

1 Introduced by Committee on Agriculture and Forest Products

2 Date:

3 Subject: Agriculture

4 Statement of purpose of bill as introduced: This bill proposes to amend
5 multiple provisions of law administered by the Agency of Agriculture, Food
6 and Markets. The bill would make multiple amendments to the requirements
7 for multiple agricultural water quality assistance programs administered by the
8 Agency of Agriculture, Food and Markets. The bill would authorize
9 disbursement from the Vermont Economic Development Authority for water
10 quality initiatives. The bill would adopt the federal standards for unit pricing
11 to be administered by the Weights and Measures Program of the Agency of
12 Agriculture, Food and Markets. The bill would also amend dairy producer
13 requirements regarding drug residue in milk. In addition, the bill would
14 provide that the Secretary of Agriculture, Food and Markets shall only refund
15 overpayments of \$25.00 or more on licenses, permits, registrations, or
16 certifications.

17 An act relating to miscellaneous agricultural subjects

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

1 (6) “Good standing” means the participant:

2 (A) does not have an active enforcement violation that has reached a
3 final order with the Secretary; or

4 (B) is in compliance with all terms of a current grant agreement or
5 contract with the Agency.

6 Sec. 3. 6 V.S.A. § 4821 is amended to read:

7 § 4821. ASSISTANCE PROGRAM CREATED; ADMINISTRATION

8 (a) Program created. A program is created to provide ~~state~~ State financial
9 assistance to Vermont farmers in support of their voluntary construction of
10 on-farm improvements and maintenance of acceptable operating standards
11 designed to abate nonpoint source agricultural waste discharges into the waters
12 of the ~~state~~ State of Vermont, consistent with goals of the federal Water
13 Pollution Control Act and with state water quality standards. The program
14 shall be conducted in a manner which makes maximum use of federal financial
15 aid for the same purpose, as provided by this subchapter, and which seeks to
16 use the least costly methods available to accomplish the abatement required.
17 The construction of temporary fencing intended to exclude livestock from
18 entering surface waters of the ~~state~~ State shall be an on-farm improvement
19 eligible for assistance under this subchapter when subject to a maintenance
20 agreement entered into with the ~~agency of agriculture, food and markets~~
21 Agency of Agriculture, Food and Markets.

1 (b) Program administration. The ~~secretary~~ Secretary shall:

2 (1) ~~administer~~ Administer the ~~state~~ State assistance program, for which
3 purpose the ~~secretary~~ Secretary shall coordinate with officials of the U.S.
4 Department of Agriculture or other federal agencies, and shall adopt rules
5 pursuant to 3 V.S.A. chapter 25 ~~of Title 3~~ concerning farmer application and
6 eligibility requirements, financial assistance award priorities, and other
7 administrative and enforcement conditions; ~~and~~.

8 (2) ~~may~~ May provide technical assistance to individual farmers with the
9 preparation of on-farm agricultural waste management plans, applications for
10 state and federal financial assistance awards, installation of on-farm
11 improvements, and maintenance of acceptable operating standards during the
12 ~~life of a state assistance award contract~~ term of the program grant agreement.
13 For this purpose, ~~state~~ State employees of the ~~agency~~ Agency shall cooperate
14 with federal employees of the U.S. Department of Agriculture or other federal
15 agencies.

16 Sec. 4. 6 V.S.A. § 4822 is amended to read:

17 § 4822. ELIGIBILITY FOR STATE ASSISTANCE

18 Vermont farmers shall be eligible to receive available state financial
19 assistance with the installation of on-farm improvements designed to control
20 agricultural nonpoint source waste discharges, provided that:

1 (1) for farmers who also seek federal financial assistance for this
2 purpose, the improvements:

3 (A) are eligible for federal assistance through programs of the
4 U.S. Department of Agriculture; and

5 (B) are consistent with a “nutrient management plan” prepared by the
6 Vermont field office of the NRCS, or with an animal waste management plan
7 based on standards equivalent to those of the NRCS; or

8 (2) for farmers who decline to seek or accept federal financial assistance
9 for this purpose, the improvements:

10 (A) are determined by the ~~secretary~~ Secretary to be equivalent to
11 those eligible for federal assistance through programs of the U.S. Department
12 of Agriculture; and

13 (B) are consistent with an animal waste management plan based on
14 standards determined by the ~~secretary~~ Secretary to be equivalent to those of
15 the NRCS.

