



ENVIRONMENTAL  
ADVOCATES OF NEW YORK

# OPPOSES



Key to Legislative Ratings:



Major Detriment



Substantial Detriment



Detrimental

## FARM DAM SAFETY EXEMPTION

**S.7564 (Young)**

**A.10542 (Gunther)**

### Summary

This bill would transfer state oversight for dams located on farms from the New York State Department of Environmental Conservation's (DEC) Dam Safety Bureau to the Department of Agriculture and Markets. The effect of this legislation, if enacted, would be to exempt such dams from proper oversight and regulation.

### Explanation

The DEC's Dam Safety Bureau currently oversees the regulation of thousands of dams throughout New York State. This legislation would treat farm ponds as a special subset of dams under state law, thus exempting them from oversight by the DEC's trained dam inspectors and transferring their regulation to the Department of Agriculture and Markets. This would be a major shift in how dams are regulated in New York State.

Under recently proposed dam safety regulations from the DEC, farm ponds would automatically be classified as Class A dams, the lowest hazard classification. Owners of these dams would therefore be required to update their hazard classification every ten years to assure the dam poses no threat to downstream property or life in the event of a breach. Beyond this requirement, there is little change in the way farm ponds and their dams are addressed by the DEC's proposed regulations.

There is no reason to exempt dams for farm ponds from a once-a-decade review of their hazard classification. Given the age of many of these dams, their earthen construction, and increasing downstream development in rural areas, it would be irresponsible to exempt these dams from the minimal safety inspections considered by the DEC. New York's proposed regulation of farm pond dams is in line with the recommendations of the Association of State Dam Safety Officials and the Federal Emergency Management Agency.

**Environmental Advocates of New York opposes this bill.**

**Memo 45**