S T A T E  O F  N E W  Y O R K

4244

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 2, 2009

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

AN ACT to amend the environmental conservation law and the soil and water conservation districts law, in relation to amending the definition of point source

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 16 of section 17-0105 of the environmental conservation law, as amended by chapter 360 of the laws of 1988, is amended to read as follows:

16. "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, FARM OPERATION CONTAINING NOT LESS THAN TWO HUNDRED SWINE, vessel or other floating craft, or landfill leachate collection system from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

S 2. Subdivision 7 of section 11-b of the soil and water conservation districts law, as added by chapter 166 of the laws of 1999, is amended to read as follows:

7. Notwithstanding any other provision of law, [a] concentrated animal feeding [operation] OPERATIONS AND FARM OPERATIONS CONTAINING NOT LESS THAN TWO HUNDRED SWINE permitted pursuant to title seven or eight of article seventeen of the environmental conservation law shall be treated as [a] nonpoint [source] SOURCES for purposes of qualifying for funding pursuant to this section.

S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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