

1 H.614

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; agriculture; land use; composting

6 Statement of purpose: This bill proposes to amend the definition of
7 development under Act 250 to exclude certain types of composting activity.

8 An act relating to the regulation of composting

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 ~~Sec. 1. 10 V.S.A. § 6001(3)(D) is amended to read:~~

11 ~~(D) The word "development" does not include:~~

12 ~~* * *~~

13 ~~(vii) The construction of improvements below the elevation of~~
14 ~~2,500 feet for the onsite storage, preparation, and sale of compost, provided~~
15 ~~that:~~

16 ~~(I) The compost is produced from no more than 100 cubic~~
17 ~~yards of material per year;~~

18 ~~(II) The compost is principally produced on the farm;~~

19 ~~(III) The compost is principally used on the farm where it was~~
20 ~~produced;~~

1 ~~(IV) The compost is produced on a farm primarily used for the~~
2 ~~raising, feeding, or management of livestock or poultry, only from:~~

3 ~~(aa) manure produced on the farm; and~~

4 ~~(bb) unlimited clean, dry, high-carbon bulking agents from~~
5 ~~any source;~~

6 ~~(V) The compost is produced on a farm primarily used for the~~
7 ~~raising, feeding, or management of livestock or poultry, only from:~~

8 ~~(aa) manure produced on the farm;~~

9 ~~(bb) up to 2,000 cubic yards per year of organic inputs~~
10 ~~allowed under the agency of natural resources' acceptable management~~
11 ~~practices, including food residuals or manure from off the farm, or both; and~~

12 ~~(cc) unlimited clean, dry, high-carbon bulking agents from~~
13 ~~any source; or~~

14 ~~(VI) The compost is produced on a farm primarily used for the~~
15 ~~cultivation or growing of food, fiber, horticultural, or orchard crops, that~~
16 ~~complies with the agency of natural resources' solid waste management rules,~~
17 ~~only from up to 5,000 cubic yards per year of total organic inputs allowed~~
18 ~~under the agency of natural resources' acceptable management practices,~~
19 ~~including up to 2,000 cubic yards per year of food residuals.~~

1 ~~Sec. 2. 10 V.S.A. § 6001(3)(E) is amended to read:~~

2 (E) When development is proposed to occur on a parcel or tract of
3 land that is devoted to farming activity as defined in subdivision 6001(22) of
4 this section, only those portions of the parcel or the tract that support the
5 development shall be subject to regulation under this chapter. Permits issued
6 under this chapter shall not impose conditions on other portions of the parcel or
7 tract of land which do not support the development and that restrict or conflict
8 with accepted agricultural practices adopted by the secretary of agriculture,
9 food and markets. Any portion of the tract that is used to produce compost
10 ingredients for a composting facility located elsewhere on the tract shall not
11 constitute land which supports the development unless it is also used for some
12 other purpose that supports the development.

13 Sec. 3. 10 V.S.A. § 6001(31) is added to read:

14 (31) “Farm,” for purposes of subdivisions (3)(D)(vii)(V) and (VI) of this
15 section, means a parcel of land devoted primarily to farming, as farming is
16 defined in subdivision (22)(A) or (B) of this section, and which produced
17 annual gross income from farming, as defined in subdivision 6001(22) of this
18 title, that exceeds the annual gross income from a composting operation, and

19 (A) for purposes of subdivision 6001(3)(D)(vii)(V) of this title, uses
20 no more than 10 acres or 10 percent of the parcel, whichever is smaller, for

1 ~~commercial compost management, not including land used for liquid nutrients~~
2 ~~management,~~

3 ~~(B) for purposes of subdivision 6001(3)(D)(vii)(VI) of this title, uses~~
4 ~~no more than four acres or 10 percent of the parcel, whichever is smaller, for~~
5 ~~commercial compost management, not including land used for liquid nutrients~~
6 ~~management.~~

