

1 S.235

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation; agriculture; water quality

6 Statement of purpose: This bill proposes to require the secretary of agriculture,
7 food and markets to adopt by rule accepted agricultural practices (AAPs)
8 requiring all dairy and livestock operations to exclude livestock from the
9 waters of the state. The bill would also require the secretary of agriculture,
10 food and markets to adopt by rule an AAP that required all dairy and livestock
11 operations, regardless of size, to develop and implement a nutrient
12 management plan designed to prevent runoff or discharge of nutrients to waters
13 of the state. The bill would also require the secretary of agriculture, food and
14 markets to update and revise the AAPs every five years.

15 An act relating to the water quality of state waters

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

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

18 (a) Agricultural land use practices. In accordance with 10 V.S.A. 1259(i),
19 the secretary shall adopt by rule, pursuant to chapter 25 of Title 3, and shall
20 implement and enforce agricultural land use practices in order to reduce the

1 amount of agricultural pollutants entering the waters of the state. These
2 agricultural land use practices shall be created in two categories, pursuant to
3 subdivisions (1) and (2) of this subsection.

4 (1) "Accepted Agricultural Practices" (AAPs) shall be standards to be
5 followed in conducting agricultural activities in this state. These standards
6 shall address activities which have a potential for causing pollutants to enter
7 the groundwater and waters of the state, including dairy and other livestock
8 operations plus all forms of crop and nursery operations and on-farm or
9 agricultural fairground, registered pursuant to section 3902 of Title 20,
10 livestock and poultry slaughter and processing activities. The AAPs shall
11 include, as well as promote and encourage, practices for farmers in preventing
12 pollutants from entering the groundwater and waters of the state when engaged
13 in, but not limited to, animal waste management and disposal, soil amendment
14 applications, plant fertilization, and pest and weed control. The AAPs shall
15 require all dairy or livestock operations, regardless of size, to develop and
16 implement a nutrient management plan that is designed to prevent the runoff or
17 discharge of nutrients to the waters of the state. The AAPs shall include a
18 requirement that all dairy and livestock operations take measures to exclude
19 livestock from entering the waters of the state. Persons engaged in farming, as
20 defined in section 6001 of Title 10, who follow these practices shall be
21 presumed to be in compliance with water quality standards. AAPs shall be

1 practical and cost effective to implement. The AAPs for groundwater shall
2 include a process under which the agency shall receive, investigate, and
3 respond to a complaint that a farm has contaminated the drinking water or
4 groundwater of a property owner. By January 1, 2011, and every five years
5 thereafter, the secretary shall update and revise the AAPs by rule in order to
6 incorporate the most current practices and standards for reducing the amount of
7 agricultural pollutants and nutrients entering groundwater and the waters of the
8 state.

9 * * *

10 (c) The secretary of agriculture, food and markets shall consult with the
11 Lake Champlain basin program and the University of Vermont Extension
12 Service in developing the AAPs for livestock exclusion and nutrient
13 management planning under subsection (a) of this section.