16 (3) will be constructed on a farm that is in good standing with the
17 Secretary at the time of the award on all grant agreements, contract awards, or
18 enforcement proceedings.

1 Sec. 5. 6 V.S.A. § 4824 is amended to read:

2 § 4824. STATE FINANCIAL ASSISTANCE AWARDS

3 (a) State grant. State financial assistance awarded under this subchapter
4 shall be in the form of a grant. When a State grant is intended to match federal
5 financial assistance for the same on-farm improvement project, the State grant
6 shall be awarded only when the federal financial assistance has also been
7 approved or awarded. An applicant for a State grant shall pay at least
8 10 percent of the total eligible project cost. The dollar amount of a State grant
9 shall be equal to the total eligible project cost, less 10 percent of the total as
10 paid by the applicant, and less the amount of any federal assistance awarded,
11 except that a State grant shall not exceed 90 percent of the total eligible
12 project cost.

13 (b) ~~Farmer contract~~. A State grant awarded to an applicant under this
14 subchapter shall be awarded in accordance with a State ~~contract~~ grant
15 containing ~~contract~~ terms substantially the same as those required for receipt of
16 a federal award for the same purpose from the U.S. Department of Agriculture,
17 except as provided by the Secretary by rule.

18 Sec. 6. 6 V.S.A. § 4826 is amended to read:

19 § 4826. COST ASSISTANCE FOR WASTE STORAGE FACILITIES

20 (a) The owner or operator of a farm required under section 4815 of this title
21 to design, construct, or modify a waste storage facility may apply in writing to

1 the Secretary of Agriculture, Food and Markets for cost assistance. Using ~~state~~
2 State or federal funds, or both, a State assistance grant shall be awarded,
3 subject to the availability of funds, to applicants. Such grants shall not exceed
4 90 percent of the cost of an adequately sized and designed waste storage
5 facility and the equipment eligible for Natural Resources Conservation Service
6 cost share assistance. Application for a State assistance grant shall be made in
7 the manner prescribed by the Secretary. ~~As used in this section, “waste storage~~
8 ~~facility” means an impoundment made for the purpose of storing agricultural~~
9 ~~waste by constructing an embankment, excavating a pit or dugout, fabricating~~
10 ~~an in-ground or above-ground structure, or any combination thereof. This~~
11 ~~section shall apply to concrete slabs used for agricultural waste management.~~

12 (b) If the Secretary lacks adequate funds necessary for the cost assistance
13 awards required by subsection (a) of this section, the Secretary shall appear
14 before the Emergency Board, as soon as possible, and shall request that
15 necessary funds be provided. If the Emergency Board fails to provide
16 adequate funds, the design and construction requirements for waste storage
17 facilities under subsection 4815(b) of this title and the AAPs for groundwater,
18 as they relate to a waste storage facility, shall be suspended for a farm with a
19 waste storage facility subject to the requirements of subsection 4815(b) of this
20 title until adequate funding becomes available. Suspension of the design and
21 construction requirements of subsection 4815(b) of this title does not relieve an

1 owner or operator of a farm permitted under section 4858 or 4851 of this title
2 from the remaining requirements of the owner's or operator's permit, including
3 discharge standards, groundwater protection, nutrient management planning,
4 and land application of manure. This subsection does not apply to farms
5 permitted under 10 V.S.A. § 1263 ~~or farms permitted under section 4851 of~~
6 ~~this title.~~

7 Sec. 7. 6 V.S.A. § 4827(e) and (f) are amended to read:

8 (e) If the Secretary or the applicable U.S. Department of Agriculture
9 conservation programs lack adequate funds necessary for the financial
10 assistance required by subsection (a) of this section, the requirement to develop
11 and implement a nutrient management plan under State statute or State
12 regulation shall be suspended until adequate funding becomes available.
13 Suspension of a State-required nutrient management plan does not relieve an
14 owner or operator of a farm permitted under section 4858 or 4851 of this title
15 of the remaining requirements of a State permit, including discharge standards,
16 groundwater protection, and land application of manure. This subsection does
17 not apply to farms permitted under 10 V.S.A. § 1263 ~~or farms permitted under~~
18 ~~section 4851 of this title.~~

19 (f) The Secretary may ~~contract~~ enter into grants with natural resources
20 conservation districts, the University of Vermont Extension Service, and other
21 persons and organizations to aid in the implementation of the incentive grants

1 program under subsection (a) of this section and to assist farmers in the
2 development and implementation of nutrient management plans.

