

H.35: Major Differences Between H.35 As Passed House and SNRE and Senate Finance Proposed Amendment

	House Passed	SNRE and Senate Finance Proposed Amendments
<p>Findings & Purpose Sec. 1. of House Sec. 1 of SNRE</p>	<ul style="list-style-type: none"> No similar provision in House bill. 	<ul style="list-style-type: none"> Adds Findings section regarding need to address water quality. Amends the purpose to include concepts of antidegradation and flood resiliency.
<p>Agricultural Water Quality Findings Sec. 2 of House</p>	<ul style="list-style-type: none"> Includes a findings sections specific to Agricultural Water Quality sections of the bill. 	<ul style="list-style-type: none"> No similar section
<p>Agricultural Water Quality Definitions Sec. 3 of House Sec. 2 of SNRE</p>	<ul style="list-style-type: none"> No similar provision in House bill. 	<ul style="list-style-type: none"> Includes definitions of healthy soil and manure.
<p>Small Farm Certification Sec. 4 of House Sec. 3 of SNRE</p>	<ul style="list-style-type: none"> Defines “small farm” as a parcel or parcels of land: <ul style="list-style-type: none"> (1) on which 10 or more acres are used for farming; (2) that houses no more than the number of animals specified under section 4857 of this title; and (3)(A) that houses at least the number of mature animals that the AAFM designates by rule under the AAPs; or; (B) are used for preparation tilling, fertilization, planting, protection, irrigation, and harvesting of crops for sale. Requires small farm to certify compliance with AAPs every <u>5 years</u>. Authorizes AAFM to conduct inspections of small farms, but does not specify a minimum requirement. Small farm annual fee of \$250 for farms that house fewer than 100 mature dairy cows; and \$500 for farms that house 100 to 199 mature dairy cows. 	<ul style="list-style-type: none"> Defines “small farm” as a parcel or parcels of land: <ul style="list-style-type: none"> (1) on which 10 or more acres are used for farming; (2) that houses no more than the number of animals specified under section 4857 of this title; and (3)(A) that houses: (i) 25 or more cattle, mature cow/calf pairs, youngstock, heifers, bulls, swine, sheep, goats, or horses; (ii) 2,500 + turkeys; (iii) 1,250+ laying hens or broilers with a liquid manure handling system; (iv) 3,500 + laying hens without a liquid manure handling system; (v) 4,750 + chickens other than laying hens without a liquid manure handling system; (vi) 200 +ducks with a liquid manure handling system; (vii) 1,500 + ducks without a liquid manure handling system; or (B) that is used for the preparation, tilling fertilization, planting, protection, irrigation, & harvesting of crops for sale. Requires small farm certification with RAPs <u>annually</u> AAFM <u>shall inspect</u> small farms at least once <u>every 5 years</u>. Small farm annual operation fee of \$250. AAFM may waive or reduce the fee based on farm type or ability to pay.

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AAP/RAP Revision Sec. 5 of House Sec. 4 of SNRE	<ul style="list-style-type: none"> Retains term AAPs. Does not include standards for small farm certification, soil health, or alternative techniques. 	<ul style="list-style-type: none"> AAPs renamed Required Agricultural Practices (RAPs) Added criteria for how AAFM will determine which small farms shall provide a certification. Requires a RAP for nutrient management to include recommended practices for soil health. Requires RAPs include alternative techniques or practices.
Small Farm Fee in FY 2016 and 2017 Sec. 7 of House	<ul style="list-style-type: none"> Established session law fee in FY 2016 and 2017 on operators of small farms authorized to ship milk. 	<ul style="list-style-type: none"> No similar fee.
Agricultural Water Quality Special Fund Sec. 8 of House Sec. 5a Senate Finance	<ul style="list-style-type: none"> Establishes a special fund to which new or increased agricultural fees are deposited for use by AAFM. 	<ul style="list-style-type: none"> SNRE provides no similar fund. Agricultural water quality fees are deposited in the Clean Water Fund. Senate Finance adds this fund as Sec. 5a
Large Farm permits Sec. 9 of House Sec. 6 of SNRE	<ul style="list-style-type: none"> No similar provision in House bill. 	<ul style="list-style-type: none"> Requires AAFM to inspect Large Farms at least annually.
Medium Farm permits Sec.10 of House Sec. 7 of SNRE	<ul style="list-style-type: none"> No similar provision in House bill. 	<ul style="list-style-type: none"> Requires AAFM to inspect Medium Farms at least once every 3 years.
Agricultural Water Quality Fees Secs. 9-14 of House Secs 6-11 of SNRE	<ul style="list-style-type: none"> Fees deposited in Agriculture Water Quality Special Fund 	<ul style="list-style-type: none"> Fees deposited in Clean Water Fund Senate Finance requires deposit of fees in Agriculture Water Quality Special Fund

