

-Fact Sheet-

Best Management Practices Rule Revision

Facilities and Activities Subject to the Rule Revision

The Best Management Practices (BMP) Rule covers facilities that are regulated by the Required Agricultural Practices (RAPs) and provides guidelines for the activities that occur on these facilities. BMPs are site-specific on-farm conservation practices implemented in order to address the potential for agricultural pollutants to enter the waters of the State.

Significant Conditions of the BMP Rule

Farms that are regulated under the RAPs must comply with the regulations established in the rule. The BMP program established in the rule provides farmers with access to technical and financial assistance to bring their agricultural activities into compliance with the requirements of the rule. The Secretary may require any person engaged in farming to implement a BMP.

Basis of the BMP Rule and Rule Revision

Pursuant to V.S.A. Title 6, Chapter 215, § 4810, the Secretary of Agriculture is charged with adopting, implementing and enforcing agricultural land use practices to satisfy the requirements of 33 U.S.C. § 1329 through identifying and implementing best management practices to control nonpoint sources of agricultural waste to waters of the State. The resulting Best Management Practice Rule became effective on January 27, 1996 subsequent to the adoption of the Accepted Agricultural Practices (AAPs), which since have been replaced by the RAPs effective December 5, 2016.

Significant Changes made through the Rule Revision

The BMP Rule has been rewritten (and consolidated) from its original 1996 version; this entailed updating the language to align with the process and procedures that occur already for project prioritization, operation and maintenance requirements, as well as the petition process for required BMPs.

Changes to definitions as established in the Required Agricultural Practices will be integrated into the Best Management Practices rule. Examples include changes made in the 2020-2021 legislative session to the definition of farming (RAP Section 1.6) to include:

“(h) the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost, provided that:

(1) the compost is principally used on the farm where it is produced; or

(2) the compost is produced on a small farm that raises or manages poultry.”

Definitions of “Food Residual” and “Principally Used” have also been added to the RAPs and will be integrated into the Best Management Practices rule.

Procedures for Reaching a Decision on Rule Revisions

VAAFAM is now soliciting comment on the Draft Rule Revision for the Best Management Practices rule. Following the close of the official comment period, VAAFAM will review and consider all comments received. Revisions to the Revised Rule will be based on these comments in order to better meet the needs of the regulated community, neighbors, and citizens of Vermont, while ensuring the Revised Rule meets legislative intent.

Comment Period

The official public comment period begins July 17, 2024, and ends September 9, 2024.

Procedures for Public Participation

Comments may be submitted in writing, given over the phone, or may be given in person at VAAFAM in Montpelier or at the public hearing listed below.

Date	Location	Town	Time
August 29, 2024	116 State Street	Montpelier, VT	3:00-4:30PM

The Public Hearing will be held online as a virtual meeting with a call-in option. The virtual meeting link and phone call information will be posted prior to the hearings on our website:

<https://agriculture.vermont.gov/BMPRevision>, and on our events calendar webpage:

<https://agriculture.vermont.gov/calendar>.

The purpose of these hearings is to allow all comment on the General Permit revisions to be heard. Persons wishing to be heard may voice their comment at an appropriate time during the hearing. A tape recording or written transcript of the hearing will be available (at a cost) to the public. Submit all electronic comments to:

Send all written comment to:

Vermont Agency of Agriculture, Food and Markets
Water Quality Division
116 State Street
Montpelier, VT 05620

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For a copy of the Draft Rule revisions and appendices, directions to the public hearings, or more information on the BMP program you can visit the VAAFAM website at: <https://agriculture.vermont.gov/BMPRevision>

Or contact: AGR.WQPublicComment@vermont.gov