

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 ability to provide a cost share; and

19 (2) the public health or environmental benefit of eliminating a discharge
20 or potential discharge to a water of the State outweighs the need for a cost
21 share from the applicant.

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 used in 10 V.S.A.

6 § 6001(22).

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

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

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

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

19 (7) “Waste” or “agricultural waste” means material originating or
20 emanating from a farm that is determined by the Secretary or the Secretary of
21 Natural Resources to be harmful to the waters of the State, including:

1 sediments; minerals, including heavy metals; plant nutrients; pesticides;
2 organic wastes, including livestock waste, animal mortalities, compost, feed
3 and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution;
4 silage runoff; untreated milkhouse waste; and any other farm waste as the term
5 “waste” is defined in 10 V.S.A. § 1251(12).

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

8 (9) “Farm” means a parcel or parcels of land owned, leased, or managed by
9 a person that is devoted primarily to farming and that meets 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 DATE

17 This act shall take effect on passage.