

H.586. An Act Relating to Improving the Quality of State Waters:
Bullet Point Summary of HFWWR Proposed Amendment

Secs. 1-3. Small Farm Certification:

- The Agency of Agriculture, Food and Markets (AAFM) would be required to adopt by rule a requirement that all small farms in the State submit a certification of compliance with the accepted agricultural practices (AAPs)
- The rules would include a 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.

Sec. 4. AAFM Corrective Action

- Current statute requires AAFM to follow a specific process and provide specific information prior to initiating an enforcement action for violation of water quality requirements.
- Sec. 4 strikes the requirement that AAFM provide an alleged violator with a warning and abatement schedule.
 - Sec. 4 requires the alleged violator to provide AAFM with an abatement schedule.
- Section 4 also strikes a requirement that AAFM provide an alleged violator opportunity for a hearing prior to the agency issuing a cease and desist order.
 - Alleged violators will still have a due process hearing if enforcement is initiated.

Sec. 5. 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 violating the AAPs.
- A previous proposal to exclude livestock from all waters has been removed from the bill.

Sec. 6. Seasonal Exemption from Manure Application

- Currently, land application of manure is banned between Dec. 15 and April 1 of each year.
- Sec. 6 would authorize AAFM to issue an exemption from the winter manure spreading ban.
- Under an exemption, application of manure 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.
- The Secretary would also be authorized to extend the spreading ban to December 1 or April 30 of a calendar year application of manure to land would pose a significant potential of discharge to waters due to weather conditions, soil conditions, or other limitation.

Sec. 7. 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.

Sec. 8. 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.
- A custom applicator charges for the application of manure, nutrients, or sludge to land.
- 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.

Sec.9. Agricultural Stream Alteration

- The Agency of Natural Resources (ANR) regulates stream alteration in the State.
- Stream alteration is the alteration or modification of any stream by movement, fill, or excavation of 10 cubic yards of instream material.
- Stream alteration also includes the building of berms
- Agricultural activities are exempt from ANR's stream alteration requirements.
- Sec. 9 requires AAFM to amend the AAPs to include requirements for agricultural stream alteration.
- Under the AAPs, future agricultural stream alteration would require AAFM authorization.

Sec. 10. Stormwater Management

- Requires ANR annually to provide municipalities outreach and education regarding the environmental benefits of adopting a local stormwater bylaw.

Sec. 11. Water Quality Data Coordination

- Requires ANR to coordinate all available water quality data, assess the data, and identify regional areas in the State that are significant contributors to water quality problems

Sec.12. Voluntary Shoreland Erosion Control Certification Program

- Requires ANR to establish an optional shoreland erosion control certification program to train contractors regarding the disturbance of soil or clearing of vegetation of more than 1,000 square feet within a shoreland area of a lake.

Sec. 13. Forest Skidder Bridges

- Appropriates \$120,000.00 to the Department of Forests and Parks for a skidder bridge program.
 - Skidder bridges are portable bridges loggers use to cross watercourses.
- \$100,000 would be for technical assistance to loggers to improve stream crossings.
- \$20,000 would be for the purchase or construction of skidder bridges to loan to loggers.

Sec. 14. Town Road and Bridge Match

- Increases the amount of State share that towns receive in local highway funds if the town has adopted the Agency of Transportation's town road and bridge standards.
- Local share would decrease from 20% to 15% if road and bridge standards are adopted.

Sec. 15. Agricultural Best Management Practices Tax Credit

- An income tax credit would be created for up to 25% of the first \$70,000 that a farmers expends on a best management practice certified by AAFM.
 - Best management practices are on-farm improvements to address agricultural water quality issues.

Sec. 16. ANR Report on Water Quality Financing

- By Jan. 2015, ANR shall submit to General Assembly a recommendation for financing water quality based on assessing property according to the impact of the property on water quality.
- The report shall include at least two financing mechanisms, a summary of how they would be implemented, and how much revenue each would raise.

Secs. 17-19. Rooms, Meals and Beverages Tax

- Raises the rooms, meals, and beverages taxes by one quarter percent each.
 - Two percent of the rooms, meals and beverages taxes would be deposited in the ecosystem restoration program fund established under Sec. 22 of the bill.

Secs. 20-21. Rental Car Tax

- Increases the tax on rental cars from 9% to 10%.
- Allocates 10% of the rental car tax to the Ecosystem Restoration Program Fund

Sec. 22. Ecosystem Restoration Program Fund

- Creates the ANR administered Ecosystem Restoration Program Fund, under which all monies for the Ecosystem Restoration Program (formerly Clean and Clear) are deposited.
- The money raised by H.586 would be deposited in an administrative account within the fund for purposes of administration, education, outreach, monitoring and implementation of activities or projects under the Ecosystem Restoration Program.
- Awards from the fund would be made according to a priority ranking system.

Sec. 23. AAFM Report on Requiring AAP Compliance for Use Value Appraisal Eligibility

- Requires AAFM, after consultation with PVR, to report to the General Assembly regarding whether and how compliance with AAPs could be a condition of UVA eligibility.
- The report would address implementation, staffing, and cost of AAP compliance as a condition of UVA participation.

Sec. 24. Effective Dates

- Most of the bill is effective on passage. The tax increases are effective July 1, 2015.