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H.829

Introduced by Representative Deen of Westminster

Referred to Committee on

Date:

Subject: Conservation and development; agriculture; water quality

Statement of purpose of bill as introduced: This bill proposes to make technical amendments to water quality requirements for small farms.

An act relating to water quality on small farms

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 6 V.S.A. § 4810a(a) is amended to read:~~

~~§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION~~

~~(a) On or before July 1, 2016, the Secretary of Agriculture, Food and Markets shall amend by rule the required agricultural practices in order to improve water quality in the State, assure practices on all farms eliminate adverse impacts to water quality, and implement the small farm certification program required by section 4871 of this title. At a minimum, the amendments to the required agricultural practices shall:~~

~~(1) Specify those farms that:~~

~~(A) are required to comply with the small farm certification~~

~~requirements under section 4871 of this title due to the potential impact of the~~

1 ~~farm or type of farm on water quality as a result of livestock managed on the~~
2 farm, agricultural inputs used by the farm, or tillage practices on the farm; and

3 (B) shall be subject to the required agricultural practices, but shall not
4 be required to comply with small farm certification requirements under section
5 4871 of this title.

6 (2)(A) Prohibit a farm from stacking or piling manure, storing fertilizer,
7 or storing other nutrients on unimproved sites or unapproved sites on the farm:

8 (i) in a manner and location that presents a threat of discharge to a
9 water of the State or presents a threat of contamination to groundwater; or

10 (ii) on lands in a floodway or otherwise subject to annual flooding.

11 (B) ~~In~~ Except for waste storage facilities designed by a licensed
12 engineer, in no case shall manure stacking or piling sites, fertilizer storage, or
13 other nutrient storage be located within 200 feet of a private well or within
14 200 feet of a water of the State, provided that the Secretary may authorize
15 siting within 200 feet, but not less than 100 feet, of a private well or surface
16 water if the Secretary determines that a manure stacking or piling site, fertilizer
17 storage, or other nutrient storage will not have an adverse impact on
18 groundwater quality or a surface water quality.

19 * * *

1 ~~(7) Prohibit the construction or siting of a farm structure for the storage~~
2 ~~of manure, fertilizer, or pesticide storage within a floodway area identified on a~~
3 ~~National Flood Insurance Program Map on file with a town clerk. [Repealed.]~~

4 (8) Regulate, in a manner consistent with the Agency of Natural
5 Resources' flood hazard area and river corridor rules, the construction or siting
6 of a farm structure or the storage of manure, fertilizer, or pesticides within a
7 river corridor designated by the Secretary of Natural Resources.

8 * * *

9 Sec. 2. 6 V.S.A. § 4871(b) is amended to read:

10 (b) Required small farm certification. Beginning on July 1, 2017, a person
11 who owns or operates a small farm, as designated by the Secretary consistent
12 with section 4810a(1) of this title, shall, on a form provided by the Secretary,
13 certify compliance with the required agricultural practices. The Secretary of
14 Agriculture, Food and Markets shall establish the requirements and manner of
15 certification of compliance with the required agricultural practices, provided
16 that the Secretary shall require an owner or operator of a farm to submit an
17 annual certification of compliance with the required agricultural practices.

18 Sec. 3. EFFECTIVE DATE

19 ~~This act shall take effect on passage.~~

Sec. 1. 6 V.S.A. § 4810a is amended to read:

§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

~~(a) On or before July 1, 2016, the Secretary of Agriculture, Food and Markets shall amend by rule the required agricultural practices in order to improve water quality in the State, assure practices on all farms eliminate adverse impacts to water quality, and implement the small farm certification program required by section 4871 of this title. At a minimum, the amendments to the required agricultural practices shall:~~

~~(1) Specify those farms that:~~

~~(A) are required to comply with the small farm certification requirements under section 4871 of this title due to the potential impact of the farm or type of farm on water quality as a result of livestock managed on the farm, agricultural inputs used by the farm, or tillage practices on the farm; and~~

~~(B) shall be subject to the required agricultural practices, but shall not be required to comply with small farm certification requirements under section 4871 of this title.~~

~~(2)(A) ~~Prohibit~~ Except where approved by the Secretary, prohibit a farm from stacking or piling manure, storing fertilizer, or storing other nutrients on the farm:~~

~~(i) in a manner and location that presents a threat of discharge to a water of the State or presents a threat of contamination to groundwater; or~~

