

1 Introduced by Committee on Natural Resources, Fish and Wildlife

2 Date:

3 Subject: Agriculture; water quality; financial and technical assistance; cost  
4 share

5 Statement of purpose of bill as introduced: This bill proposes to authorize the  
6 Secretary of Agriculture, Food and Markets to waive the requirement that an  
7 applicant for a State agricultural water quality assistance grant pay a cost share.  
8 The bill would also defined the term “farm” for the purposes of the regulation  
9 of agricultural water quality.

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

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

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

14 § 4824. STATE FINANCIAL ASSISTANCE ~~AWARDS~~ GRANTS

15 (a) State grant. State financial assistance awarded under this subchapter  
16 shall be in the form of a grant. When a State grant is intended to match federal  
17 financial assistance for the same on-farm improvement project, the State grant  
18 shall be awarded only when the federal financial assistance has also been  
19 approved or awarded. Except for grants authorized by the Secretary under

1 subsection (c) of this section, the Secretary shall require all of the following as  
2 a condition of a grant issued under this section:

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

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

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

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

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

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

20 (2) the public health or environmental benefit of installing practices or a  
21 project to prevent or eliminate a discharge to State waters or to correct a

1 violation of the required agricultural practices is so significant and necessary  
2 that the cost share requirement should be waived in order to prevent the  
3 required cost share from impeding implementation of the practices or project.

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

5 § 4802. DEFINITIONS

6 As used in this chapter:

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

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

9 § 6001(22).

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

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

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

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

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

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

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

19          Sec. 3. EFFECTIVE DATE

20          This act shall take effect on passage.