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Highlighted Changes Summary

Agency Discussion of Changes Included in RAP Proposed Rule Filed May 13, 2016

The Vermont Agency of Agriculture, Food and Markets (VAAFMM) is providing the following Highlighted Changes Summary outlining changes made between the second draft of the Required Agricultural Practices (RAPs) Rule for the agricultural nonpoint source pollution control program and the RAP Proposed Rule filed with the Secretary of State on May 13, 2016.

As a result of Act 64—the Vermont Clean Water Act—signed into law in July 2015, the Agency of Agriculture was tasked with updating the Accepted Agricultural Practices (AAPs) to further reduce the impact of agriculture on water quality across the state. The RAPs are an updated version of the Accepted Agricultural Practices (AAPs), the rules which regulate farms in order to protect water quality, re-written to a higher level of performance. The Agency sought public input on the second draft of the new regulations, to ensure the draft RAPs reflected the realities of farming and the legislative intent of Act 64.

The second draft of the RAPs was released on February 23, 2016 and public review was considered up to April 15, 2016. During this period, 36 small focus group meetings were held throughout the state with various stakeholders. The first meeting was held on February 24, 2016 with the Southern Windsor Regional Planning Commission in Cavendish and the final meeting was held by the Lamoille County NRCD in Morrisville on April 12, 2016. Over 600 stakeholders participated in these meetings.

All written comments received are part of the Administrative Record and are available on the Agency website.

This highlighted changes summary, the public comment period, and the stakeholder meetings which were held are not required by law and are an informal process undertaken by VAAFMM to ensure the development of a rule which will be workable for farmers as well as able to meet the intent of Act 64. This summary responds to aggregated comments, criticisms, and new data submitted in written or oral presentation to VAAFMM regarding the second draft of the RAPs.

This highlighted changes summary covers some of the major comment areas and major revisions from the second draft of the RAPs. There are additional changes included in the RAP Proposed Rule which are not covered in this highlighted changes summary. Please read the Proposed Rule to ensure all new provisions are understood.

VAAFMM wishes to thank all members of the community who took the time to provide comments or otherwise participate in this public process. All comments received have been thoroughly reviewed and considered by VAAFMM in its decision-making process. Copies of the comments are available on the Agency RAP website.

For more information, please visit <http://agriculture.vermont.gov/water-quality/regulations/rap> or contact the Vermont Agency of Agriculture, Food and Markets at (802) 272-0323. Public comment on this RAPs draft should be submitted to AGR.RAP@vermont.gov

Guidance

This Highlighted Changes Summary document is organized by section in accordance with the structure of the RAP Proposed Rule filed May 13, 2016

This document reflects on changes made in the RAP Proposed Rule and provides a reference to the section of the RAP Proposed Rule altered with a discussion of changes following. In the Reference Section of this document, VAAFMM highlights the changes which have been made from the second draft to the Proposed Rule in yellow. The following discussion section represents the Agency's rationale for making such a change and reflects on comments received for that section.

Section 2 Definitions

Reference: Section 2.03 Annual Cropland

2.03 Annual Cropland means, for the purposes of this rule, land devoted to the production, cultivation, harvesting, and management of annual row crops, including sweet corn and pumpkins, but does not include:

(a) vegetable, fruit, or berry crops grown for human consumption; and

(b) small grains.

Discussion: Further subcategorization was established in the 2nd Draft RAPs between cropland and annual cropland to reflect comments regarding further need for refinement of the threshold for Small Farm Certification set in the first draft of the RAPs. It is important to note an important change to the definition of 'Annual Cropland' which now includes annual row crops not grown for human consumption. This distinction allows for the refinement of the threshold for 'Small Farm Certification' for farms whose primary enterprise is not livestock to reflect the intent of Act 64 that crop farms of a certain size, to be determined by the Secretary, be included in the Small Farm Certification program.

Additional clarity was needed and provided for the definition of 'Annual Cropland' as to what crop types would specifically trigger inclusion in the 'Annual Cropland' definition and subcategory, which is used as a threshold criteria for Small Farm Certification as well as a threshold for a number of provisions for land management including cover cropping floodplains and manure spreading restrictions on floodplains.

The Agency has elected to clarify that sweet corn and pumpkins are to be considered 'Annual Cropland' for the purposes of the RAP Rule. Small grains for the purposes of this rule are not considered Annual Cropland. This category is meant to include those farms that are growing, rye, wheat, sorghum, or other cereal grains whose growth characteristics and annual management differ significantly from the crops included in the Annual Cropland crop list.