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<p>Fertilizer Fee Sec. 13 of House Sec. 10 of SNRE</p>	<ul style="list-style-type: none"> • \$30 a ton fee on nonagricultural fertilizer. 	<ul style="list-style-type: none"> • SNRE, as drafted, \$15 a ton fee on all fertilizer (drafting error). • Senate Finance amended fee to be \$30 a ton on nonagricultural fertilizer.
<p>Appropriations for AAFM Staff Sec. 15 of House Sec. 42 of SNRE</p>	<ul style="list-style-type: none"> • Appropriates \$1,056,000 to AAFM from Agricultural Water Quality Special Fund for 13 new staff positions. 	<ul style="list-style-type: none"> • SNRE appropriates \$952,000 from Clean Water Fund to AAFM for 7 new staff positions. • Senate Finance appropriates \$786,000 for 8 new staff positions at AAFM.
<p>AAP, RAPs, BMPs, & MOU Sec. 16 of House Sec. 12 of SNRE</p>	<ul style="list-style-type: none"> • Provides that a person following AAPs is presumed to be in compliance with VWQS. 	<ul style="list-style-type: none"> • Renamed the Accepted Agricultural Practices the Required Agricultural Practices—AAPs become RAPs. • Provides that a person following RAPs is presumed to not have a discharge to State waters. • Farmer may petition AAFM to reduce the size of a buffer. • AAFM may require soil monitoring and alternative manure management as a BMP. • Directs AAFM and ANR to revise MOU on nonpoint source agricultural pollution. Revised MOU must address how it will apply the antidegradation policy to new sources of agricultural non-point source pollutants. • Requires ANR and AAFM to each develop 3 separate performance measures for the MOU. The agencies shall report annually on success of meeting the measures.
<p>Statutory Revision Sec. 13 of SNRE</p>	<ul style="list-style-type: none"> • No similar provision in House bill. 	<ul style="list-style-type: none"> • Directs Legislative Council to use statutory revision to change all references to AAPs to RAPs.
<p>Agricultural Water Quality Training Sec. 18 of House Sec. 15 of SNRE</p>	<ul style="list-style-type: none"> • Requires AAFM to adopt training requirements by procedure. No specific date for adoption. • Includes training regarding application of sludge or septage. 	<ul style="list-style-type: none"> • Requires AAFM to adopt training requirements by rule on or before July 1, 2016. Allows third party trainer. • Does not address sludge or septage. • Provides that AAFM shall not charge fee for training

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<p>Custom Applicator Certification Sec. 7 of S.49 Sec. 16 of H.35</p>	<ul style="list-style-type: none"> • Defines manure, septage, and sludge. • Applies to application of manure, nutrients, septage, and sludge. 	<ul style="list-style-type: none"> • Does not define manure, septage, or sludge. Definition of manure moved to definitions for chapter. • Provides that “full-time” employees must complete certification. • Applies only to application of manure and nutrients. • Requires custom applicator to train seasonal employees.
<p>Agricultural Water Quality Enforcement Secs. 20-23 of House Secs. 17-21 of SNRE</p>	<ul style="list-style-type: none"> • No similar provision in House bill. 	<ul style="list-style-type: none"> • AAFM shall notify farmer, but no time frame provided. • Upon request of AAFM, ANR may take action to enforce agricultural water quality requirements in 6 V.S.A. chapter 215.
<p>ANR Basin Planning Sec. 28 of House Sec. 26 of SNRE</p>	<ul style="list-style-type: none"> • Provides that ANR <u>may</u> contract with regional planning commissions to complete basin plans. 	<ul style="list-style-type: none"> • Requires ANR in developing basin plan to identify waters or wetlands that should be reclassified and projects that will result in protection of environment. • <u>Requires</u> ANR, contingent on available funding, to contract with regional planning commissions to complete basin plans.
<p>Antidegradation Policy Sec. 32 of House Sec. 30 of SNRE</p>	<ul style="list-style-type: none"> • No similar provision in House bill. 	<ul style="list-style-type: none"> • In adopting antidegradation policy requires ANR to apply antidegradation policy to all new discharges that require a water quality permit and all agricultural permits when the farm has a potential for discharge.
<p>Stormwater Sec. 33 of House Sec. 31 of SNRE</p>	<ul style="list-style-type: none"> • No similar provision in House bill. 	<ul style="list-style-type: none"> • Includes requirement that stormwater rules address high elevation management practice. • Requires stormwater rules to establish BMPs for improving healthy soils to improve capacity of soil to retain water, improve flood resiliency, and prevent runoff.

