

STATE OF NEW YORK

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 Assem-
bly, 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 permit for concen-
2 trated animal feeding operations, permit number GP-0-22-001, to require
3 additional, independent approval from the department for any proposed
4 expansion to the operation of a concentrated animal feeding operation
5 which will result in an increased animal confinement capacity.

6 2. If a proposed expansion to the operation of an existing concen-
7 trated animal facility operation would cause the animal feeding opera-
8 tion to become a large concentrated animal feeding operation, as defined
9 in 6 NYCRR 750-1.2(a)(23), or increase the stabling or confinement
10 capacity of an existing large concentrated animal feeding operation, the
11 department shall deny the proposed expansion.

12 § 3. Paragraph a of subdivision 5 of section 17-0701 of the environ-
13 mental conservation law, as amended by chapter 801 of the laws of 1973
14 and such subdivision as renumbered by chapter 701 of the laws of 1994,
15 is amended and a new subdivision 10 is added to read as follows:

16 a. except as provided in subdivision ten of this section, if the
17 commissioner finds on the basis of the submitted plans or application
18 that the discharge from the outlet or point source or modified disposal
19 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 operation, as
40 defined in 6 NYCRR 750-1.2(a)(23), an applicant is not entitled to a
41 public hearing in response to the denial of a permit application.

42 § 5. This act shall take effect on the ninetieth day after it shall
43 have become a law.