Section 3 Required Agricultural Practices Activities and Applicability

Reference: Section 3.1(c)

3.1(c) 4 acres or more used for growing crops

Discussion: To bring greater clarity to the question of ‘what size and type of farms need to follow the RAPs,’ VAAFMM has elected to expand the 4.0 contiguous acre size that in the 1st and 2nd Draft of the RAPs corresponded only to livestock threshold numbers. The RAP Proposed Rule expands the 4.0 acre threshold to apply to all cropland managed for farming. For clarity: any farm operation managing more than 4.0 contiguous acres of cropland will need to follow the RAPs.

For all farm operations that fall below 4.0 contiguous acres of operated land, the threshold determination will need to be made using economic considerations provided in the Proposed Rule. A farm operation which is less than 4.0 contiguous acres, but has produced an annual gross income of \$2,000.00 or more, or has filed an IRS Schedule 1040(F) once in the past two years, would be required to follow the RAPs.

Reference: Section 3.1(d)(16)

3.1(d)(16) other livestock types, combinations, or numbers as designated by the Secretary based upon or resulting from the impacts upon water quality consistent with this rule

Discussion: The Agency has provided clarity in the Proposed Rule by indicating that other livestock types or numbers could be designated by the Secretary to follow the RAPs based upon a water quality impact.

Reference: Section 3.1(f)

(f) is raising, feeding, or managing other livestock types, combinations, and numbers, or managing crops or engaging in other agricultural practices on less than 4.0 contiguous acres in size that the Secretary has determined, after the opportunity for a hearing, to be causing adverse water quality impacts and is in a municipality where no ordinances are in place to manage the activities causing the water quality impacts

Discussion: With the amendment of this section, the Agency could require non-RAP farms to follow the RAPs if an adverse water quality impact exists. The Agency has elected to provide clarity that based upon an adverse water quality impact, where no municipal zoning is in place, an operation which does not meet the criteria to be required to follow the RAPs could be required by the Secretary to comply with the RAPs. This addition responds to significant comment received that in the absence of a municipality that wishes to take action on regulating non-RAP farm operations, those operations should not exist in a regulatory vacuum. With this addition, VAAFMM would retain the authority to regulate very small agricultural operations as it has done under the AAPs since 1995, if an adverse water quality impact exists.

Section 4 Small Farm Certification and Training Requirements

Reference: Section 4.1(a)(3)(O)

(O) any combination of more than one animal type exceeding 90,000 pounds of total live animal weight (animal units);

Discussion: Numerous producers throughout the 2nd Draft RAP outreach and comment period provided feedback that the 60,000 pound threshold of total live animal weight which would trigger the Small Farm Certification Requirement set in the 2nd draft of the RAPs was too low. Considering the 75 Beef Cow threshold proposed as the lower threshold for Small Farm Certification in the 2nd

Draft, producers noted how with a 1,200 pound average weight of a mature beef animal, the de facto threshold for a beef operation would be 50 cows instead of 75, as 50 beef cows at a 1200 pound average weight would trigger the 60,000 pound threshold for Small Farm Certification.

Responding to this comment, the Agency has elected to raise the live animal weight threshold for Small Farm Certification in the RAP Proposed Rule to 90,000 pounds to reflect the 75 beef cow threshold at a 1,200 pound average animal weight. The livestock number threshold proposed in the 2nd draft of the RAPs remains consistent in the proposed rule: 50 mature dairy cows, 50 beef cows, 40 horses, 750 sheep or goats.

The Agency believes this is the appropriate threshold because it is estimated that this threshold would ensure that at least 76.4% of the liveweight of all animals in the state would fall under a state certification or permit program. In addition, it is estimated that 94.2% of all dairy cows in the state of Vermont would be covered under a certification or permit program at the 25% of MFO threshold. The Agency believes the number of farms represented by this threshold is appropriate given the Agency's resources and the requirements for managing inspection and certification. These thresholds represent a significant increase in Agency oversight of small farms, with the addition of over an estimated 750 livestock operations to be subject to regular Agency inspection.

Reference: Section 4.1(b)

(b) farms on a parcel or parcels of land greater than **50 acres** used for the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of annual cropland where fertilizer, manure, or agricultural wastes are mechanically applied to said parcel or parcels; or

Discussion: The Agency has revised the small farm certification threshold upward for both annual cropland and vegetable cropland from a 10 acre threshold to a 50 acre threshold. This was based on analysis of 2012 USDA NASS Ag Census Data as well as testimony and comment from producers of both vegetables and annual crops.