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<p>ANR Report on Land Application of Septage or Sludge</p> <p>Sec. 34 of SNRE</p>	<ul style="list-style-type: none"> No similar provision in House bill. 	<ul style="list-style-type: none"> Requires ANR to report to General Assembly regarding feasibility of treating or disposing of septage or sludge in a manner other than land application.
<p>Lake Champlain Implementation Plan</p> <p>Sec. 36 of SNRE</p>	<ul style="list-style-type: none"> No similar provision in House bill. 	<ul style="list-style-type: none"> Makes conforming changes to existing statute regarding update of and reporting on implementation plan for Lake Champlain.
<p>Clean Water (Legacy) Fund and Board</p> <p>Sec. 37 of House Sec. 37 of SNRE</p>	<ul style="list-style-type: none"> Clean Water Fund Board consists of Secretaries of Administration, Agriculture, Natural Resources, Transportation, and Commerce & Community Development, and 6 members appointed by Governor including 2 farmers. Includes priorities for Fund under establishment of Fund 	<ul style="list-style-type: none"> Provides that purpose of Clean Water Legacy Fund is to pay for necessary agency staffing when existing revenue is inadequate for necessary staff. Clean Water Legacy Fund Board consists of Secretaries of Administration, Agriculture, Natural Resources, Transportation, and Commerce & Community Development. 2 additional members appointed by Speaker, 2 members appointed by CoC, and 1 member appointed by Governor. Includes priorities for Fund under establishment of Board
<p>Clean Water Fund Audit</p> <p>Sec. 37 of SNRE</p>	<ul style="list-style-type: none"> No similar provision in House bill. 	<ul style="list-style-type: none"> Requires Secretary of Administration to conduct audit of Clean Water Fund, including capacity of AAFM to effectively administer and enforce agricultural water quality. Cost of Audit paid from Clean Water Fund.
<p>Clean Water Fund Source of Revenue</p> <p>Sec. 38 of House Sec. 38 of SNRE</p>	<ul style="list-style-type: none"> Assesses a 0.2% surcharge on property transfer tax. Revenue from surcharge deposited in the Clean Water Fund. Surcharge repealed July, 2021. 	<ul style="list-style-type: none"> SNRE assesses an annual Clean Water Fund per parcel fee of \$25.00 on every parcel in the State, except exempt properties. Senate Finance assessed a \$0.50 an acre fee on forest land in UVA and \$1 an acre fee on all other parcels in the State. Minimum fee of \$15. Municipalities collect parcel fee as part of property tax bill. Senate Finance repeal per parcel fee July 1, 2026.

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<p style="text-align: center;">Sec. 40 Administration Report on Additional Water Quality Fee</p> <p>Sec. 40 of House Sec. 43 of SNRE</p>	<ul style="list-style-type: none"> Requires Secretary of Administration to report to General Assembly in January of 2016 with a proposed per parcel or impervious surface fee. 	<ul style="list-style-type: none"> SNRE requires Secretary of Administration to report to General Assembly in January of 2016 with proposed impervious surface fee. Senate Finance repealed this report and replaced it with a report from the Department of Taxes regarding implementation of Statewide water quality fee.
<p style="text-align: center;">Assessment of DEC Fees</p> <p>Secs. 44-46 of SNRE</p>	<ul style="list-style-type: none"> No similar provision in House bill. 	<ul style="list-style-type: none"> Sec. 46 directs DEC to assess new permit fees on municipalities at end of the relevant fiscal year to avoid effects on approved municipal budgets.
<p style="text-align: center;">AMPs for Logging Jobs</p> <p>Sec. 46 of House Sec. 49 of SNRE</p>	<ul style="list-style-type: none"> Requires Department of Forests and Parks to revise AMPs by rule by March 1, 2016. 	<ul style="list-style-type: none"> Requires Department of Forests and Parks to revise AMPs by rule by July 1, 2016. Specifies that the AMPs are advisory and not mandatory.
<p style="text-align: center;">Report on AMPs</p> <p>Sec. 47 of House Sec. 50 of SNRE</p>	<ul style="list-style-type: none"> Requires Department of Forests and Parks to report to General Assembly in March 2016 regarding whether AMPs should be mandatory. 	<ul style="list-style-type: none"> Requires Department of Forests and Parks to report to General Assembly in January 2016 regarding whether AMPs should be mandatory. Report should address how the department will enforce the AMPs.