

H.510

An act relating to the cost share for State agricultural water quality financial assistance grants

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

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

§ 4824. STATE FINANCIAL ASSISTANCE AWARDS GRANTS

(a) State grant. State financial assistance awarded under this subchapter shall be in the form of a grant. When a State grant is intended to match federal financial assistance for the same on-farm improvement project, the State grant shall be awarded only when the federal financial assistance has also been approved or awarded. Except for grants authorized by the Secretary under subsection (c) of this section, the Secretary shall require all of the following as a condition of a grant issued under this section:

(1) An applicant for a State grant shall pay at least 10 percent of the total eligible project cost.

(2) The dollar amount of a State grant shall be equal to the total eligible project cost, less 10 percent of the total as paid by the applicant, and less the amount of any federal assistance awarded, ~~except that a~~

(3) A State grant shall not exceed 90 percent of the total eligible project cost.

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

(c) Waiver of cost share. The Secretary may waive the requirement that an applicant for a State grant under this section pay at least 10 percent of the total eligible project cost upon a determination that:

(1) the applicant lacks the resources to provide the 10 percent cost share; and

(2) the public health or environmental benefit of installing practices or a project to prevent or eliminate a discharge to State waters or to correct a violation of the required agricultural practices is so significant and necessary that the cost share requirement should be waived in order to prevent the required cost share from impeding implementation of the practices or project.

Sec. 2. 6 V.S.A § 4802 is amended to read

§ 4802. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Agriculture, Food and Markets.

(2) “Farming” shall have the same meaning as used in 10 V.S.A.

§ 6001(22).

(3) “Healthy soil” means soil that has a well-developed, porous structure, is chemically balanced, supports diverse microbial communities, and has abundant organic matter.

(4) “Manure” means livestock waste in solid or liquid form that may also contain bedding, spilled feed, water, or soil.

(5) “Secretary” means the Secretary of Agriculture, Food and Markets.

(6) “Top of bank” means the point along the bank of a stream where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during an annual flood event. Annual flood event shall be determined according to the Agency of Natural Resources’ Flood Hazard Area and River Corridor Protection Procedure.

(7) “Waste” or “agricultural waste” means material originating or emanating from a farm that is determined by the Secretary or the Secretary of Natural Resources to be harmful to the waters of the State, including: sediments; minerals, including heavy metals; plant nutrients; pesticides; organic wastes, including livestock waste, animal mortalities, compost, feed and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution; silage runoff; untreated milkhouse waste; and any other farm waste as the term “waste” is defined in 10 V.S.A. § 1251(12).

(8) “Water” shall have the same meaning as used in 10 V.S.A.

§ 1251(13).

(9) “Farm” means a parcel or parcels of land owned, leased, or managed by a person that is devoted primarily to farming and that meets the threshold criteria established under the Required Agricultural Practices, provided that a lessee controls the leased lands to the extent they would be considered as part of the lessee’s own farm. Indicators of control may include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the leased period.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.