The Agency believes the 50 acre threshold for annual cropland is the appropriate threshold because it is estimated that this threshold would ensure that at least 93% of all corn grown for Silage in Vermont would need to enter into the Small Farm Certification program and develop and implement a 590 nutrient management plan—if those corn acres are not already included in a MFO or LFO permit program. Including 93% of all corn grown for silage in Small Farm Certification or a MFO or LFO permit program represents 74,241 of the 80,231 acres of corn grown for silage in Vermont at the time of the 2012 USDA NASS Ag Census.

Reference: Section 4.1 (c)

(c) farms on a parcel or parcels of land greater than **50 acres** used for the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of **vegetables** where fertilizer, manure, or agricultural wastes are mechanically applied to said parcel or parcels; or

Discussion: Small Farm Certification thresholds for vegetable operations required additional clarification based on comment received from vegetable producers as well as internal review of food safety

regulations proposed under the FDA Food Safety Modernization Act (FSMA). Significant comment received indicated how the inclusion of the Produce Safety Rule under FSMA as a threshold for Small Farm Certification was a blunt instrument which did not create the subcategorization VAAFMM intended with its inclusion in the 2nd draft of the RAPs. The Agency has determined that inclusion of the Produce Safety Rule as a threshold for Small Farm Certification was not an accurate requirement for the RAPs at this time.

With 789 vegetable operations in Vermont, according to the 2012 USDA NASS Ag Census, the 3,699 vegetable acres those farms manage represents less than 1% of total harvested cropland in Vermont. To maintain parity between vegetable operations and annual cropland operations, the threshold of 50 acres has been determined to reasonably include a sufficient number of Vegetable Operations in Small Farm Certification which are of size where the additional requirements of the Small Farm Certification Program would be beneficial to these operations and meet the intent of Act 64 with its mandate for prioritization.

Based on analysis of Ag Census Data, and testimony provided by subject matter experts in the field of vegetable production in Vermont, the Agency believes that 50 vegetable operations in Vermont would fall under the Small Farm Certification requirements. This represents at least 2,500 of the 3,699 vegetable acres operated in Vermont, or 68% of all vegetable acreage in the state.

165 Vegetable producers are currently Certified Organic in Vermont, according to 2015 VOF annual statistics. With a total of 1,666 vegetable acres currently certified as Organic in Vermont, this cohort of producers represents an average farm size of 10 acres, well below the 50 acre threshold for certification. While a number of these producers are likely larger than 50 acres, it is worth noting that a number of these operations represent vegetable operations which will not only need to follow the RAPs, but will also need to follow additional environmental quality standards in order to maintain Organic certification. This represents the fact that a significant number of the vegetable operations in the state below the 50 acre threshold for Small Farm Certification are already implementing enhanced soil management techniques, such as mandatory crop rotation which are required by the Organic federal inspection and certification program. These Organic certification requirements exceed, in some places, the requirements in the RAPs, and as such the Agency feels a number of vegetable operations below the 50 acre threshold for certification are already exceeding many of the standards set in the RAP Proposed Rule and a lower Small Farm Certification threshold is not required below 50 acres for vegetable operations..

For these Reasons, VAAFMM believes that a 50 acre threshold for vegetable Small Farm Certification sufficiently addresses the appropriate scale of farm which would be required to enter into the Small Farm Certification program and meets the Act 64 mandate for prioritization in a Small Farm Certification Program.

Reference: Section 4.2

4.2 On a case-by-case basis after an opportunity for a hearing, the Secretary may designate a farm as not being required to comply with the certification requirements pursuant to 6 V.S.A. § 4871(c) upon a determination that the farm does not pose a threat of discharge to a water of the State or does not pose a threat of contamination to groundwater.

Discussion: The Agency received comment which raised a section of Act 64 which provides the authority for the Secretary to have the flexibility to determine which size Small Farm would need to certify

as well as which farms might be determined to no longer need to enter into the certification program. The agency has added Section 4.2 highlighting this authority provided to the Secretary by Act 64

Section 6. Required Agricultural Practices; Conditions, Restrictions, and Operating Standards

Reference: Section 6.02(f) Storage of Agricultural Wastes and Agricultural Inputs

(f) The Secretary may authorize site specific standards other than those listed in Section 6.02(e)(4)(A)-(E) when the Secretary determines that a manure stacking or piling site, fertilizer storage, or other nutrient storage will not have an adverse impact on groundwater quality or surface water quality but in no case shall unimproved manure stacking sites be located less than 100 feet from a private water supply or the top of the bank of surface water.

