

H.27

Introduced by Representative Krebs of South Hero

Referred to Committee on

Date:

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

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

An act relating to implementation of best management practices

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

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

§ 4810. AUTHORITY; COOPERATION; COORDINATION

(a) Agricultural land use practices. In accordance with 10 V.S.A.  
§ 1259(i), the ~~secretary~~ Secretary shall adopt by rule, pursuant to 3 V.S.A.  
~~chapter 25 of Title 3~~, and shall implement and enforce agricultural land use  
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.