3 Sec. 8. 6 V.S.A. § 4828 is amended to read:

4 § 4828. CAPITAL EQUIPMENT ASSISTANCE PROGRAM

5 (a) It is the purpose of this section to provide assistance to contract
6 applicators, nonprofit organizations, and farms to purchase or use innovative
7 equipment that will aid in the reduction of surface runoff of agricultural wastes
8 to ~~state~~ State waters, improve water quality of State waters, reduce odors from
9 manure application, decrease greenhouse gas emissions, and reduce costs to
10 farmers.

11 (b) The capital equipment assistance program is created in the Agency of
12 Agriculture, Food and Markets to provide farms, nonprofit organizations, and
13 custom applicators in Vermont with State financial assistance for the purchase
14 of new or innovative equipment to improve manure application or nutrient
15 management plan implementation.

16 (c) Assistance under this section shall in each fiscal year be allocated
17 according to the following priorities and as further defined ~~by rule~~ by the
18 Secretary:

19 (1) First priority shall be given to capital equipment to be used on farm
20 sites that are serviced by custom applicators and nonprofit organizations and
21 that are located in descending order within the boundaries of:

- 1 (A) the Lake Champlain Basin;
2 (B) the Lake Memphremagog Basin;
3 (C) the Connecticut River Basin; and
4 (D) the Hudson River Basin.

5 (2) Next priority shall be given to capital equipment to be used at a farm
6 site which is located in descending order within the boundaries of:

- 7 (A) the Lake Champlain Basin;
8 (B) the Lake Memphremagog Basin;
9 (C) the Connecticut River Basin; and
10 (D) the Hudson River Basin.

11 (d) [Repealed.]

12 Sec. 9. 6 V.S.A. § 4850 is amended to read:

13 § 4850. DEFINITIONS

14 ~~For purposes of~~ As used in this subchapter:

15 (1) “Domestic fowl” means laying-hens, broilers, ducks, ~~and~~ turkeys, or
16 any other number or type of fowl that the Secretary deems domestic fowl.

17 (2) “Livestock” means cattle, mature cow/calf pairs, youngstock,
18 heifers, bulls, swine, sheep, or horses, or any other number and type of
19 domestic animal that the Secretary deems livestock.

1 Sec. 10. 6 V.S.A. § 4851 is amended to read:

2 § 4851. PERMIT REQUIREMENTS FOR LARGE FARM OPERATIONS

3 (a) No person shall, without a permit from the ~~secretary~~ Secretary,
4 construct a new barn, or expand an existing barn, designed to house more than
5 700 mature dairy animals, 1,000 cattle or cow/calf pairs, 1,000 veal calves,
6 2,500 swine weighing over 55 pounds, 10,000 swine weighing less than
7 55 pounds, 500 horses, 10,000 sheep or lambs, 55,000 turkeys, 30,000 laying
8 hens or broilers with a liquid manure handling system, 82,000 laying hens
9 without a liquid manure handling system, 125,000 chickens other than laying
10 hens without a liquid manure handling system, 5,000 ducks with a liquid
11 manure handling system, or 30,000 ducks without a liquid manure handling
12 system. No permit shall be required to replace an existing barn in use for
13 livestock or domestic fowl production at its existing capacity. The ~~secretary of~~
14 ~~agriculture, food and markets~~ Secretary of Agriculture, Food and Markets, in
15 consultation with the ~~secretary of natural resources~~ Secretary of Natural
16 Resources, shall review any application for a permit under this section with
17 regard to water quality impacts and, prior to approval of a permit under this
18 subsection, shall issue a written determination regarding whether the applicant
19 has established that there will be no unpermitted discharge to waters of the
20 ~~state~~ State pursuant to the federal regulations for concentrated animal feeding
21 operations. If upon review of an application for a permit under this subsection,

1 the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food
2 and Markets determines that the permit applicant may be discharging to waters
3 of the ~~state~~ State, the ~~secretary of agriculture, food and markets~~ Secretary of
4 Agriculture, Food and Markets and the ~~secretary of natural resources~~ Secretary
5 of Natural Resources shall respond to the discharge in accordance with the
6 memorandum of understanding regarding concentrated animal feeding
7 operations under subsection 4810(b) of this title. The ~~secretary of natural~~
8 ~~resources~~ Secretary of Natural Resources may require a large farm to obtain a
9 permit under 10 V.S.A. § 1263 pursuant to federal regulations for concentrated
10 animal feeding operations.