Discussion: A formatting change has been made to comply with rule writing conventions.

Reference: Section 6.02(g) Storage of Agricultural Wastes and Agricultural Inputs

(g) Field stacked agricultural wastes shall be land applied consistent with the nutrient management plan requirements of Section 6.03 or shall be exported off the farm within two years.

Discussion: Based on comment received from composters as well as farm operations which rely on hired equipment or services to export or spread their manure or ag waste, the Agency has extended the timeframe in which manure or other agricultural wastes stacked on a farm need to be exported or land applied consistent with a nutrient management plan from one year to two years. The intent of this section is to ensure active management of manure or ag wastes which is appropriately field stacked and to prevent the creation of manure dumping grounds.

Reference: Section 6.03(c) Nutrient Management Planning

(c) For all other farming operations subject to this rule, all fields receiving mechanical application of manure, agricultural wastes, or fertilizer shall be soil sampled at least once in every five years using modified Morgan's extractant or other equivalent standards approved by the Secretary. Records of soil analysis, manure or other agricultural waste application, and fertilizer applications shall be maintained on the farm for a period five years and provided to the Secretary upon request.

Discussion: The Agency has provided clarification that the Modified Morgan soil test method is to be used to determine the soil test phosphorus of a sampled field. Utilization of the Modified Morgan soil test method is consistent with NRCS 590 Nutrient Management Planning Standard as well as University of Vermont Extension recommendations. Please see Cornell Agronomy Fact Sheet 15 for additional information on Phosphorus Soil Testing Methods and the Modified Morgan soil test: <http://nmsp.cals.cornell.edu/publications/factsheets/factsheet15.pdf>

Reference: Section 6.04(b) Soil Health Management; Cover Crop Requirements

(b) Cropland shall be cultivated in a manner that retains soil in the field and promotes soil health while minimizing visible erosion into buffer strips, across property boundaries, or creates gully

erosion. The performance management standard for the soil must result in an average soil loss less than or equal to the soil loss tolerance (T) for the prevalent soil type as calculated through application of the Revised Universal Soil Loss Equation 2 or through the application of similarly accepted models.

Discussion: The Agency has provided additional information to assist farmers in understanding the performance standard of the Tolerable Soils Loss (T) metric. Visual observations of field conditions can provide indications that a particular field is failing to meet the T standard—including deposits of sediment in buffers, sheet or rill erosion in a field, presence of gullies, or greater than 5-8% slope which is an indicator of greater risk for soil loss above T values for a particular soil. A guidance document will be published by VAAFMM after promulgation of the rule which will assist farmers in using visual observation to document and estimate if their field is meeting T, and if additional planner resources are needed to accurately calculate the current T loss of their field’s management and if management changes are needed to meet T.

Reference: Section 6.04(d) Soil Health Management; Cover Crop Requirements

(d) Annual croplands subject to frequent flooding from adjacent surface waters, as described in the USDA Soil Survey Flooding Frequency Class, shall be required to be planted to cover crops. Broadcast seeding must be completed by October 1 of each year. Seed planted with drill seeders or otherwise incorporated shall be completed by October 15 of each year. The Secretary may, on a case-by-case basis, approve alternative planting dates due to unusual soil or weather conditions upon request of the owner or operator of a farm managing annual croplands subject to frequent flooding from adjacent surface waters, as described in the USDA Soil Survey Flooding Frequency Class. If annual crops cannot be harvested prior to October 15, then 30% crop residue, growing directly in the soil, must remain in order to limit soil loss.

Discussion: The first sentence of section 6.04(d) was removed from the 2nd Draft of the RAPs (‘As soil, weather conditions, and generally accepted agronomic practices allow’) and the highlighted section of the proposed rule was added (due to unusual soil or weather conditions) to bring clarity to under what conditions the Secretary would consider an exception from the proposed rule. The first sentence in the 2nd Draft of the RAPs was determined to be too broad or vague based on comment received, and a more narrow qualification is provided in the Proposed Rule.

Further, the Agency has provided clarity that the 30% crop residue must be growing directly in the soil and that by inference, a mulch applied over the harvested annual cropland would not qualify as appropriate residue cover for the purposes of the RAP Proposed Rule.

