

-Fact Sheet-

Best Management Practices Rule Revision

Summary

The Best Management Practice Program provides technical assistance and financial assistance to Vermont farmers to support construction of on-farm improvements designed to abate water pollution risks from agricultural waste. This rulemaking corrects findings from a 2018 audit that found the rule misaligned with current statute and practice. Updates reflect current terminology, statutes, process and procedures for project prioritization, operation and maintenance requirements, as well as the petition process that have evolved since the last filing in 1996.

Basis of the BMP Rule and Rule Revision

Pursuant to V.S.A. Title 6 § 4821, “The Secretary shall administer the State assistance program...and shall adopt rules pursuant to 3 V.S.A. chapter 25 concerning farmer application and eligibility requirements, financial assistance award priorities, and other administrative and enforcement conditions.” The Secretary of Agriculture is charged with adopting, implementing and enforcing Best Management Practices Rule to assist farm operations in reducing agricultural non-point source pollution. The resulting Best Management Practice Rule became effective on January 27, 1996.

Detailed Changes in Rule Revision

This proposed Best Management Practices Rule is designed to reflect current terminology, statutes, process and procedures for project prioritization, operation and maintenance requirements. Proposed changes include -

- All references to the Accepted Agricultural Practices (AAPs) have been either removed or updated to the Required Agricultural Practices (RAPs).
- The proposed rule includes the current definition of farming from 6 V.S.A. § 4802.
- The proposed rule includes reference to Good Standing requirements which were added to 6 V.S.A, § 23, during the 2021-2022 Vermont Legislature.
- Any sections related to Vermont Phosphorus Models and Phosphorus Loading Reduction Crediting has been removed. The current process for reduction accounting follows the [Standard Operating Procedures for Tracking & Accounting of Agricultural Conservation Practices](#) (June 28, 2022).

- Section 3: Priorities for BMP Implementation has been simplified to reference current statute and priorities established by the Secretary. Various sections of statute including 6 V.S.A. § 4823 dictate priorities the program must follow for State financial assistance awards. Beyond those detailed in statute, priorities established by the Secretary can incorporate evolving water quality conditions across Vermont such as watershed drainage areas for which a Total Maximum Daily Load (TMDL) exists or is developed, as well as waters that are included in the 303d List of Impaired Waters.
- Section 4: Eligibility for State Assistance has been updated to reflect current framework under the U.S. Department of Agriculture (USDA) programs and how USDA programs interface with the BMP Program.
- Section 7: Process for Petitioning to Require BMPs. Clarifies that the cost to distribute any filed petition will be the responsibility of the petitioner.

Procedures for Reaching a Decision on Rule Revisions

VAAFM is soliciting public comment on the Proposed Rule Revision for the Best Management Practices Rule. Following the close of the official comment period, VAAFM will review and consider all comments received. Revisions to the Proposed Rule will take public comments into consideration 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 or may be provided in person at the public hearing listed below.

Submit all electronic comments to: AGR.WQPublicComment@Vermont.gov

Send all written comment to:

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

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

The Public Hearing will be held online as a hybrid in-person and virtual meeting with a call-in option. For any individual seeking to attend in person, please submit an [RSVP here](#) to ensure sufficient seating options for in-person attendees.

The virtual meeting link and phone call information will be posted prior to the hearing on our website: agriculture.vermont.gov/BMPRule, and on our events calendar webpage: agriculture.vermont.gov/calendar.

The purpose of the public hearing is to allow all comment on the Proposed Rule Revision to be heard. Persons wishing to be heard may voice their comment at an appropriate time during the hearing. A recording or written transcript of the hearing will be available to the public.

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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 VAAFPM website at: agriculture.vermont.gov/BMPRule.