11 (b) A person shall apply for a permit in order to operate a farm which
12 exceeds 700 mature dairy animals, 1,000 cattle or cow/calf pairs, 1,000 veal
13 calves, 2,500 swine weighing over 55 pounds, 10,000 swine weighing less than
14 55 pounds, 500 horses, 10,000 sheep or lambs, 55,000 turkeys, 30,000 laying
15 hens or broilers with a liquid manure handling system, 82,000 laying hens
16 without a liquid manure handling system, 125,000 chickens other than laying
17 hens without a liquid manure handling system, 5,000 ducks with a liquid
18 manure handling system, or 30,000 ducks if the livestock or domestic fowl are
19 in a barn or adjacent barns owned by the same person, or if the barns share a
20 common border or have a common waste disposal system. In order to receive
21 this permit, the person shall demonstrate to the ~~secretary~~ Secretary that the

1 farm has an adequately sized manure management system to accommodate the
2 wastes generated and a nutrient management plan to dispose of wastes in
3 accordance with accepted agricultural practices adopted under this chapter and
4 current U.S. Department of Agriculture nutrient management standards.

5 (c) The ~~secretary~~ Secretary shall approve, condition, or disapprove the
6 application within 45 business days of the date of receipt of a complete
7 application for a permit under this section. Failure to act within the
8 45 business days shall be deemed approval.

9 (d) A person seeking a permit under this section shall apply in writing to
10 the ~~secretary~~ Secretary. The application shall include a description of the
11 proposed barn or expansion of livestock or domestic fowl; a proposed nutrient
12 management plan to accommodate the number of livestock or domestic fowl
13 the barn is designed to house or the farm is intending to expand to; and a
14 description of the manure management system to be used to accommodate
15 agricultural wastes.

16 (e) The ~~secretary~~ Secretary may condition or deny a permit on the basis of
17 odor, noise, traffic, insects, flies, or other pests.

18 (f) Before granting a permit under this section, the ~~secretary~~ Secretary shall
19 make an affirmative finding that the animal wastes generated by the
20 construction or expansion will be stored so as not to generate runoff from a
21 25-year, 24-hour storm event and shall be disposed of, in accordance with the

1 accepted agricultural practices adopted under this chapter and current
2 U.S. Department of Agriculture nutrient management standards.

3 (g) A farm that is permitted under this section and that withdraws more
4 than 57,600 gallons of groundwater per day averaged over any 30
5 consecutive-day period shall annually report estimated water use to the
6 ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and
7 Markets. The ~~secretary of agriculture, food and markets~~ Secretary of
8 Agriculture, Food and Markets shall share information reported under this
9 subsection with the ~~agency of natural resources~~ Agency of Natural Resources.

10 Sec. 11. 6 V.S.A. § 4856 is amended to read:

11 § 4856. ~~RECYCLING ANIMAL WASTE NUTRIENTS~~

12 ~~In order best to use the nutrients of animal waste generated by farms to~~
13 ~~which this subchapter applies, the agency of agriculture, food and markets,~~
14 ~~together with the department of public service, shall use available resources to~~
15 ~~inform operators of such farms of appropriate methods and resources available~~
16 ~~to digest and compost their animal wastes and to capture methane for~~
17 ~~beneficial uses. [Repealed.]~~

18 Sec. 12. 6 V.S.A. § 4857 is amended to read:

19 § 4857. DEFINITIONS

20 ~~For purposes of~~ As used in this subchapter:

1 (1) “Animal feeding operation” (AFO) means a lot or facility where the
2 livestock or domestic fowl have been, are, or will be stabled or confined and
3 fed or maintained for a total of 45 days or more in any 12-month period, and
4 crops, vegetation, or forage growth are not sustained in the normal growing
5 season over any portion of the lot or facility. Two or more individual farms
6 qualifying as an AFO which are under common ownership and which adjoin
7 each other or use a common area or system for the disposal of waste, shall be
8 considered to be a single AFO if the combined number of livestock or
9 domestic fowl resulting qualifies as a medium farm as defined in subdivision
10 (2) of this section.

11 (2) “Medium farm” is an AFO which houses 200 to 699 mature dairy
12 animals, 300 to 999 cattle or cow/calf pairs, 300 to 999 veal calves, 750 to
13 2,499 swine weighing over 55 pounds, 3,000 to 9,999 swine weighing less than
14 55 pounds, 150 to 499 horses, 3,000 to 9,999 sheep or lambs, 16,500 to 54,999
15 turkeys, 9,000 to 29,999 laying hens or broilers with a liquid manure handling
16 system, 25,000 to 81,999 laying hens without a liquid manure handling system,
17 37,500 to 124,999 chickens other than laying hens without a liquid manure
18 handling system, 1,500 to 4,999 ducks with a liquid manure handling system
19 or 10,000 to 29,999 ducks without a liquid manure handling system.

