

S.49: An Act Relating to Improving the Quality of State Waters

1. Sec. 1 Findings. Does SNRE want further changes to Findings or Purpose of Act?
2. Sec. 3. Small Farm Certification. What is the definition of “small farm”?
3. Secs. 3, 4, 15, 16. Agricultural Water Quality Dates. Should dates for AAFM rulemaking be consistent? If so, what date should be selected?
4. Sec. 3. Small Farm Certification. How often should a farm provide certification?
5. Sec. 3. Small Farm Certification. How often should AAFM be required to inspect a small farm?
6. Sec. 4. Revision of RAPs. Should soil health standards be required under RAP revision?
7. Sec. 4. Revision of RAPs. Should a definition of “manure” be included in this section or the agricultural water quality definitions?
8. Sec. 4. Revision of RAPs. Should livestock exclusion be mandated; or should additional direction be provided for when livestock exclusion will be required?
9. Sec. 5. Report on Subsurface Tile Drainage. When should AAFM be required to report regarding management of subsurface tile drainage?
10. Sec. 6, 7, 8, 9, 11, 12. Agricultural Fees; LFO; MFO; SFO; nonag. fertilizer; commercial feed; pesticides—Should agricultural water quality fees be retained, retained in part, amended, or removed?
11. Sec. 13. Enhanced practices. Should the bill retain the concept of enhanced conservation practices?
12. Sec. 13. Cooperation and coordination between AAFM and ANR. Should there be some requirement for accountability or oversight over coordination between the agencies?
13. Secs. 15, 16. Agricultural water quality training; custom certification. Should septage and sludge be removed from the training and certification requirements?
14. Sec. 23. Definition of “development”; use value appraisal; land use change tax. Should this be clarified or amended?
15. Sec. 25. Basin planning. Should the requirements for basin planning be revised to require ANR to conduct classifications or typing in the process?
16. Sec. 25. Basin planning. Should ANR be required to contract with RPCs for purposes of completing basin plans?
17. Sec. 25. Basin planning. Should the ANR report on basin planning be more specific? Should it provide a summary of actions taken over the previous year?
18. Sec. 29. Anitdegradation implementation rule. Is the date for the required rulemaking sufficient? Are there additional changes needed to the section?
19. Sec. 30. Stormwater. Definition of “best management practice”. Should this be amended to include green infrastructure or other requirements?

20. Sec. 30. Stormwater. Exemption. Should exemption for agricultural practice apply only for farms in “compliance” with agricultural practices?
21. Sec. 30. Stormwater. Rulemaking. Should the purpose of the rules be amended or expanded?
22. Sec. 30. Stormwater. Rulemaking. Should the requirements for technical standards or best management practices be amended to require standards for: high elevation stormwater; solid health, other?
23. Sec. 30. Stormwater. Legacy impervious surface stormwater permit. Should the requirements for the permit be clarified, including the schedule and time frames?
24. Sec. 30. Stormwater. Permit terms. What is the maximum permit term for a stormwater permit?
25. Sec. 30. Stormwater. Presumption. Is rebuttable presumption for a stormwater permittee necessary?
26. Sec. 34-38. Clean Water Fund; Clean Water Fund Board; Funding; Use of Fund
 - * Should Clean Water Fund be created?
 - * If so, for what purposes should the Fund be created?
 - * What revenue, if any, should be deposited in the Fund—rooms, meals, gas, taxes? PTT surcharge? Per parcel fee?
 - * How should the Fund be administered? By agency—what agency? By oversight Board—what is the composition of the Board.
 - * What accountability or performance measures should be required for Fund—should there be a report to General Assembly? If so, how often and what should it address?
27. Sec. 39. ANR Report on Per Parcel Fee. Do you want an ANR report on per parcel fee?
28. Sec. 42. DEC Fees. Does SNRE want to retain DEC fee increases? If so, for what purpose?
29. Sec. 43. DEC Fees, removal of exemptions. Should the bill eliminate the exemptions for certain DEC fees for AOT, BGS, and municipalities?
30. Secs. 21, 30, 46-49. Acceptable Management Practices.
 - * Should AMPs be mandatory?
 - * If so, how should Commissioner be required to mandate the practices? What should the practices address? What should be the goal/purpose of the practices?
 - * If AMPs are not mandatory, does SNRE want a report on whether AMPs should be mandatory? By what date?
 - * Regardless of whether AMPs are mandatory or not, should reference to AMPs in statutory exemptions for discharge permit, stormwater, or municipal zoning be amended?
31. Committee on Agriculture recommendations. How does SNRE want to incorporate the Committee on Agriculture’s recommendations?
32. Appropriations. Should appropriations for AAFM and DEC staff be included in the bill.
33. DEC/AAFM additional changes. Should AAFM and DEC additional requested changes be made?