

Vermont Agency of Agriculture, Food and Markets

4/9/15

Comments: S49 Agriculture Committee changes (Draft No. 1.8; 4/3/2015)

1) Line 7; Page 3: **A farmer may petition the Secretary to reduce the size of a perennial buffer or change the perennial buffer type based on site specific conditions.**

Comment: At this time the requirement for buffers is based on AAP rules and MFO and LFO permit requirements. The permit requirements are consistent with NRCS 590 nutrient management standard requirements. Reduced buffers may not be consistent with this standard. Perennial vegetation is required in the buffer though there is no requirement for specific plant types or species. The Agency believes that in all cases the minimum buffer distance should be 25 feet. This will be proposed as a change to existing AAP rules (current standard 10 feet from surface water and 25 feet from surface water at points of field runoff).

2) Line 19; Page 3: **If a perennial buffer of trees or other woody vegetation is required as a BMP, the Secretary shall pay the farmer for a first priority easement on the land on which the buffer is located.**

Comment: The Agency does not require, nor has the authority to require trees or other woody vegetation in a buffer. This provision would, therefore, seem moot.

3) Line 1; Page 7: **In no case shall manure stacking sites, fertilizer storage, or other nutrient storage be located within 200 feet of a private well or within 200 feet of a water of the state. And; In no case shall manure be field stacked within 200 feet of a surface water.**

Comment: The Agency believes the current 100 foot standard is appropriate.

4) Line 5 Page 8: **The Secretary shall establish standards for site-specific vegetative buffers that adequately address water quality needs.**

Comment: Any considerations for site specific buffers should not allow buffers less than 25 feet in width.

5) Line 11; Page 15: **When the Secretary of Agriculture, Food and Markets receives a complaint and determines that a farmer is in violation of the requirements of this chapter, rules adopted under this chapter, or a permit or certification issued under this chapter, the Secretary shall notify the farmer within three business days of the nature of the complaint, including the action complained of.**

Comment: The Agency is concerned that this may be used as a defense in the enforcement process that would negate enforcement actions. In order to avoid that outcome, the Agency would be required to establish another tracking system to ensure notice had been attempted. This adds a layer to the investigation and enforcement process. The Agency suggests language that would require notification to the farmer without the reference to a specific number of days. Perhaps; “as soon as is practicable during the initial investigational response”.

Thank you for the opportunity to comment.

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