

### 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
<b>Findings &amp; Purpose</b> Sec. 1. of House Sec. 1 of SNRE	<ul style="list-style-type: none"> <li>No similar provision in House bill.</li> </ul>	<ul style="list-style-type: none"> <li>Adds Findings section regarding need to address water quality.</li> <li>Amends the purpose to include concepts of antidegradation and flood resiliency.</li> </ul>
<b>Agricultural Water Quality Findings</b> Sec. 2 of House	<ul style="list-style-type: none"> <li>Includes a findings sections specific to Agricultural Water Quality sections of the bill.</li> </ul>	<ul style="list-style-type: none"> <li>No similar section</li> </ul>
<b>Agricultural Water Quality Definitions</b> Sec. 3 of House Sec. 2 of SNRE	<ul style="list-style-type: none"> <li>No similar provision in House bill.</li> </ul>	<ul style="list-style-type: none"> <li>Includes definitions of healthy soil and manure.</li> </ul>
<b>Small Farm Certification</b> Sec. 4 of House Sec. 3 of SNRE	<ul style="list-style-type: none"> <li>Defines “small farm” as a parcel or parcels of land:               <ol style="list-style-type: none"> <li>(1) on which 10 or more acres are used for farming;</li> <li>(2) that houses no more than the number of animals specified under section 4857 of this title; and</li> <li>(3)(A) that houses at least the number of mature animals that the AAFM designates by rule under the AAPs; or;</li> <li>(B) are used for preparation tilling, fertilization, planting, protection, irrigation, and harvesting of crops for sale.</li> </ol> </li> <li>Requires small farm to certify compliance with AAPs every <u>5</u> years.</li> <li>Authorizes AAFM to conduct inspections of small farms, but does not specify a minimum requirement.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Defines “small farm” as a parcel or parcels of land:               <ol style="list-style-type: none"> <li>(1) on which 10 or more acres are used for farming;</li> <li>(2) that houses no more than the number of animals specified under section 4857 of this title; and</li> <li>(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</li> <li>(B) that is used for the preparation, tilling fertilization, planting, protection, irrigation, &amp; harvesting of crops for sale.</li> </ol> </li> <li>Requires small farm certification with RAPs <u>annually</u></li> <li>AAFM <u>shall inspect</u> small farms at least once <u>every 5</u> years.</li> <li>Small farm annual operation fee of \$250. AAFM may waive or reduce the fee based on farm type or ability to pay.</li> </ul>

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

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

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

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

	<b>House Passed</b>	<b>SNRE and Senate Finance Proposed Amendments</b>
<p style="text-align: center;"><b>Sec. 40 Administration Report on Additional Water Quality Fee</b></p> <p>Sec. 40 of House Sec. 43 of SNRE</p>	<ul style="list-style-type: none"> <li>Requires Secretary of Administration to report to General Assembly in January of 2016 with a proposed per parcel or impervious surface fee.</li> </ul>	<ul style="list-style-type: none"> <li>SNRE requires Secretary of Administration to report to General Assembly in January of 2016 with proposed impervious surface fee.</li> <li>Senate Finance repealed this report and replaced it with a report from the Department of Taxes regarding implementation of Statewide water quality fee.</li> </ul>
<p style="text-align: center;"><b>Assessment of DEC Fees</b></p> <p>Secs. 44-46 of SNRE</p>	<ul style="list-style-type: none"> <li>No similar provision in House bill.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p style="text-align: center;"><b>AMPs for Logging Jobs</b></p> <p>Sec. 46 of House Sec. 49 of SNRE</p>	<ul style="list-style-type: none"> <li>Requires Department of Forests and Parks to revise AMPs by rule by March 1, 2016.</li> </ul>	<ul style="list-style-type: none"> <li>Requires Department of Forests and Parks to revise AMPs by rule by July 1, 2016.</li> <li>Specifies that the AMPs are advisory and not mandatory.</li> </ul>
<p style="text-align: center;"><b>Report on AMPs</b></p> <p>Sec. 47 of House Sec. 50 of SNRE</p>	<ul style="list-style-type: none"> <li>Requires Department of Forests and Parks to report to General Assembly in March 2016 regarding whether AMPs should be mandatory.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>