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

3750

2011-2012 Regular Sessions

I N A S S E M B L Y

January 27, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing a concentrated animal feeding operation board

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

Section 1. The agriculture and markets law is amended by adding a new article 26-C to read as follows:

ARTICLE 26-C

CONCENTRATED ANIMAL FEEDING OPERATION BOARD

SECTION 420. CONCENTRATED ANIMAL FEEDING OPERATION BOARD.

S 420. CONCENTRATED ANIMAL FEEDING OPERATION BOARD. 1. THERE IS HEREBY CREATED THE CONCENTRATED ANIMAL FEEDING OPERATION BOARD. THE BOARD SHALL CONSIST OF SEVEN MEMBERS. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE COMMISSIONER AS FOLLOWS: ONE UPON THE RECOMMENDATION OF THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, ONE UPON THE RECOMMENDATION OF THE DEAN OF THE CORNELL UNIVERSITY SCHOOL OF AGRICULTURE AND LIFE SCIENCES, AND FIVE MEMBERS SHALL BE PRIVATE STAKEHOLDERS REPRESENTING THE INTERESTS OF CONCENTRATED ANIMAL FEEDING OPERATION REGULATED FARM OWNERS, NUTRIENT MANAGEMENT PLANNERS OR SPECIALISTS, AND MEMBERS OF THE ENVIRONMENTAL COMMUNITY. A CHAIR AND VICE-CHAIR OF SUCH BOARD SHALL BE ELECTED BY A MAJORITY VOTE OF THE MEMBERS. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS MEMBERS BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE.

2. THE BOARD, IN CONJUNCTION WITH THE DEPARTMENT, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE CORNELL UNIVERSITY SCHOOL OF AGRICULTURE AND LIFE SCIENCES, SHALL COLLECT DATA AND STUDY NUTRIENT MANAGEMENT SYSTEMS ON FARMS WITH BETWEEN THREE HUNDRED AND NINE HUNDRED NINETY-NINE ANIMAL UNITS (AU), AND WHICH ARE CONSIDERED CONCENTRATED ANIMAL FEEDING OPERATION FARMS UNDER GENERAL PERMIT GP-99-01. THE STUDY SHALL MEASURE

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

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BOTH THE NUTRIENT MANAGEMENT CAPABILITIES OF THE MANAGEMENT SYSTEM AND THE ECONOMIC VIABILITY OF THE MANAGEMENT SYSTEM AND OPERATIONS. THE EFFECTIVENESS OF THE NUTRIENT MANAGEMENT SYSTEM SHALL BE MEASURED BY THE NUTRIENT UPTAKE IN THE SOLID PORTION OF MANURE SOLIDS, THE NUTRIENT LEVELS IN THE LIQUID PORTION AND THE EFFECTIVENESS OF CREATING A CLEAN WATER DISCHARGE. THE ECONOMIC VIABILITY OF THE NUTRIENT MANAGEMENT SYSTEM SHALL BE MEASURED BY THE COST OF INSTALLATION, THE COST OF MANAGEMENT AND OPERATION, AND THE USEFULNESS OF THE SOLID AND LIQUID PORTIONS PRODUCED IN THE MANAGEMENT SYSTEM. EACH NUTRIENT MANAGEMENT SYSTEM SHALL BE STUDIED TO DETERMINE THE EFFECTIVENESS OF THE ABILITY TO EFFECTIVELY MONITOR THE NUTRIENTS IN THE SYSTEM AND THE WATER QUALITY IN THE SYSTEM.

THE BOARD SHALL ALSO WORK IN CONJUNCTION WITH THE CORNELL UNIVERSITY TURFGRASS DEPARTMENT AND THE CORNELL UNIVERSITY URBAN INTEGRATED PEST MANAGEMENT PROGRAM TO COLLECT DATA ON THE EFFECTIVENESS OF THE NUTRIENT MANAGEMENT SYSTEM TO DEMONSTRATE A NUTRIENT EXCHANGE OF THE SOLID PORTION OF THE NUTRIENTS TO BE USED AS A SOIL CONDITIONER. FOR PURPOSES OF THIS SECTION, A "NUTRIENT EXCHANGE" IS DEFINED AS THE USE OF THE SOLID PORTION OF NUTRIENTS FOR A NON-AGRICULTURAL USE AS A SOIL CONDITIONER. THE SOLIDS SHALL BE MEASURED FOR EFFECTIVENESS AND ECONOMIC VIABILITY ON TURF AREAS AS A SOIL CONDITIONER. THE EFFECTIVENESS OF THE SOLIDS SHALL BE MEASURED FOR GROWTH POTENTIAL, NUTRIENT LEACHING PROPERTIES, DISEASE SUPPRESSION AND THATCH DECOMPOSITION. THE ECONOMIC VIABILITY OF THE SOLIDS AS A SOIL CONDITIONER SHALL BE MEASURED BY PER CUBIC YARD COST AND FREIGHT COST.

3. THE BOARD SHALL APPOINT A NUTRIENT MANAGEMENT SPECIALIST TO ASSIST CONCENTRATED ANIMAL FARMING OPERATION REGULATED FARMS THROUGHOUT THE STATE WITH THE COMPLIANCE WITH THE CONCENTRATED ANIMAL FARMING OPERATION REGULATIONS. THE NUTRIENT MANAGEMENT SPECIALIST SHALL ASSIST CONCENTRATED ANIMAL FARMING OPERATION FARMS WITH UNDERSTANDING AND CHOOSING NUTRIENT MANAGEMENT OPTIONS THAT ARE EFFECTIVE AND ECONOMICALLY VIABLE.

4. THE BOARD SHALL PREPARE AND SUBMIT A REPORT OF THE RESULTS OF THE STUDY CONDUCTED PURSUANT TO THIS SECTION TO THE GOVERNOR AND THE LEGISLATURE NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.