

VPA LEGISLATIVE REPORT #13

New Bills:

Only six new bills appeared on the Legislative Council Web site since last week. Of note is the **Agriculture Committee's Water Quality Bill, H. 527**

This bill proposes to amend the agricultural water quality requirements for large, medium, and small farms. The secretary of agriculture, food and markets is authorized to adopt accepted agricultural practices (AAPs) that prevent pollutants from entering groundwater. The bill clarifies that a corrective action process required by statute applies only to violations of AAPs, and that the secretary of agriculture, food and markets may bring an enforcement action whenever a violation of the AAPs is suspected. The secretary of agriculture, food and markets and the secretary of natural resources are required to develop a memorandum of understanding detailing implementation of the federal concentrated animal feeding operations (CAFO) program and the relationship between the requirements of the federal CAFO program and the state agricultural water quality requirements for large, medium, and small farms. The secretary of agriculture, food and markets may require a medium or small farm to obtain an individual animal waste permit after review of the farm's history of compliance, application of accepted agricultural practices, or other factors set by rule. A small farm is authorized to apply for an individual medium farm animal waste permit or for coverage under the medium farm general animal waste permit.

The bill also prohibits any person from constructing or expanding a waste storage facility that does not meet the standards for such systems established by the Natural Resources Conservation Service (NRCS) or an equivalent standard certified by the secretary of agriculture, food and markets or a professional engineer. The secretary of agriculture, food and markets may require a waste storage facility to meet NRCS standards or an equivalent standard if the system poses a threat to human health or the environment as established by a violation of state groundwater protection standards. The secretary shall pay the costs of initial groundwater monitoring conducted to determine if a facility poses a threat to human health or the environment. A farm required to design, construct, or reconstruct a waste storage facility may apply for a cost assistance grant of up to 85 percent of the costs of meeting the relevant standard. If the state lacks adequate funding to provide cost assistance, the state facility design requirements are suspended for medium and small farms that are required to modify a waste storage facility because it poses a threat to human health or the environment.

The AAPs for groundwater also shall be suspended for a farm if the secretary is unable to provide adequate cost assistance to the farm to bring its waste storage facility up to NRCS standards or an equivalent standard due to a threat to human health or the environment. Farms may also receive incentive grants to develop and implement nutrient management plans. The incentive grants shall be awarded according to a priority order and regardless of the size of the farm. The priority list shall be set according to factors that the secretary determines are relevant to protect the quality of the waters of the state. The secretary of agriculture, food and markets may contract with natural resources conservation districts, the University of Vermont extension service, and others to implement the nutrient management incentive grants program. The bill also provides the secretary of agriculture, food and markets with the authority to adopt groundwater contamination rules for large farms. In addition, the bill delays the date by which the General Assembly must take action on proposed rules for animal waste permits for medium and small farms.

The bill also provides that the secretary of natural resources, pursuant to federal CAFO regulations, may require a large, medium, or small farm to obtain a national pollutant discharge elimination system (NPDES) permit when it discharges to state waters. In addition, the state requirements for discharges of pathogenic waste, discharges of sewage into Class A waters, and indirect discharges do not apply to

CAFOs. The standards and criteria for the permitting of CAFOs shall be specified by federal regulation. A stormwater discharge permit is not required for certain stormwater runoff from CAFOs. Issuance of an NPDES permit voids a state individual animal waste permit or coverage of a medium farm under the state general animal waste permit.

Of note on the House Calendar for Tuesday April 19th :

NOTICE CALENDAR

H.524 Universal Health Care in Vermont

S. 52 Renewable Energy Portfolio Standards

Floor debate on these bills is set for Wednesday and Thursday

Of note on the Senate Calendar for Tuesday April 19th :

H. 518 Capital construction and state bonding

Selected Committee Agenda items:

SENATE NATURAL RESOURCES & ENERGY COMMITTEE

Wednesday, April 20, 2005

10:00 a.m. **H.28 - Outdoor Lighting**

Meeting in Room 8 Tom Torti, Secy., ANR

Clint Gray, Vt. Sportsmen's Federation

Deb Sachs, Vt. Planners Assn.

SENATE ECONOMIC DEVELOPMENT, HOUSING ETC.

Wednesday, April 20, 2005

11:30 a.m. **Municipal Authority to Charge Fees for Fire Services**

Draft Legislation Peter Yankowski, Deputy Commissioner, Banking Division, BISHCA

SENATE FINANCE COMMITTEE

S.165 Economic Advancement Tax Incentives and Economic Development:

Tuesday April 20, 2005 3:15 p.m. Steve Klein, Joint Fiscal Office; Sara Teachout, Joint Fiscal Office; Susan Mesner, Economist, Department of Taxes; Michael Wasser, Department of Taxes; Fred Kenney, Director, Vermont Economic Progress Council; Bill Griffin, Attorney General's Office

Thursday, April 21, 2005 1:30 p.m. Lawrence Miller, Chair, Vermont Economic Progress Council; Joe Choquette, Lobbyist, Downs, Rachlin, Martin; Joseph Perrotto, Country Home Products; Chris Robbins, EHV Weidman; Doug Hoffer, Burlington; Karen Lafayette, Lobbyist, City of Burlington

HOUSE COMMITTEE ON NATURAL RESOURCES & ENERGY

Monday 2-6pm, Tuesday all day and Friday all day – **Dry Cask Storage**

HOUSE TRANSPORTATION COMMITTEE

Friday, April 22, 2005

11 a.m. **JRH 4 Scenic Byways**

Sharon Francis, Joint Commission

Rep. David Deen

Clay Poitress, AOT

Fred S. Dunnington fdunnington@town.middlebury.vt.us
Middlebury Town Planner
VPA Legislative Liaison
(802) 388-8106