes State Office Building

Annapolis, MD 21401

410-260-2405 | Toll-free 1-877-620-8367

Download Requirements and Application

[DNR Shellfish Nursery Permit Application \(PDF\)](#)

How to Apply and What to Expect

1. Submit a completed application, required supplemental materials, and application fee to DNR.
2. DNR will conduct a review of the project proposal and location.
3. If a favorable permit decision is reached, DNR will issue the applicant a Shellfish Nursery Permit.

Processing Time Sixty days.

Fees \$100 non-refundable application fee.

Duration Five years, renewable. Permittees are required to submit annual reports to the Aquaculture and Industry Enhancement Division.

#29 CRITICAL AREA AND COASTAL BAYS REQUIREMENTS



The Chesapeake and Atlantic Coastal Bays Critical Area law provides special protection for Maryland’s shorelines. All farms located within the Critical Area—the 1,000-foot strip of land around the shorelines of the Chesapeake Bay and Atlantic Coastal Bays and their tidal waters—must develop and implement a Soil Conservation and Water Quality Plan (SCWQP) approved by the local soil conservation district and a Nutrient Management Plan prepared by a certified nutrient management consultant or a certified farm operator in accordance with COMAR 15.20.04, .07, and .08. The SCWQP includes best management practices to control nutrients and other runoff and also includes provisions that prohibit the feeding or watering of livestock within 50 feet of the mean high water line of tidal waters and tributary streams, or from the edge of tidal wetlands, whichever is further inland. New agricultural lands may not be created in certain sensitive areas, including in the following ways:

1. Diking, draining, or filling of nontidal wetlands, unless mitigation is accomplished.
2. Clearing forests with grades of more than 15 percent.
3. Clearing forests located on certain highly erodible soils with a K-factor of greater than 0.35 or a slope greater than 5 percent.
4. Clearing existing natural vegetation in the 100-foot buffer

For more information, contact your local soil conservation district.

#30 U.S. ARMY CORPS OF ENGINEERS SECTION 404 PERMIT



US Army Corps
of Engineers

Section 404 of the Clean Water Act regulates the discharge of dredged, excavated, or fill material in wetlands, streams, rivers, and other U.S. waters. The U.S. Army Corps of Engineers is the federal agency authorized to issue Section 404 Permits for certain activities conducted in wetlands or other U.S. waters. Depending on the scope of the project and method of construction, certain farming activities may require this permit. Examples include ponds, embankments, and stream channelization. A general permit gives the state the lead for some 404 permits, enabling this function to be handled during the state permitting process. Contact your soil conservation district (SCD) for more information.

Issuing Agency

U.S. Army Corps of Engineers | *Baltimore District Regulatory Branch*
2 Hopkins Plaza
Baltimore, MD 21201
410-962-3670 | Email: NAB-Regulatory@usace.army.mil

Website

[U.S. Army Corps of Engineers Baltimore District Website](#)

Exemptions

Certain agricultural activities are exempt from Section 404 Permit requirements and do not require a Section 404 Permit. However, you should obtain confirmation that your project is exempt before beginning the activity. To be exempt, these activities must be part of an established, ongoing farming operation and cannot be associated with bringing a wetland into agricultural production or converting an agricultural wetland to a non-wetland area. For specifics, contact your SCD.

How to Apply and What to Expect

1. Work with your SCD to prepare your application. Include project plans, maps, and other pertinent information.
2. To speed up the permit process, state and federal permits are processed jointly. Applications for 404 Permits should be submitted to MDE's Regulatory Services Section/Application Processing. MDE will distribute your application to the proper federal authorities for review.

Processing Time 45-90 days. Longer for complex projects.

Fees None. \$10 or \$100 in some cases.

Duration Three to five years.



Soil Conservation Districts

This guide provides general information on permits that may be required for certain agricultural activities. It is not a substitute for applicable federal, state, or local regulations, or a waiver of permits, licenses, or approvals required by law. Because regulations may change over time, contact your soil conservation district for the most up-to-date information.

Allegany	301-777-1747, ext. 3	alleganyscd.com
Anne Arundel	410-571-6757	aascd.org
Baltimore County	410-527-5920, ext. 3	bcscd.org
Calvert	410-535-1521, ext. 3	calvertsoil.org
Caroline	410-479-1202, ext. 3	
Carroll	410-848-8200, ext. 3	carrollsoil.com
Catoctin	301-695-2803, ext. 3	catoctinfrederickscd.com
Cecil	410-398-4411, ext. 3	cecilscd.com
Charles	301-638-3028	charlesscd.com
Dorchester	410-228-5640, ext. 3	
Frederick	301-695-2803, ext. 3	catoctinfrederickscd.com
Garrett	301-501-5886	garrettscd.org
Harford	410-638-4828	harfordscd.org
Howard	410-313-0680	howardscd.org
Kent	410-778-5150, ext. 3	kentsoilandwaterconservationdistrict.org
Montgomery	301-590-2855	montgomeryscd.org
Prince George's	301-574-5162, ext. 3	pgscd.org
Queen Anne's	410-758-3136, ext. 3	qascd.com
St. Mary's	301-475-8402, ext. 3	stmarysscd.com
Somerset	410-621-9310	
Talbot	410-822-1577, ext. 5	talbotscd.com
Washington County	301-797-6821, ext. 3	conservationplace.com
Wicomico	410-546-4777, ext. 3	
Worcester	410-632-5439, ext. 3	



Maryland
Department of Agriculture

State Soil Conservation Committee

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