

H.586. An Act Relating to Improving the Quality of State Waters:
Bullet Point Summary of Agricultural Provisions in Proposed Bill

I. Small Farm Certification

- Small farms would be required to be certified by the Agency of Agriculture, Food and Markets (AAFM) in order to operate.
- Small farm is defined as:
 - A farm authorized to ship milk that has less than 200 mature dairy cows;
 - An animal feeding operation that houses 5 to 299 mature beef cattle or 4 to 150 horses.
 - * Committees continue to review the scope of the definition of small farm.
- Certification would be required every 5 years.
- The owner or operator of the small farm shall certify compliance with multiple water quality management measures, including:
 - No direct discharges to State waters;
 - Nutrient application shall be based on soil testing by field or a nutrient management plan;
 - Manure shall not be applied within 25 feet of a surface water or within 10 feet of a ditch;
 - Cropland shall be managed to a soil loss tolerance of 1T.
- AAFM would be required to visit small farms in the State to assess compliance with the AAPs and the certification requirements.
- During a visit to small farm, AAFM shall identify area on the farm that could benefit from capital, structural, or technical assistance in reducing the risk of discharges to waters.
 - AAFM annually shall establish a priority ranking of those identified areas on small farms that could benefit from assistance.
 - The identified areas on small farms would receive priority financial assistance from the State to address identified problems
- During a visit to a small farm, the AAFM may require exclusion of livestock from a water where continued access to the water poses a high risk of negatively impacting water quality.
- On Jan. 1, 2016 the statutory requirements for small farm certification would be repealed. AAFM would be required to adopt rules for small farm certification prior to statutory repeal.

2. Livestock Exclusion

- As a condition of a small farm certification, a medium farm permit, or a large farm permit, AAFM would be authorized to require exclusion of livestock from a water.
- Exclusion will be required only where continued livestock access to the water poses a high risk of negatively impacting water quality.
- A previous proposal to exclude livestock from all waters has been removed from the bill.

3. Corrective Actions for Agricultural Water Quality Violations

- The bill would amend the corrective action process by removing the requirement that AAFM provide farmers with a detailed warning and recommendation for fixing an existing violation.
- Farmers would still receive a warning, but AAFM shall provide an abatement schedule for curing the violation and a description of the required corrective action to cure the violation.
- If a farmer fails to take the required corrective action, AAFM can issue a penalty.

4. Seasonal Exemption from Manure Application

- AAFM would be authorized to issue an exemption from the winter manure spreading ban.
- Application may be allowed on a weekly, monthly, or seasonal basis or by region, area or field.
- Any exemption from the winter spreading ban will be subject to conditions, including:
 - No spreading in runoff areas, in buffers, in nonfarmed wetlands, or on saturated soils.
 - Manure shall not be spread within 50 feet of a well or other potable water supply.
 - Manure shall be applied according to a nutrient management plan.
 - AAFM shall establish requirements for application to frozen or snow-covered soils.

5. Agricultural Water Quality Training

- Before July 1, 2016, AAFM shall adopt by rule training requirements for all operators of small, medium, and large farms.
- The training shall address prevention of discharge, management of runoff, statutory and regulatory requirements, and technical and financial compliance assistance.

6. Certification of Custom Applicators

- Before January 1, 2015, AAFM shall adopt a process by which all custom applicators shall be certified in order to operate in the State.
- Certification shall require 16 hours of training over each 5 year period.
- Beginning January 1, 2016, a custom applicator must be certified to operate in the State.

7. Agricultural Best Management Practices Tax Credit

- An income tax credit would be authorized for expenses on best management practices.