April 2, 2025

Proposed Changes to S.124 Stakeholder Group

Clean Version

Sec. 9. COMMUNITY STAKEHOLDER GROUP ON AGRICULTURAL WATER QUALITY

(a) On or before December 1, 2025, the Secretary of Natural Resources, in coordination with the Secretary of Agriculture, Food and Markets, shall engage key stakeholders regarding the implementation of and transition to an agricultural water quality program that conforms with the requirements of the Clean Water Act. The process also shall include public notice and informational hearings to provide updates on the CAFO program and gather broad public input. In addition, the stakeholder engagement process shall include specific opportunities for the agricultural community, including livestock farmers, farm groups, and agricultural consultants; the environmental community, including watershed groups and water quality experts; and the public to share their input on:

(1) the establishment of a water quality permitting program administered by the Secretary of Natural Resources that ensures that no farm discharges in violation of the Clean Water Act's CAFO permit requirements;

(2) how to align the agricultural water quality programs administered by the Secretary of Natural Resources most effectively with programs administered by the Secretary of Agriculture, Food, and Markets to facilitate compliance with the Clean Water Act's requirements;

(3) how to best create regulatory clarity for agricultural producers for the long-term, and effective control of water pollution consistent with the Clean Water Act, whether within a two-agency regulatory system or through a full transfer of regulatory authority over water quality on farms to the Agency of Natural Resources.;

(4) the resources, technical assistance, and regulatory structure necessary to create a path to compliance for agricultural producers that maintain CAFOs, AFOs, and other farms ; and

(5) feedback on implementing regulatory structures similar to other states, including the New York State Department of Environmental Protection CAFO Program

(b) On or before February 15, 2026, the Secretary of Natural Resources shall file a report with the House Committees on Agriculture, Food Resiliency and Forestry and on Environment and the Senate Committees on Agriculture and on Natural Resources and Energy. The report shall:

(1) summarize the stakeholder process, including public comments received;

(2) summarize public input received during rulemaking;

(3) assess whether the regulatory structure for administering agricultural water quality requirements in the State is sufficient to ensure that water pollution is controlled consistent with the Clean Water Act or whether in order to ensure compliance with Clean Water Act, sole regulation by the Agency of Natural Resources over water quality on farms, should be implemented; and

(4) recommend any statutory amendment or other changes related to implementation of the CAFO program and agricultural water quality regulation more generally.

Strikethrough Version

Sec. 9. COMMUNITY STAKEHOLDER GROUP ON AGRICULTURAL WATER QUALITY

(a) On or before December 1, 2025, the Secretary of Natural Resources, in coordination with the Secretary of Agriculture, Food and Markets, shall engage key ~~agricultural~~ stakeholders ~~as part of a pre-rulemaking process to gather input on proposed concentrated animal feeding operation (CAFO) rules~~ regarding the implementation of and transition to an agricultural water quality program that conforms with the requirements of the Clean Water Act. The ~~rulemaking~~ process also shall include public notice and informational hearings to provide updates on the CAFO program and gather broad public input. In addition, the stakeholder engagement process shall include specific opportunities for the agricultural community, including livestock farmers, farm groups, ~~farm and watershed groups~~ and agricultural consultants; the environmental community, including watershed groups and water quality experts; and the public to share their input on:

(1) ~~the implementation of the Agency of Natural Resources CAFO program~~ the establishment of a water quality permitting program administered by the Secretary of Natural Resources that ensures that no farm discharges in violation of the Clean Water Act's CAFO permit requirements;

(2) how to align the ~~CAFO program~~ agricultural water quality programs administered by the Secretary of Natural Resources most effectively with ~~water quality regulatory~~ programs administered by the Secretary of Agriculture, Food, and Markets to facilitate compliance with the Clean Water Act's requirements;

(3) how to best create regulatory clarity for agricultural producers for the long-term, and effective control of water pollution consistent with the Clean Water Act, whether within a two-agency regulatory system or through a full transfer of regulatory authority over water quality on farms to ~~one agency~~ the Agency of Natural Resources.;

(4) the resources, technical assistance, and regulatory structure necessary to create a path to compliance for agricultural producers that maintain CAFOs ~~operations~~, AFOs, and other farms; and

(5) feedback on implementing regulatory structures similar to other states, including the New York State Department of Environmental Protection CAFO Program

(b) On or before February 15, 2026, the Secretary of Natural Resources shall file a report with the House Committees on Agriculture, Food Resiliency and Forestry and on Environment and the Senate Committees on Agriculture and on Natural Resources and Energy. The report shall:

(1) summarize the stakeholder process, including public comments received;

(2) summarize public input received during rulemaking;

(3) assess whether the regulatory structure for administering agricultural water quality requirements in the State is sufficient to ensure that water pollution is controlled consistent with the Clean Water Act or whether ~~further structural changes~~ in order to ensure compliance with Clean Water Act, sole regulation by the Agency of Natural Resources over water quality on farms, should be implemented; and

(4) recommend any statutory amendment or other changes related to implementation of the CAFO program and agricultural water quality regulation more generally.