Reference: Section 6.05(e)(3) Manure and Waste Application Standards and Restrictions

(e) Manure or other agricultural wastes shall not be applied in areas of croplands, perennial grass lands, or hay lands that:

- (1) are saturated with water with the potential to runoff to surface water;
- (2) are frozen or snow covered, unless the Secretary has approved an exemption consistent with the requirements of Section 6.06; or

(3) have exposed bedrock.

Discussion: No change was made between the 2nd Draft RAP rule and the Proposed Rule regarding Section 6.05(e)(3). The Agency believes that the rule as written is sufficiently clear: in fields that have exposed bedrock, do not apply manure to areas of fields that contain the exposed bedrock. Comment received indicated that land managers were interpreting said rule to indicate that manure could not be spread on an entire field if any exposed bedrock is present in a given field—this is an incorrect interpretation of the Proposed RAP Rule as written; the intent is for manure or other Ag Wastes to not be applied directly to exposed bedrock.

Reference: Section 6.06(b) Manure Spreading Exemptions

(b) The Secretary may approve a seasonal exemption to the winter spreading ban **or the restrictions on frequently flooded fields** for manure applications on a case-by-case basis upon written request. Requests for an exemption to the seasonal winter spreading ban shall provide:

Discussion: Serious consideration was given to the utilization of the USDA Frequently Flooded Soils Layer as one criteria for a farmer to use to determine likelihood of flooding and the need to implement cover crop on an annual crop field or to restrict manure spreading earlier in the fall and later in the spring. Stakeholder discussions were held with floodplain farmers as well as further analysis of GIS data considered to determine extent of farmland impacted by the proposed rule.

The Agency has determined that the USDA Frequently Flooded Soils Layer is a useful layer for the purposes of outlining floodplain fields that require a higher level of management. Though, a clarification is made in the Proposed Rule whereby floodplain fields as described by the USDA Frequently Flooded Soils Layer are eligible for Manure Spreading Exemptions where a farmer can propose a written plan for an exemption to the seasonal winter spreading ban on their floodplain fields.

This allows for farm managers and planners to develop alternative management strategies to meet State requirements to reduce adverse impacts to water quality where, for example, a Frequently Flooded Soil type is incorrectly mapped, where human impacts on the river cause it to no longer flood frequently, or where the rule creates an undue economic hardship on a particular farm owing to a very large percentage of their farm being located in the floodplain. All approved alternative management plans will ensure reduced adverse impacts to water quality.

Reference: Section 6.06(c)(7) Manure Spreading Exemptions

(c) All approvals for a seasonal exemption to the winter spreading ban shall be in writing and shall prohibit the application of manure:

- (1) to areas with established channels of concentrated storm water runoff to surface waters;
- (2) to permanent vegetative buffer zones;
- (3) to wetlands, as that term is defined in 10 V.S.A. § 902(5);

(4) within 200 feet of a potable water supply, as that term is defined in 10 V.S.A. § 1972(6);

(5) to fields exceeding tolerable soil loss (T);

(6) to saturated soils; and

(7) to any other area as designated by the Secretary on a case-by-case basis.

Discussion: Additional clarification was provided by the Agency as to the Secretary’s authority to require that specific areas of a field on a case-by-case basis be excluded from a winter spreading ban seasonal exemption.

Reference: Section 6.07(b) Buffer Zones: Manure and Agricultural Wastes Application Setbacks

(b) Ditches shall be buffered from croplands by 10 feet of perennial vegetation. If the ditch is determined to potentially transport significant waste or nutrients to surface water consistent with the USDA 590 standard nutrient management requirements the required buffer shall be 25 feet of perennial vegetation.

Discussion: The highlighted sentence of 6.07(b) is language adapted from the NRCS 590 standard regarding buffer widths. The Agency has determined that inclusion of the NRCS 590 standard in the RAPs regarding buffer widths on ditches is essential to maintaining consistency between standards set for farms on a federal and state level. The RAPs further enhance the alignment between state and federal water quality standards by requiring that Certified Small Farms develop and implement a 590 Nutrient Management Plan, consistent with MFO and LFO rules. Calling out this requirement in the RAPs for 25’ buffers on ditches that can transport significant waste or nutrients, makes transparent the requirements included in 590 NMPs.

While a 10’ vegetated buffer will be required on all ditches, if a ditch is determined to potentially transport significant waste or nutrients, then a 25’ vegetative buffer would be required.