20 (3) “Small farm” is an AFO which houses no more than 199 mature
21 dairy animals, 299 cattle or cow/calf pairs, 299 veal calves, 749 swine

1 weighing over 55 pounds, 2,999 swine weighing less than 55 pounds, 149
2 horses, 2,999 sheep or lambs, 16,499 turkeys, 8,999 laying hens or broilers
3 with a liquid manure handling system, 24,999 laying hens without a liquid
4 manure handling system, 37,499 chickens other than laying hens without a
5 liquid manure handling system, 1,499 ducks with a liquid manure handling
6 system or 9,999 ducks without a liquid manure handling system.

7 (4) “Domestic fowl” means laying hens, broilers, ducks, ~~and~~ turkeys, or
8 any other number or type of fowl that the Secretary deems domestic fowl.

9 (5) “Livestock” means cattle, swine, sheep, and horses, or any other
10 number and type of domestic animal that the Secretary deems livestock.

11 Sec. 13. 6 V.S.A. § 4858(c) is amended to read:

12 (c)(1) Medium farm general permit. The owner or operator of a medium
13 farm seeking coverage under a general permit adopted pursuant to this section
14 shall certify to the ~~secretary~~ Secretary within a period specified in the permit,
15 and in a manner specified by the ~~secretary~~ Secretary, that the medium farm
16 does comply with permit requirements regarding an adequately sized and
17 designed manure management system to accommodate the wastes generated
18 and a nutrient management plan to dispose of wastes in accordance with
19 accepted agricultural practices adopted under this chapter and current U.S.
20 Department of Agriculture nutrient management standards. Any certification
21 or notice of intent to comply submitted under this subdivision shall be kept on

1 file at the ~~agency of agriculture, food and markets~~ Agency of Agriculture,
2 Food and Markets. The ~~secretary of agriculture, food and markets~~ Secretary of
3 Agriculture, Food and Markets, in consultation with the ~~secretary of natural~~
4 ~~resources~~ Secretary of Natural Resources, shall review any certification or
5 notice of intent to comply submitted under this subdivision with regard to the
6 water quality impacts of the medium farm for which the owner or operator is
7 seeking coverage, and, within 18 months of receiving the certification or notice
8 of intent to comply, shall verify whether the owner or operator of the medium
9 farm has established that there will be no unpermitted discharge to waters of
10 the ~~state~~ State pursuant to the federal regulations for concentrated animal
11 feeding operations. If upon review of a medium farm granted coverage under
12 the general permit adopted pursuant to this subsection, the ~~secretary of~~
13 ~~agriculture, food and markets~~ Secretary of Agriculture, Food and Markets
14 determines that the permit applicant may be discharging to waters of the ~~state~~
15 State, the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture,
16 Food and Markets and the ~~secretary of natural resources~~ Secretary of Natural
17 Resources shall respond to the discharge in accordance with the memorandum
18 of understanding regarding concentrated animal feeding operations under
19 subsection 4810(b) of this title.

20 * * *

1 (d) Medium and small farms; individual permit. The ~~secretary~~ Secretary
2 may require the owner or operator of a small or medium farm to obtain an
3 individual permit to operate after review of the farm's history of compliance,
4 application of accepted agricultural practices, the use of an experimental or
5 alternative technology or method to meet a ~~state~~ State performance standard, or
6 other factors set forth by rule. The owner or operator of a small farm may
7 apply to the ~~secretary~~ Secretary for an individual permit to operate under this
8 section. To receive an individual permit, an applicant shall in a manner
9 prescribed by rule demonstrate that the farm has an adequately sized and
10 designed manure management system to accommodate the wastes generated
11 and a nutrient management plan to dispose of wastes in accordance with
12 accepted agricultural practices adopted under this chapter and current
13 U.S. Department of Agriculture nutrient management standards, including
14 setback requirements for waste application. An individual permit shall be
15 valid for no more than five years. Any application for an individual permit
16 filed under this subsection shall be kept on file at the ~~agency of agriculture,~~
17 ~~food and markets~~ Agency of Agriculture, Food and Markets. The ~~secretary of~~
18 ~~agriculture, food and markets~~ Secretary of Agriculture, Food and Markets, in
19 consultation with the ~~agency of natural resources~~ Agency of Natural
20 Resources, shall review any application for a permit under this subsection and,
21 prior to issuance of an individual permit under this subsection, shall issue a

