

1 S.254

2 Introduced by Senator Ayer

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; water quality; subsurface tile drainage

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 owner or operator of a large farm, a medium farm, or a small farm subject to
8 small farm certification to report to the Secretary of Agriculture, Food and
9 Markets the location of the outfall of subsurface tile drainage on a farm. The
10 bill would also require the owner or operator of any farm to notify the
11 Secretary of Agriculture, Food and Markets of the location of subsurface tile
12 drainage prior to installation or construction.

13 An act relating to subsurface tile drainage

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

15 Sec. 1. 6 V.S.A. § 4817 is added to read:

16 § 4817. SUBSURFACE TILE DRAINAGE; REPORTING

17 (a) Definitions. As used in this section:

18 (1) "Outfall" means the point where water from subsurface tile drainage
19 flows from under the surface of the ground to the surface, a ditch, a
20 conveyance, or a water of the State.

1 (2) “Subsurface tile drainage” means a system that:

2 (A) is located on a farm regulated under this chapter;

3 (B) is below the surface of the ground; and

4 (C) utilizes drainage tiles, perforated pipe, or other materials to drain
5 water from a field.

6 (b) Reporting. Beginning on July 1, 2019, and every three years thereafter,
7 the owner or operator of a large farm operation, medium farm operation, or
8 small farm subject to small farm certification shall submit to the Secretary of
9 Agriculture, Food and Markets the location of the outfall of subsurface tile
10 drainage on property owned or controlled by the owner or operator.

11 (c) Notification. Prior to installing or constructing new subsurface tile
12 drainage, the owner or operator of a farm shall notify the Secretary of
13 Agriculture, Food and Markets of the proposed location of the subsurface tile
14 drainage on property owned or controlled by the owner or operator.

15 (d) Forms. The Secretary of Agriculture, Food and Markets shall provide
16 forms that an owner or operator shall use to comply with the requirements of
17 subsections (b) and (c) of this section. Blank copies of forms shall be posted to
18 the website of the Agency of Agriculture, Food and Markets, and the Agency
19 shall allow for electronic completion and submission of the forms.

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

2 § 4802. DEFINITIONS

3 As used in this chapter:

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

5 (2) “Farming” shall have the same meaning as in 10 V.S.A. § 6001(22).

6 * * *

7 (8) “Water” shall have the same meaning as in 10 V.S.A. § 1251(13).

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

16 Sec. 3. EFFECTIVE DATES

17 (a) This section and, in Sec. 1, 6 V.S.A. § 4817(d) (development
18 of reporting and notification forms) shall take effect on passage.

19 (b) All other sections shall take effect on July 1, 2018.