

6928

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the department of environmental conservation from issuing or authorizing any permits to new or expanding large concentrated animal feeding operations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is
amended by adding a
2 new section 17-0709 to read as follows:
3 § 17-0709. Applications for a permit for the operation
of concentrated
4 feeding operations in which livestock are
kept; prohibi-
5 tion.
6 1. The department shall not issue a license or permit
or approval for
7 the operation of a new large concentrated animal feeding
operation, or
8 an addition to, or expansion of, an existing animal

feeding operation if

9 the addition or expansion would cause the animal
feeding operation to

10 become a large concentrated animal feeding operation or
increase the

11 animal stabling or confinement capacity of an
existing large concen-

12 trated animal feeding operation.

13 2. As used in this section, "large concentrated animal
feeding opera-

14 tion" shall have the same meaning as defined in 6 NYCRR
750-1.2(a)(23).

15 3. Nothing in this section shall be interpreted to
prohibit a person

16 from operating an animal feeding operation, if prior to
the effective

17 date of this section, such person has already received a
permit for the

18 operation of an animal feeding operation as otherwise
allowed under this

19 chapter.

20 § 2. The environmental conservation law is amended by
adding a new

21 section 17-0833 to read as follows:

22 § 17-0833. General permit for concentrated animal
feeding operations;

23 modification.

EXPLANATION--Matter in italics (underscored) is new;
matter in brackets

[~~-~~] is old law to be omitted.

LBD10880-01-5

1 1. The department shall revise the SPDES general
2 permit for concen-
3 trated animal feeding operations, permit number GP-0-22-
4 001, to require
5 additional, independent approval from the department for
6 any proposed
7 expansion to the operation of a concentrated animal
8 feeding operation
9 which will result in an increased animal confinement
10 capacity.

11 2. If a proposed expansion to the operation of an
12 existing concen-
13 trated animal facility operation would cause the animal
14 feeding opera-
15 tion to become a large concentrated animal feeding
16 operation, as defined
17 in 6 NYCRR 750-1.2(a)(23), or increase the stabling
18 or confinement
19 capacity of an existing large concentrated animal feeding
20 operation, the
21 department shall deny the proposed expansion.

22 § 3. Paragraph a of subdivision 5 of section 17-0701 of
23 the environ-
24 mental conservation law, as amended by chapter 801 of
25 the laws of 1973
26 and such subdivision as renumbered by chapter 701 of the
27 laws of 1994,
28 is amended and a new subdivision 10 is added to read as
29 follows:

30 a. except as provided in subdivision ten of this
31 section, if the
32 commissioner finds on the basis of the submitted plans
33 or application
34 that the discharge from the outlet or point source or
35 modified disposal
36 system will not be in contravention of the standards,

criteria, limita-

20 tions, rules and regulations adopted or applied by the
department; or

21 10. In the case of a concentrated animal feeding
operation, as defined

22 in 6 NYCRR 750-1.2(a)(23), the commissioner shall
not issue a SPDES

23 permit of any kind, regardless of whether the permit
constitutes a SPDES

24 general permit or an individual SPDES permit, to an owner
or operator of

25 an operation that fits the regulatory definition of a
large concentrated

26 animal feeding operation.

27 § 4. Subdivision 2 of section 17-0703 of the
environmental conserva-

28 tion law, as separately amended by chapters 400 and 801
of the laws of

29 1973, is amended and a new subdivision 3 is added to read
as follows:

30 2. [~~Public~~] Except as provided in subdivision three of
this section,

31 public hearings, on due notice, shall be conducted by
the commissioner

32 or by [~~his~~] such commissioner's designated representative
in connection

33 with the issuance of any order or determination
denying, revoking,

34 continuing or modifying a permit as provided by section
17-0701 of this

35 title, paragraph f of subdivision 4 of section 17-0303
of this article

36 and title 8 [~~hereof~~] of this article, unless the
applicant or permittee

37 waives said hearing in writing and no request for a
public hearing has

38 been received from any interested party.

39 3. In the case of a large concentrated animal feeding
40 operation, as

41 defined in 6 NYCRR 750-1.2(a)(23), an applicant is
42 not entitled to a

43 public hearing in response to the denial of a permit
44 application.

45 § 5. This act shall take effect on the ninetieth day
46 after it shall

47 have become a law.