



COMMON SENSE SOLUTIONS
FOR A CHANGING VERMONT

Language Suggestions for H.35 v1.3 February 13, 2015

Section 1. Purpose; Improvement of WQ

- *None at this time*

Section 2. Agricultural Water Quality; Definitions

- *Strike the enabling MOU language in existing statute 10 VSA Ch. 47 §1259 (prohibitions)*

Section 3. Small Farm Certification

- *None at this time (see Section 4)*

Section 4. Accepted Agricultural Practices, Revision

- *Revision of AAPs should require both more specificity and more protective measures (e.g. 50 foot buffers, extensive livestock exclusion)*
- *Change AAP revision due date to January of 2016*
- *Require revision of AAPs to reflect current science in water quality protection – expand beyond 1-12 to measures that actually protect water quality*
- *Remove "...ensure practices on all farms eliminate adverse impacts to water quality..."*

Section 5. AAFM Report on Subsurface Tile Drainage

- *Change due date to January 2016*

Section 6 & 7. Agricultural Water Quality; Best Management Practices

- *None at this time*

Section 8. Agricultural Water Quality; Training

- *Change requirement to at least eight hours of training every two years*

Section 9. Agricultural Water Quality Certification of Custom Applicators

- *Change applicability to all applicators, regardless of whether for compensation or not*

Section 10 – 14. Agricultural Water Quality; Enforcement; Corrective Actions

- *Change the process to be consistent with UVA for forest lands*
- *Consider whether AAFM providing a list of "required corrective action[s]" creates liability for AAFM if there are additional discharges*

Section 15. Stream Alteration; Agricultural Activities

- *None at this time*

Section 16 – 18. Use Value Appraisal; Compliance with Acceptable Agricultural Activities

- *Make consistent with process for expulsion for UVA forest lands (e.g. for five years)*

Section 19 – 22. ANR Basin Planning; Regional Planning

- *None at this time*

Section 23. Anti-degradation Policy Implementation Rule

- *None at this time*

Section 24. ANR Stormwater Management Authority

- *Decrease the threshold for operational permits to half an acre or less*
- *Require (rather than enable) ANR to exercise RDA for:*
 - *Farms*
 - *Impervious surfaces*
 - *Municipal Gravel Roads*
 - *Private Gravel Roads*
 - *Other sources that cause or contribute to the impairment*
- *Tighten date of 2021 for municipal roads to 2018*
- *Evaluate whether activities regulated under other programs (i.e. exempt) such as farms under AAPs, CAFOs, silvicultural, etc. address stormwater runoff to the extent of the Vt. State Stormwater Management Manual (VSSMM)*
 - *Remove exemptions where they do not address stormwater runoff at least as well as the VSSMM*
- *Include private roads*
- *Delete section that allows a ten year permit renewal*

Section 25. Water Quality Data Coordination

- *None at this time*

Section 26. Clean Water Resoration Fund

- *Delete “innovative nutrient removal technologies”*
- *Delete authorization to use funds to “address or repair riparian conditions that increase the risk for flooding or pose a threat to life or property”*

Section 27 – 32. Fees

- *None at this time*

Section 33. AMPs for Forestry

- *Suggest adding enabling language for AMPs along with the goals of AMPs (e.g. protect water quality, minimize discharges, protect aquatic habitat)*
- *Additional language forthcoming*

Section 38. ERP/CWF

- *Strike this section.*