

H.35. An Act relating to Improving the Quality of State Waters
Summary of Proposed Amendment of House Committee on Agriculture & Forest Products

First Instance of Amendment: Sec. 1 of H.35--Findings

- The House Committee on Agriculture and Forest Products (Committee on Agriculture) added a Findings subsection to Sec. 1.
 - The Findings recognize the need: to clean up Lake Champlain; to increase awareness among small farmers regarding compliance with water quality laws; for the State, and not EPA, to address water quality issues in the State; for additional financial assistance necessary to fulfill water quality obligations; for an identification and mapping of water quality drivers in the State; and for a collaborative approach to address water quality issues in Vermont.

Second Instance of Amendment: Sec. 3 of H.35--Small Farm Certification

- The Committee on Agriculture proposed an amendment to the definition of “small farm” for the new small farm certification required under H.35 as proposed for amendment by the House Committee on Fish, Wildlife and Water Resources (HFWWR).
- The Committee on Agriculture defined “small farm” as a parcel of land:
 - on which 10 or more acres are used for farming;
 - that houses no more than the max. number of animals for a small farm (e.g. 199 dairy cows), and
 - that houses at least the number of adult animals specified by the Agency of Agriculture (AAFM) in rule or is used for preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops for sale.
- The Committee on Agriculture proposed an amendment in Sec. 3 to add 6 VSA § 4871(c), which authorizes the Agency of Agriculture, Food and Markets (AAFM) to require any farm to submit a small farm certification if AAFM determines the farm poses a threat of discharge to State waters.
 - AAFM may require certification for farms that do not fall under the definition of “small farm.”
 - The farm would certify compliance with the accepted agricultural practices (AAPs).

Third Instance of Amendment: Sec. 4 of H.35—Revised AAPs for Small Farm Certification

- Sec. 4 requires AAFM to amend the AAPs by rule to establish requirements for small farm certification.
- The Committee on Agriculture amended Sec. 4 to require AAFM to specify the number and type of animals on a farm that are subject to the small farm certification requirements.
- The Committee on Agriculture also amended Sec. 4 by striking a duplicative requirement in 6 V.S.A. 4810a(a) to amend the AAPs to address tile drainage. The requirements of 6 V.S.A. § 4810a(b) also address the revision of AAPs for tile drainage.

Fourth Instance of Amendment: Sec. 6 of H.35—Agricultural Water Quality Fund

- Sec. 6 of H.35 as proposed by HFWWR established an Agricultural Water Quality Fund to be used by AAFM for agricultural water quality programs.
- As proposed by HFWWR, Multiple new or increased fees on large farms, medium farms, commercial feed distributors, commercial fertilizer distributors, and pesticide registrants would generate the revenue deposited into the Agricultural Water Quality Fund.
- The Committee on Agriculture amended the section to delete reference to proposed fees and instead provided the Fund shall consist of revenue dedicated to it by the General Assembly.

Fifth Instance of Amendment: Secs. 7, 8,9 of H.35—LFO, MFO, Commercial Feed Fees

- The Committee on Agriculture struck the fees proposed by HFWWR on large farms, medium farms and commercial feed distributors.

Sixth Instance of Amendment: Secs. 11 and 12 of H.35—Fertilizer and Pesticide Fees

- The Committee on Agriculture struck proposed increased fees on commercial fertilizer distributors and registrants of economic poisons (pesticides).

Seventh Instance of Amendment: Sec. 13 of H.35—AAPs and Best Management Practices

- The Committee on Agriculture amended Sec. 13, 6 V.S.A. § 4810, to strike a HFWWR proposal requiring “enhanced” management practices in impaired watersheds.
- The Committee on Agriculture specified that AAFM shall require a farm to implement site specific conservation practices if it is complying with AAPs but not water quality standards.

Eighth Instance of Amendment: Sec. 15 of H.35—Agricultural Water Quality Training

- The Committee on Agriculture proposed technical amendments to Sec. 15’s requirement that AAFM adopt water quality training requirements for large, medium, or small farm operators.

Ninth Instance of Amendment: Sec. 17 of H.35—AAFM Agricultural Water Quality Enforcement

- The Committee on Agriculture amended Sec. 17, 6 V.S.A. § 4991, to clarify that AAFM’s first response to water quality issues should be to consult with a farmer to assure discontinuance of a violation.

Tenth Instance of Amendment: Secs. 22-24 of H.35—AAPs as Condition of Use Value Appraisal

- Under the HFWWR proposed amendment, Secs. 22-24 would authorize the Division of Property Valuation and Review (PVR) to remove a parcel of agricultural land or farm building from use value appraisal (UVA) if the owner/operator is identified by AAFM as:
 - Out of compliance with the water quality requirements of 6 V.S.A. ch. 215; or
 - Not in compliance with an enforcement order for an agricultural water quality violation.
- The Committee on Agriculture struck Secs. 22-24 in their entirety.

Eleventh Instance of Amendment: Sec. 34 of H.35—Clean Water Fund

- Sec. 34 of HFWWR proposal established Clean Water Fund to finance water quality initiatives in the State.
- As proposed by HFWWR, the Fund consisted of revenue dedicated for deposit in the Fund, including revenue from an increase in the rooms, meals, and alcohol tax and a new gas tax.
- The Committee on Agriculture proposed amendment retained the Clean Water Fund, but struck reference to the rooms, meals, and alcohol tax or the gas tax.
- Under the Committee on Agriculture proposed amendment, the Fund shall consist of revenue dedicated to the Fund by the General Assembly.

Twelfth Instance of Amendment: Secs. 36-38—Rooms, Meals and Alcohol Taxes

- The HFWWR proposal in Sec. 36-38 directed that money from a 0.5% increase in the rooms, meals and alcohol tax be deposited in the Clean Water Fund.
- The Committee on Agriculture struck all increases in the rooms, meals, and alcohol tax.

Thirteenth Instance of Amendment: Secs. 40-41 of H.35—Gasoline Tax

- The HFWWR proposal in Secs. 40 and 41 established a new two cents per gallon tax on each gallon of motor fuel sold in the State. The revenue from the new tax would be deposited in the Clean Water Fund.
- The Committee on Agriculture proposed striking the increase in the gas tax.

Fourteenth Instance of Amendment: Secs. 42 and 43 of H.35—DEC Fees

- The HFWWR proposal of amendment increased the fees on multiple permits issued by the Department of Environmental Conservation (DEC).
- The increased fees would be deposited in the Environmental Permit Fund to be used by DEC to fund new water quality staff positions.
- The Committee on Agriculture proposed striking all of the increased DEC fees.

Fifteenth Instance of Amendment: Secs. 51-54 of H.35—Sunset of Rooms, Meals and Alcohol Taxes

- Under the HFWWR proposal, Secs. 51-54 repeal the increase in the rooms, meals, and alcohol tax on July 1, 2018.
- The Committee on Agriculture proposed amendment strikes Secs. 51-54 in their entirety because the Committee's amendment does not propose increasing the rooms, meals and alcohol tax.

Sixteenth Instance of Amendment: Sec 55 of H.35—Effective Dates

- The Committee on Agriculture proposed striking the effective date for the sunset of those increased taxes because the Committee proposed striking increases in the rooms, meals and alcohol tax.