7 Sec. 4. EFFECTIVE DATE

8 ~~This act shall take effect upon passage.~~

Sec. 1. 10 V.S.A. § 6001(3)(D) is amended to read:

(D) The word "development" does not include:

** * **

(vii) The construction of improvements below the elevation of 2,500 feet for the onsite storage, preparation, and sale of compost, provided that the chair of the district commission does not determine, in his or her discretion, that action has been taken to circumvent the requirements of this chapter and:

(I) The compost is produced from no more than 100 cubic yards of material per year; or

(II) The compost is principally produced from inputs grown or produced on the farm; or

(III) The compost is principally used on the farm where it was produced; or

(IV) The compost is produced on a farm primarily used for the raising, feeding, or management of livestock, only from:

(aa) manure produced on the farm; and

(bb) unlimited clean, dry, high-carbon bulking agents from any source; or

(V) The compost is produced on a farm primarily used for the raising, feeding, or management of livestock, only from:

(aa) manure produced on the farm;

(bb) up to 2,000 cubic yards per year of organic inputs allowed under the agency of natural resources' acceptable management practices, including food residuals or manure from off the farm, or both; and

(cc) unlimited clean, dry, high-carbon bulking agents from any source; or

(VI) The compost is produced on a farm primarily used for the cultivation or growing of food, fiber, horticultural, or orchard crops, that complies with the agency of natural resources' solid waste management rules, only from up to 5,000 cubic yards per year of total organic inputs allowed under the agency of natural resources' acceptable management practices, including up to 2,000 cubic yards per year of food residuals.

Sec. 1a. 10 V.S.A. § 6001e is added to read:

§ 6001e. COMMERCIAL COMPOSTING FACILITY; CIRCUMVENTION

Notwithstanding subdivisions 6001(3)(D)(vii)(I)–(VI) of this title, a permit under this chapter may be required for the construction of improvements below the elevation of 2,500 feet for the onsite storage, preparation, and sale of compost if the chair of the district commission, based on the information available to the chair, determines that action has been taken to circumvent the requirements of this chapter.

Sec. 2. 10 V.S.A. § 6001(3)(E) is amended to read:

(E) When development is proposed to occur on a parcel or tract of land that is devoted to farming activity as defined in subdivision 6001(22) of this section, only those portions of the parcel or the tract that support the development shall be subject to regulation under this chapter. Permits issued under this chapter shall not impose conditions on other portions of the parcel or tract of land which do not support the development and that restrict or conflict with accepted agricultural practices adopted by the secretary of agriculture, food and markets. Any portion of the tract that is used to produce compost ingredients for a composting facility located elsewhere on the tract shall not constitute land which supports the development unless it is also used for some other purpose that supports the development.

Sec. 3. 10 V.S.A. § 6001(31) and (32) are added to read:

(31) "Farm," for purposes of subdivisions (3)(D)(vii)(V) and (VI) of this section, means a parcel of land devoted primarily to farming, as farming is defined in subdivision (22)(A) or (B) of this section, and from which parcel, annual gross income from farming, as defined in subdivision 6001(22) of this title, exceeds the annual gross income from a composting operation on that parcel; and

(A) for purposes of subdivision 6001(3)(D)(vii)(V) of this title, uses no more than 10 acres or 10 percent of the parcel, whichever is smaller, for commercial compost management, not including land used for liquid nutrients management;

(B) for purposes of subdivision 6001(3)(D)(vii)(VI) of this title, uses no more than four acres or 10 percent of the parcel, whichever is smaller, for commercial compost management, not including land used for liquid nutrients management.

(32) "Livestock" means cattle, sheep, goats, equines, fallow deer, red deer, American bison, swine, water buffalo, poultry, pheasant, chukar partridge, courtnix quail, camelids, ratites (ostriches, rheas, and emus), llamas, alpacas, yaks, rabbits, cultured trout propagated by commercial trout farmers, or other animal types designated by the secretary of agriculture, food and markets by procedure.

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.