1 written determination regarding whether the permit applicant has established
2 that there will be no unpermitted discharge to waters of the ~~state~~ State pursuant
3 to federal regulations for concentrated animal feeding operations. If, upon
4 review of an application for a permit under this subsection, the ~~secretary of~~
5 ~~agriculture, food and markets~~ Secretary of Agriculture, Food and Markets that
6 the permit applicant may be discharging to waters of the ~~state~~ State, the
7 ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and
8 Markets and the ~~secretary of natural resources~~ Secretary of Natural Resources
9 shall respond to the discharge in accordance with the memorandum of
10 understanding regarding concentrated animal feeding operations under
11 subsection 4810(b) of this title. The ~~secretary of natural resources~~ Secretary of
12 Natural Resources may require a medium or small farm to obtain a permit
13 under 10 V.S.A. § 1263 pursuant to federal regulations for concentrated animal
14 feeding operations. Coverage of a medium farm under a general permit
15 adopted pursuant to this section or an individual permit issued to a medium or
16 small farm under this section is rendered void by the issuance of a permit to a
17 farm under 10 V.S.A. § 1263.

18 Sec. 14. 6 V.S.A. chapter 215, subchapter 6 is amended to read:

19 Subchapter 6. Vermont ~~Agricultural Buffer~~ Critical Area Seeding
20 and Filter Strip Program

1 § 4900. VERMONT ~~AGRICULTURAL BUFFER~~ SEEDING AND FILTER
2 STRIP PROGRAM

3 (a) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture,
4 Food and Markets is authorized to develop a Vermont ~~agricultural buffer~~
5 critical source area seeding and filter strip program in addition to the federal
6 conservation reserve enhancement program in order to compensate farmers for
7 establishing and maintaining harvestable perennial vegetative ~~buffers and~~
8 ~~installing conservation practices in ditch networks~~ grassed waterways and filter
9 strips on agricultural ~~land~~ cropland perpendicular and adjacent to the surface
10 waters of the state State, including ditches. Eligible acreage would include
11 annually tilled cropland or a portion of cropland currently cropped as hay that
12 will not be rotated into an annual crop for a 10-year period of time. Acreage
13 that is currently managed as hay shall have a prior history or rotation as corn or
14 other annual commodity crop.

15 (b) The establishment and annual incentive payments from the agency of
16 ~~agriculture, food and markets under the Vermont agricultural buffer program~~
17 ~~shall not exceed the combined federal and state payment that the relevant~~
18 ~~agricultural land or conservation practice would be eligible for under the~~
19 ~~federal conservation reserve enhancement program or another approved~~
20 ~~conservation program. The incentive payment~~ Incentive payments from the
21 Agency of Agriculture, Food and Markets shall be made ~~annually at the end of~~

1 ~~the cropping season for a nonrenewable five year period~~ at the outset of a
2 10-year agreement to establish or maintain the acreage as harvestable grassed
3 waterway or filter strip.

4 (c) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture,
5 Food and Markets may establish by procedure financial and technical criteria
6 for the implementation and operation of the Vermont ~~agricultural buffer~~
7 critical source area seeding and filter strip program.

8 (d) Land enrolled in the Vermont agricultural buffer program shall be
9 considered to be in “active use” as that term is defined in 32 V.S.A.
10 § 3752(15).

11 (e) As used in this section, “surface waters” means all rivers, streams,
12 ditches, creeks, brooks, reservoirs, ponds, lakes, and springs which are
13 contained within, flow through, or border upon the ~~state~~ State or any portion
14 of it.

15 Sec. 15. 6 V.S.A. § 4951 is amended to read:

16 § 4951. FARM AGRONOMIC PRACTICES PROGRAM

17 (a) The Farm Agronomic Practices Assistance Program is created in the
18 Agency of Agriculture, Food and Markets to provide the farms of Vermont
19 with State financial assistance for the implementation of soil-based practices
20 that improve soil quality and nutrient retention, increase crop production,
21 minimize erosion potential, and reduce agricultural waste discharges. The

1 following practices ~~shall~~ may be eligible for assistance to farms under the grant
2 program:

3 (1) conservation crop rotation;

4 (2) cover cropping;

5 (3) strip cropping;

6 (4) cross-slope tillage;

7 (5) zone or no-tillage;

8 (6) pre-sidedress nitrate tests;

9 (7) annual maintenance of a nutrient management plan that is no longer
10 receiving funding under a State or federal contract, provided the maximum
11 assistance provided to a farmer under this subdivision shall be \$2,000.00 per
12 year;

13 (8) educational and instructional activities to inform the farmers and
14 citizens of Vermont of:

15 (A) the impact on Vermont waters of agricultural waste discharges;

16 (B) the federal and State requirements for controlling agricultural
17 waste discharges;

18 (9) implementing alternative manure application techniques; and

19 (10) additional soil erosion reduction practices.