Reference: Section 6.07(i) Buffer Zones: Manure and Agricultural Wastes Application Setbacks

(i) Exceptions to the required vegetative buffer zone widths, including the requirements of Section 6.05(f), may be considered upon request on a site specific basis according to standards approved by the Secretary, but in no case shall a buffer zone be less than 10 feet in width. Site specific buffer zones may be approved based on field characteristics such as a determination that a conveyance has the potential to transport significant wastes or nutrients to surface water, field contours, soil types, slopes, proximity to water, nutrient management plan requirements, and other relevant characteristics when the Secretary determines that the proposed site specific buffer zones are adequately protective of surface waters.

Discussion: The Agency has provided clarification that an exemption to the required buffer zone widths could be applied to the 100’ vegetated buffer zones required on fields exceeding 10% average

slope adjacent to surface water. The same considerations would apply to the 100' buffer exemption request as a 25' buffer exemption request.

Reference: Section 7(d) Exclusion of Livestock from the Waters of the State

(d) Livestock shall not be pastured within 50 feet of a private water supply without the permission of the water supply owner. This prohibition shall not apply to private water supplies that have been established inconsistent with the Department of Environmental Conservation Water Supply Rules existing at the time that the well was established.

Discussion: The Agency has provided consistency within the rule by incorporating language from Section 6.05(g) of the RAPs into Section 7 around inconsistently installed wells and manure application or grazing setbacks.

Reference: Section 10(i) Custom Applicator Certification

(i) If a custom applicator has a request to apply manure or agricultural wastes on a farm that does not have a nutrient management plan as required, the applicator must notify the Agency and request the ability to proceed with the land application. The Secretary may require application restrictions.

Discussion: The Agency has considered comment provided by constituents outlining scenarios whereby a farm may not have a fully developed 590 NMP to meet the conditions of their Small Farm Certification program due to a bottleneck in Technical Assistance Resources. This section provides the flexibility for custom applicators to apply manure to farmer's fields with prior approval from the Agency without a 590 NMP being fully developed. Current soil samples would be one prerequisite for approval to land apply manure in absence of a complete 590 NMP.

Reference: Section 13(a) & Section 13(b) Effective Dates

(a) Sections 1 – 6.04(c), 6.05(a) and 6.05(c) – 13 of this regulation shall become effective on [date of adoption]; and

(b) Sections 6.04(d) and 6.05(b) of this regulation shall become effective on April 15, 2017.

Discussion: The Agency has provided clarification as to when portions of the RAP rule would go into effect if adopted as written. A summary chart is provided in a separate document on the Agency website. The delay in effective dates will not significantly impact Vermont's Phase 1 Implementation Plan Timetable for the EPA TMDL for Lake Champlain nor delay the implementation of several key provisions proposed in the draft RAPs. With the original adoption date of July 1, 2016 stated in Act 64, the field season for 2016 would have already been well underway and many of the field management, manure application and buffer requirements proposed in the RAPs would not have been required or enforceable until spring of 2017.

Reference: Appendix A(a) Farm Structures/Municipal Setbacks: Variances

(a) A complete petition for an alternative setback shall include:

- (1) the location of the parcel, and contact information where the applicant can be reached for additional information or clarification....

Discussion: The Agency has provided clarification on the process for obtaining a variance for farm structures and municipal setbacks.

Reference: Roles of Other State Agencies: Information

Alteration of Streams: Stream alteration permits regulate activities that take place in or along streams. The permit program is intended to prevent the creation of flood hazards, protect against damage to aquatic life, and protect the rights of neighboring landowners. The types of activities that are regulated include streambank stabilization, road improvements that encroach on streams, bridge construction or repair, and utility crossings under streambeds. More information regarding stream alteration and permitting requirements can be obtained by calling the River Management Division at (802) 828-1535.

Spill Prevention, Control, and Countermeasure (SPCC): EPA's oil pollution prevention regulation requires facilities that are subject to regulation to prepare and implement a plan to prevent any discharge of oil into navigable waters or adjoining shorelines of the U.S. A farm must prepare a SPCC Plan if it has an aggregate aboveground storage capacity of greater than 1,320 gallons. Only containers of oil with a capacity of 55-gallons or greater are counted toward this aggregate capacity threshold. The plan is referred to as a Spill Prevention, Control, and Countermeasure (SPCC) plan. More information regarding SPCC and permitting requirements can be obtained by calling the Environmental Assistance Office at 1(800) 974-9559.

Discussion: The Agency has provided additional information regarding Alteration of Streams in Vermont and Spill Prevention, Control, and Countermeasure requirements from the EPA.