~~(ii) on lands in a floodway or otherwise subject to annual flooding.~~

~~(B) Except for waste storage facilities designed by a licensed engineer, in no case shall manure stacking or piling sites, fertilizer storage, or other nutrient storage be located within 200 feet of a private well or within 200 feet of a water of the State, provided that the Secretary may authorize siting within 200 feet, but not less than 100 feet, of a private well or surface water if the Secretary determines that a manure stacking or piling site, fertilizer storage, or other nutrient storage will not have an adverse impact on groundwater quality or a surface water quality.~~

~~***~~

~~(7) Prohibit the construction or siting of a farm structure for the storage of manure, fertilizer, or pesticide storage within a floodway area identified on a National Flood Insurance Program Map on file with a town clerk.~~
~~[Repealed.]~~

~~(8) Regulate, in a manner consistent with the Agency of Natural Resources' flood hazard area and river corridor rules, the construction or siting of a farm structure or the storage of manure, fertilizer, or pesticides within a river corridor designated by the Secretary of Natural Resources.~~

~~***~~

~~Sec. 2. 6 V.S.A. § 4871(b) is amended to read:~~

~~(b) Required small farm certification. Beginning on July 1, 2017, a person who owns or operates a small farm, as designated by the Secretary consistent with section 4810a(a)(1) of this title, shall, on a form provided by the Secretary, certify compliance with the required agricultural practices. The Secretary of Agriculture, Food and Markets shall establish the requirements and manner of certification of compliance with the required agricultural practices, provided that the Secretary shall require an owner or operator of a farm to submit an annual certification of compliance with the required agricultural practices.~~

Sec. 3. EFFECTIVE DATE

~~This act shall take effect on passage.~~

Sec. 1. 6 V.S.A. § 4810a is amended to read:

§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

(a) On or before ~~July 1, 2016~~ September 15, 2016, the Secretary of Agriculture, Food and Markets shall ~~amend by~~ file under 3 V.S.A. § 841 a final proposal of a rule amending the required agricultural practices in order to improve water quality in the State, assure practices on all farms eliminate adverse impacts to water quality, and implement the small farm certification program required by section 4871 of this title. At a minimum, the amendments to the required agricultural practices shall:

(1) Specify those farms that:

(A) are required to comply with the small farm certification requirements under section 4871 of this title due to the potential impact of the farm or type of farm on water quality as a result of livestock managed on the farm, agricultural inputs used by the farm, or tillage practices on the farm; and

(B) shall be subject to the required agricultural practices, but shall not be required to comply with small farm certification requirements under section 4871 of this title.

(2)(A) ~~Prohibit~~ Except as authorized under subdivision (C) of this subdivision, prohibit a farm from stacking or piling manure, storing fertilizer, or storing other nutrients on the farm:

(i) in a manner and location that presents a threat of discharge to a water of the State or presents a threat of contamination to groundwater; or

(ii) on lands in a floodway or otherwise subject to annual flooding.

(B) ~~In no case shall~~ Except as authorized under subdivision (C) of this subdivision, manure stacking or piling sites, fertilizer storage, or other nutrient storage shall not be located within 200 feet of a private well or within 200 feet of a water of the State, ~~provided that,~~

(C) the Secretary may authorize;

(i) siting of manure stacking or piling sites, fertilizer storage, or other nutrient storage within 200 feet, but not less than 100 feet, of a private well or surface water if the Secretary determines that ~~a manure stacking or piling site, fertilizer storage, or other nutrient storage will not have an adverse impact on groundwater quality or a surface water quality~~ the site is the best available site on the farm for the purposes of protecting groundwater quality or surface water quality;

(ii) siting of a waste storage facility within 200 feet of a surface water or private well if the site is the best available site on the farm for the purposes of protecting groundwater quality or surface water quality and the waste storage facility is designed by a licensed engineer to meet the requirements of section 4815 of this title.

* * *

~~(7) Prohibit the construction or siting of a farm structure for the storage of manure, fertilizer, or pesticide storage within a floodway area identified on a National Flood Insurance Program Map on file with a town clerk.~~
[Repealed.]

(8) Regulate, in a manner consistent with the Agency of Natural Resources' flood hazard area and river corridor rules, the construction or siting of a farm structure or the storage of manure, fertilizer, or pesticides within a river corridor designated by the Secretary of Natural Resources.

* * *

Sec. 2. 6 V.S.A. § 4871(b) is amended to read:

(b) Required small farm certification. Beginning on July 1, 2017, a person who owns or operates a small farm, as designated by the Secretary consistent with subdivision 4810a(a)(1) of this title, shall, on a form provided by the Secretary, certify compliance with the required agricultural practices. The Secretary of Agriculture, Food and Markets shall establish the requirements and manner of certification of compliance with the required agricultural practices, provided that the Secretary shall require an owner or operator of a farm to submit an annual certification of compliance with the required agricultural practices.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.