

# Vermont's Clean Water Act and Farming



Changes to Accepted Agricultural Practices (AAPs) and how Act 64, the 2015 law to improve water quality, will affect farmers and custom manure applicators.



## Estimated Timeline for New Regulations

<b>1995</b> Accepted Agricultural Practices (AAPs) were adopted	<b>2006</b> AAPs were revised	<b>2015</b> June 16th, Act 64/H. 35: Clean Water Quality Bill signed by Governor	<b>2016</b> April 30th, MFO Annual Permit Fee Begins	<b>2016</b> July 1st, Required Agricultural Practices (RAPs) will be finalized	<b>2016</b> August 15th, Custom Applicator Certification Program begins	<b>2017</b> July 1st, SFO Certification Program begins	<b>2018</b> January 15th, Revise RAPs to include requirements for tile drainage
<b>1995</b> Created Large Farm Operations (LFO) Program	<b>1999</b> LFO Rules were promulgated	<b>2006</b> Created Medium Farm Operations (MFO) Program	<b>2007</b> LFO Rules revised	<b>2016</b> February 15th, LFO Annual Permit Fee Begins	<b>2016</b> July 1st, Finalize Definition of Small Farm Operation (SFO)	<b>2017</b> July 1st, Training for SFOs, MFOs, and LFOs begin	

For upcoming 2016 dates for the RAP Public Meetings visit:

<http://agriculture.vermont.gov/water-quality/regulations/rap>

# Existing AAPs

Adopted In 1995 and Revised In 2006

## Small Farm Definition & Certification

The current Accepted Agricultural Practices (AAPs) regulations do not have a definition of a small farm and there is no small farm certification program.

Small Farm Operations (SFOs) must adhere to the AAPs, and Medium and Large Farm Operations (MFOs and LFOs) must adhere to the AAPs and their respective general or individual permit rules.

No matter how small or large, all farms must adhere to the Accepted Agricultural Practices.

Effective 2016 & 2017

## Custom Manure Applicator Certification

The current AAP Regulations do not have a certification program for custom manure applicators.

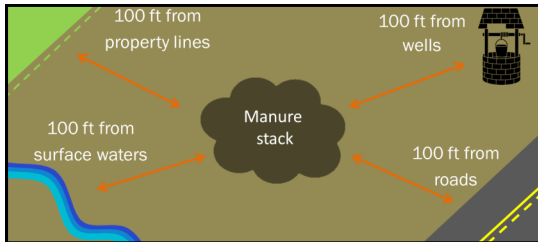
Effective 2016

## Manure Spreading Setbacks

Manure shall not be applied within 10 feet of adjoining surface water (if SFO) or 25 feet of adjoining surface water (if MFO or LFO) or within 25 feet at points of runoff (all farms).

Effective 2016

## Manure Stack Setbacks



Effective 2016

## NMPs, Livestock Exclusion, Cover Cropping

Nutrient Management Plans (NMPs) are only required for MFO and LFOs. SFOs are required to take soil tests every five years but are only encouraged to have an NMP.

Livestock of SFOs can access surface waters if adequate vegetation is maintained, and stream banks are left in their natural state.

Effective 2016

## Penalty Policy

**Step 1:** An inspection is completed or a complaint is investigated, and an AAP violation has been found.

**Step 2:** Written warning. Person has 30 days to respond to warning.

**Step 3:** If warning is ignored and no corrective action is completed, cease and desist order may be issued, or a fine can be assessed.

**Step 4:** If a cease and desist order is ignored, the Secretary may issue an administrative penalty up to \$1,000 per violation, but shall

Expired on June 30th, 2015

In Effect NOW!

# New RAPs (Required Agricultural Practices)

Act 64 revised AAPs to RAPs in 2015. Formal Rulemaking for RAPs will begin in Spring 2016.

In Act 64, a 'Small Farm' means 10 or more acres that are used for farming:

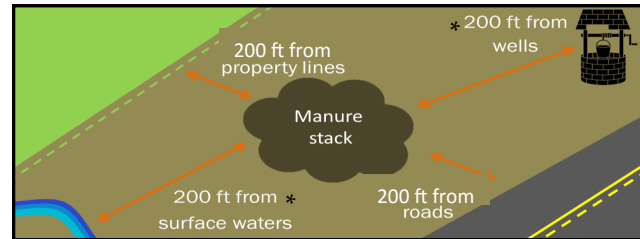
- That houses at least the number of animals designated by the rule under the RAPs (minimum number of livestock will be determined by 07/01/2016); and
- That houses less than minimum number of animals for a Medium Farm Operation; or
- That produces crops for sale.

RAPs will define the size and type of 'Small Farm' that will have to certify and comply with the RAPs. Certification for Small Farm Operations will begin on July 1, 2017. Note: The Secretary may require a farm to certify compliance with the RAPs that is below the minimum standard of a Small Farm

In Act 64, a Custom Manure Applicator is defined as: A person engaged in the business of land-applying manure or nutrients for compensation.

Certification program will begin August 15th, 2016, and training for certification shall consist of 8 hours of training every 5 years.

Manure and other wastes shall not be applied within 25 feet of surface waters or within 10 feet of a ditch or applied in such a manner as to enter surface waters. These setbacks shall be the same for all size farms.



*\*If space is limited and owner has reasonable justification, the Secretary may grant an exemption of a manure stack to be up to but no less than 100 feet from wells or water.*

Standards for NMPs, livestock exclusion from surface waters, and cover cropping to prevent erosion and adverse water quality impacts will be established in the RAP revision in 2016.

**Get informed and provide comment at your local RAPs Public Meeting!**

**Step 1:** An inspection is completed or a complaint is investigated, and an RAP violation has been found.

**Step 2:** A written warning can be issued or the Secretary can go straight to an administrative penalty and ordering a corrective action.

**Step 3:** Issue a civil penalty up to \$5,000 per violation, but shall not exceed a total of \$50,000.

If corrective action is not taken or the imposed fine is not paid, after due process (implying that the Secretary has exhausted all of the enforcement options), the Secretary may:

- ▶ Revoke the landowners Current Use provisions; and/or
- ▶ Reduce Livestock Numbers.