

1 H.27

2 Introduced by Representative Krebs of South Hero

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; agriculture; water quality; best
6 management practices

7 Statement of purpose of bill as introduced: This bill proposes to eliminate the
8 requirement that the Secretary of Agriculture, Food and Markets determine that
9 adequate financial assistance is available to farmers before the Secretary
10 requires the implementation of best management practices to control
11 agricultural runoff to surface waters.

12 An act relating to implementation of best management practices

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

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

15 § 4810. AUTHORITY; COOPERATION; COORDINATION

16 (a) Agricultural land use practices. In accordance with 10 V.S.A.
17 § 1259(i), the ~~secretary~~ Secretary shall adopt by rule, pursuant to 3 V.S.A.
18 chapter 25 of ~~Title 3~~, and shall implement and enforce agricultural land use
19 practices in order to reduce the amount of agricultural pollutants entering the

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

3 (1) “Accepted Agricultural Practices” (AAPs) shall be standards to be
4 followed in conducting agricultural activities in this ~~state~~ State. These
5 standards shall address activities which have a potential for causing pollutants
6 to enter the groundwater and waters of the ~~state~~ State, including dairy and
7 other livestock operations plus all forms of crop and nursery operations and
8 on-farm or agricultural fairground, registered pursuant to 20 V.S.A. § 3902,
9 livestock and poultry slaughter and processing activities. The AAPs shall
10 include, as well as promote and encourage, practices for farmers in preventing
11 pollutants from entering the groundwater and waters of the ~~state~~ State when
12 engaged in, but not limited to, animal waste management and disposal, soil
13 amendment applications, plant fertilization, and pest and weed control.

14 Persons engaged in farming, as defined in 10 V.S.A. § 6001, who follow these
15 practices shall be presumed to be in compliance with water quality standards.

16 AAPs shall be practical and ~~cost-effective~~ cost-effective to implement. The
17 AAPs for groundwater shall include a process under which the ~~agency~~ Agency
18 shall receive, investigate, and respond to a complaint that a farm has
19 contaminated the drinking water or groundwater of a property owner.

20 (2) “Best Management Practices” (BMPs) may be required by the
21 ~~secretary~~ Secretary on a ~~case-by-case~~ case-by-case basis. ~~Before requiring~~

1 ~~BMPs, the secretary shall determine that sufficient financial assistance is~~
2 ~~available to assist farmers in achieving compliance with applicable BMPs.~~
3 ~~BMPs shall be practical and cost effective to implement.~~

4 * * *

5 Sec. 2. 6 V.S.A. § 4813 is amended to read:

6 § 4813. ~~BASIN MANAGEMENT; APPEALS TO THE WATER~~

7 RESOURCES BOARD PRACTICES

8 (a) ~~The secretary of agriculture, food and markets~~ Secretary of Agriculture,
9 Food and Markets shall cooperate with the ~~secretary of natural resources~~
10 Secretary of Natural Resources in the basin planning process with regard to the
11 agricultural non-point source waste component of each basin plan. Any person
12 with an interest in the agricultural non-point source component of the basin
13 planning process may petition the ~~secretary of agriculture, food and markets~~
14 Secretary of Agriculture, Food and Markets to require, and the ~~secretary~~
15 Secretary may require, best management practices in the individual basin
16 beyond accepted agricultural practices adopted by rule, in order to achieve
17 compliance with the water quality goals in 10 V.S.A. § 1250 and any duly
18 adopted basin plan. The ~~secretary of agriculture, food and markets~~ Secretary
19 of Agriculture, Food and Markets shall hold a public hearing within 60 days
20 and shall issue a timely written decision that sets forth the facts and reasons
21 supporting the decision.

1 (b) Any person engaged in farming that has been required by the ~~secretary~~
2 ~~of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets to
3 implement best management practices or any person who has petitioned the
4 ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and
5 Markets under subsection (a) of this section may appeal the ~~secretary of~~
6 ~~agriculture, food and markets~~ act or decision of the Secretary of Agriculture,
7 Food and Markets to the ~~environmental division~~ Environmental Division
8 de novo.

9 (c) ~~Before requiring best management practices under this section, the~~
10 ~~secretary of agriculture, food and markets or the board shall determine that~~
11 ~~sufficient financial assistance is available to assist farmers in achieving~~
12 ~~compliance with applicable best management practices.~~ [Repealed.]

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on passage.