20 (b) Funding available under section 4827 of this title for nutrient
21 management planning may be used to fund practices under this section.

1 permits, registrations, or certificates for more than one year shall not extend to
2 any program administered by the ~~secretary~~ Secretary where the annual fee is
3 more than \$125.00. The Secretary shall only provide refunds for
4 overpayments of \$25.00 or more on a license, permit, registration, or certificate
5 issued by the Secretary;

6 * * *

7 * * * Dairy Operations; Drugs * * *

8 Sec. 17. 6 V.S.A. § 2744a is amended to read:

9 § 2744a. DRUGS

10 (a) No producer shall sell or offer for sale milk which contains any drug or
11 drugs in excess of tolerances established by the United States Food and Drug
12 Administration in the Code of Federal Regulations.

13 ~~(1) In the event that milk from a dairy farm contains a drug, no more~~
14 ~~milk produced by that producer shall be received by any milk dealer or handler~~
15 ~~until a sample of at least one complete milking has been collected and found~~
16 ~~negative. In the event of a second violation within a 12-month period, no more~~
17 ~~milk produced by that producer shall be received by any milk dealer or handler~~
18 ~~for a period of up to two days and until a sample of at least one complete~~
19 ~~milking has been collected and found negative. In the event of a third violation~~
20 ~~within a 12-month period, the secretary shall, at a minimum, take the same~~
21 ~~action as required for a second violation and may prohibit the producer from~~

1 ~~selling milk in this state. No handler or dealer shall accept milk from a~~
2 ~~producer whose ability to sell milk is suspended or terminated.~~

3 ~~(2) In lieu of suspending a producer's ability to sell milk, the secretary~~
4 ~~may issue an administrative penalty. The amount of the penalty shall not~~
5 ~~exceed the value of the milk which could have been prohibited from sale. A~~
6 ~~producer who fails to pay an administrative penalty, after opportunity for~~
7 ~~hearing, shall have his or her ability to sell milk suspended until the penalty is~~
8 ~~paid. In lieu of suspending a producer's ability to sell milk, the secretary may~~
9 ~~accept the assessment by the milk dealer or handler, against the producer, of~~
10 ~~damages beyond the milk dealer's or handler's control that occurred as a result~~
11 ~~of purchasing the contaminated milk, as an equivalent penalty.~~

12 (1) In the event that milk from a dairy producer contains a drug residue:

13 (A) No more milk from that producer shall be received by any milk
14 dealer or handler until a sample of at least one complete milking has been
15 collected and found negative.

16 (B) If a second drug residue violation occurs within 12 months of the
17 first violation, no more milk from that producer shall be received by any milk
18 dealer or handler until a sample of at least one complete milking has been
19 collected and found negative. The producer shall have an administrative
20 penalty equal to the value of one day of milk production assessed.

1 (C) If a third drug residue violation occurs within 12 months of the
2 first violation, no more milk from that producer shall be received by any milk
3 dealer or handler until a sample of at least one complete milking has been
4 collected and found negative. The producer shall have an administrative
5 penalty equal to the value of two days of milk production assessed. A hearing
6 shall be warned to determine if the producer will be allowed to continue to
7 ship milk.

8 (2) No handler or dealer shall accept milk from:

9 (A) a producer after a drug residue violation has occurred until a
10 sample of at least one complete milking has been found negative; or

11 (B) a producer whose ability to sell milk is suspended or terminated.

12 (3) A producer who fails to pay an administrative penalty issued under
13 this section within 30 days of issuance of a citation for violation of this section
14 shall have his or her ability to sell milk suspended until the administrative
15 penalty is paid. In lieu of suspending a producer's ability to sell milk, the
16 Secretary may accept the assessment by the milk dealer against the producer.

17 ~~(3)~~(4) Notwithstanding the provisions of subsection (c) of this section,
18 the ~~secretary~~ Secretary may at any time issue an emergency order prohibiting a
19 producer from selling and a handler from accepting any milk until the milk
20 tests negative for drugs.

