

Act 64: An Act Relating to Improving the Quality of State Waters Bullet Point Summary

Generally

- Act 64 enacted or amended statutes to address water quality issues, including provisions related to agricultural water quality, river basin planning, stormwater, and water quality on logging jobs.
- Act 64 also enacted or amended provisions that raised revenue to fund water quality improvements or State agency staff needed to implement water quality programs.

Agricultural Water Quality

- Agency of Agriculture, Food and Markets (AAFM) required to amend the Required Agricultural Practices (RAPs) by rule to include new water quality measures and certification of small farms.
 - Act 64 requires the RAPs to address nutrient stacking/storage, soil health and loss tolerance, vegetated buffer zones, livestock exclusion, nutrient management plans, and tile drainage.
- Beginning July 1, 2017, small farms shall certify compliance with the RAPs.
- Requires water quality training for operators of large, medium, and small farms.
- Requires custom applicators of manure or nutrients to be trained and certified by AAFM.
- Amends AAFM's water quality enforcement authority to be more consistent with ANR authority.
- Directs AAFM and ANR to develop a memorandum of understanding on how to apply the anti-degradation implementation policy to new sources of agricultural non-point source pollution.

Stormwater and Basin Planning

- Completely rewrote and updated statutory requirements and authority for the regulation of stormwater runoff from impervious surface, including:
 - Requiring ANR to develop a general permit for stormwater discharges from municipal roads;
 - Requiring ANR to develop a general permit for discharges of stormwater from impervious surface of 3 or more acres in size that previously were unpermitted or permitted prior to 2002.
- Requires ANR to develop a schedule to update the basin plans for the 15 watersheds with plans.
- Requires ANR to conduct certain activities in basin planning, including: identifying waters that should be reclassified; identifying projects that will protect and enhance water quality; and developing a recommendation on conformance of basin plan with applicable regional plans.
- Requires ANR to adopt by rule an implementation process for the antidegradation policy in the Vermont water quality standards.
 - ANR shall apply the antidegradation implementation policy to all new discharge permits.

Acceptable Management Practices for Water Quality on Logging Jobs (AMPs)

- Requires the Department of Forests, Parks and Recreation to revise the AMPs by rule by July 1, 2016 to ensure that all logging jobs are designed to prevent water quality impacts.

Water Quality Funding

- Established a Clean Water Fund Special Fund to provide funding to:
 - assist the State in complying with water quality requirements and construction or implementation of water quality projects;
 - fund staff positions at ANR, AAFM, and AOT when necessary to achieve or maintain compliance with water quality requirements and existing revenue sources are inadequate; and
 - provide funding to non-profit organizations, regional associations, and other entities community-based water quality programs.
- The Fund shall consist of revenue dedicated to it including a Clean Water Surcharge of 0.2% on the property transfer tax.
 - The Clean Water Surcharge is repealed July 1, 2018.
- A Clean Water Fund Board shall administer the Fund.
 - The Board shall consist of the Secretaries of ANR, AAFM, AOT, ACCD, and Administration.
- The Clean Water Fund Board shall make recommendations to the Secretary of Administration regarding how funds from the Clean Water Fund shall be included in the State budget.
 - In making its funding recommendations, the Board is supposed to prioritize certain programs or activities set forth in statute.
- The Secretary of Administration is directed to give deference to the Board's recommendations in preparing the Governor's budget.
- The General Assembly in the appropriations process ultimately directs how monies from the Fund will be spent.
- Act 64 requires the State Treasurer, in consultation with the Commissioner of Environmental Conservation and the Commissioner of Taxes, to submit to the General Assembly recommendations for a long term revenue source for water quality improvement in the State.
 - The report is due January 15, 2017.
- Act 64 also raised revenue to fund additional State employees to implement or administer water quality programs at AAFM and ANR.
 - The revenue was raised from new or increased fees on agricultural programs or Department of Environmental Conservation permits.