STATE OF NEW YORK

6530

2025-2026 Regular Sessions

IN SENATE

March 17, 2025

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed 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:

Section 1. The environmental conservation law is amended by adding a new section 17-0709 to read as follows:

§ 17-0709. Applications for a permit for the operation of concentrated feeding operations in which livestock are kept; prohibition.

1. The department shall not issue a license or permit or approval for the operation of a new large concentrated animal feeding operation, or an addition to, or expansion of, an existing animal feeding operation if the addition or expansion would cause the animal feeding operation to become a large concentrated animal feeding operation or increase the animal stabling or confinement capacity of an existing large concentrated animal feeding operation.

2. As used in this section, "large concentrated animal feeding operation" shall have the same meaning as defined in 6 NYCRR 750-1.2(a)(23).

3. Nothing in this section shall be interpreted to prohibit a person from operating an animal feeding operation, if prior to the effective date of this section, such person has already received a permit for the operation of an animal feeding operation as otherwise allowed under this chapter.

§ 2. The environmental conservation law is amended by adding a new section 17-0833 to read as follows:

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

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

LBD10880-01-5

1. The department shall revise the SPDES general permit for concentrated animal feeding operations, permit number GP-0-22-001, to require additional, independent approval from the department for any proposed expansion to the operation of a concentrated animal feeding operation which will result in an increased animal confinement capacity.

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

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

a. **except as provided in subdivision ten of this section,** if the commissioner finds on the basis of the submitted plans or application that the discharge from the outlet or point source or modified disposal system will not be in contravention of the standards, criteria, limitations, rules and regulations adopted or applied by the department; or

10. In the case of a concentrated animal feeding operation, as defined in 6 NYCRR 750-1.2(a)(23), the commissioner shall not issue a SPDES permit of any kind, regardless of whether the permit constitutes a SPDES general permit or an individual SPDES permit, to an owner or operator of an operation that fits the regulatory definition of a large concentrated animal feeding operation.

§ 4. Subdivision 2 of section 17-0703 of the environmental conservation law, as separately amended by chapters 400 and 801 of the laws of 1973, is amended and a new subdivision 3 is added to read as follows:

2. [~~Public~~] **Except as provided in subdivision three of this section, public** hearings, on due notice, shall be conducted by the commissioner or by [~~his~~] **such commissioner's** designated representative in connection with the issuance of any order or determination denying, revoking, continuing or modifying a permit as provided by section 17-0701 **of this title,** paragraph f of subdivision 4 of section 17-0303 **of this article** and title 8 [~~hereof~~] **of this article**, unless the applicant or permittee waives said hearing in writing and no request for a public hearing has been received from any interested party.

3. In the case of a large concentrated animal feeding operation, as defined in 6 NYCRR 750-1.2(a)(23), an applicant is not entitled to a public hearing in response to the denial of a permit application.

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