1 (b)(1) No producer shall sell livestock for slaughter which contains any
2 drug or drugs in excess of tolerances established by the ~~United States~~ U.S.
3 Food and Drug Administration in the Code of Federal Regulations.

4 (2) In the event that livestock intended for slaughter is found to contain
5 a drug or drugs in excess of levels established by the ~~United States~~ U.S. Food
6 and Drug Administration in the Code of Federal Regulations at the time of
7 sale, the secretary may assess an administrative penalty not to exceed
8 \$1,000.00 for each violation and may require the farm to participate in a
9 program approved by the Agency intended to mitigate further selling of
10 animals for food that contain violative drug residues.

11 (c) Before issuing an order or administrative penalty under this section, the
12 ~~secretary~~ Secretary shall provide the producer and the handler or dealer an
13 opportunity for hearing.

14 * * * Weights and Measures * * *

15 Sec. 18. 9 V.S.A. § 2633 is amended to read:

16 § 2633. SPECIFIC POWERS AND DUTIES OF SECRETARY;
17 REGULATIONS

18 (a) The Secretary shall issue from time to time reasonable regulations for
19 the enforcement of this chapter, which regulations shall have the force and
20 effect of law. These regulations may include (1) standards of net weight,
21 measure, or count, and reasonable standards of fill, for any commodity in

1 package form, (2) rules governing the technical and reporting procedures to be
2 followed and the report and record forms and marks of approval and rejection
3 to be used by inspectors of weights and measures in the discharge of their
4 official duties, (3) exemptions from the sealing or marking requirements of
5 section 2639 of this title with respect to weights and measures of such
6 character or size that such sealing or marking would be inappropriate,
7 impracticable, or damaging to the apparatus in question. These regulations
8 shall include specifications, tolerances, and other technical requirements for
9 weights and measures of the character of those specified in section 2635 of this
10 title, designed to eliminate from use, without prejudice to apparatus that
11 conforms as closely as practicable to the official standards, those (1) that are
12 not accurate, (2) that are of such construction that they are faulty—that is, that
13 are not reasonably permanent in their adjustment or will not repeat their
14 indications correctly—or (3) that facilitate the perpetration of fraud.

15 (b) The specifications, tolerances, and other technical requirements for
16 commercial, law enforcement, data gathering, and other weighing and
17 measuring devices, as adopted by the national conference on weights and
18 measures and published in National Institute of Standards and Technology
19 Handbook 44, “Specifications, Tolerances, and other Technical Requirements
20 for Weighing and Measuring Devices,” and supplements thereto, or revisions

1 thereof, shall apply to weighing and measuring devices in the State, except
2 insofar as modified or rejected by regulation.

3 (c) The uniform regulation for packaging and labeling, the uniform
4 regulation for unit pricing, and the uniform regulation for the method of sale of
5 commodities, except for bread, as adopted by the national conference on
6 weights and measures, and published by the National Institute of Standards and
7 Technology Handbook 130, “Uniform Laws and Regulations,” together with
8 amendments, supplements, and revisions thereto, are adopted as part of this
9 chapter except as modified or rejected by regulation.

10 * * * VEDA; Water Quality Initiatives * * *

11 Sec. 19. 10 V.S.A. § 280a is amended to read:

12 § 280a. ELIGIBLE PROJECTS; AUTHORIZED FINANCING PROGRAMS

13 (a) The Authority may develop, modify, and implement any existing or
14 new financing program, provided that any specific project that benefits from
15 such program shall meet the criteria contained in the Vermont Sustainable Jobs
16 Strategy adopted under section 280b of this title, and provided further that the
17 program shall meet the criteria contained in the Vermont Sustainable Jobs
18 Strategy adopted under section 280b of this title. These programs may include:

19 * * *

20 (11) a program that would award grants made to eligible and qualified
21 recipients as directed by the Agency of Agriculture, Food and Markets or the

1 Agency of Natural Resources for the purpose of funding ~~stream stability and~~
2 ~~conservation reserve enhancement environmental~~ water quality initiatives
3 approved by the agencies, provided that the maximum amount of grants
4 awarded by the Authority pursuant to the program shall not exceed
5 \$1,340,238.00 in the aggregate.

6 * * *

7 * * * Effective Date * * *

8 Sec. 20. EFFECTIVE DATE

9 This act shall take effect on July 1, 2015.