

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred Senate Bill No. 265
3 entitled “An act relating to the use of food residuals for farming” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 10 V.S.A. § 6001 is amended to read:

8 § 6001. DEFINITIONS

9 In this chapter:

10 * * *

11 (3)(A) “Development” means each of the following:

12 * * *

13 (D) The word “development” does not include:

14 (i) The construction of improvements for farming, logging, or
15 forestry purposes below the elevation of 2,500 feet.

16 * * *

17 (vii) The construction of improvements below the elevation of
18 2,500 feet for the onsite storage, preparation, and sale of compost, provided
19 that one of the following applies:

20 * * *

1 (III) The compost is principally used on the farm where it was
2 produced.

3 * * *

4 (22) “Farming” means:

5 (A) the cultivation or other use of land for growing food, fiber,
6 Christmas trees, maple sap, or horticultural and orchard crops; or

7 (B) the raising, feeding, or management of livestock, poultry, fish, or
8 bees; or

9 (C) the operation of greenhouses; or

10 (D) the production of maple syrup; or

11 (E) the on-site storage, preparation, and sale of agricultural products
12 principally produced on the farm; or

13 (F) the on-site storage, preparation, production, and sale of fuel or
14 power from agricultural products or wastes principally produced on the farm;
15 or

16 (G) the raising, feeding, or management of four or more equines
17 owned or boarded by the farmer, including training, showing, and providing
18 instruction and lessons in riding, training, and the management of equines; or

19 (H) the importation of up to 2,000 cubic yards per year or less of
20 food residuals or food processing residuals onto a farm for the production of
21 compost, provided that:

1 (i) the compost is principally used on the farm where it is
2 produced; or

3 (ii) the compost is produced on a small farm that raises or
4 manages poultry.

5 * * *

6 (38) “Farm” means, for the purposes of subdivision (22)(H) of this
7 section, a parcel or parcels of land owned, leased, or managed by a person and
8 devoted primarily to farming that meets the threshold criteria as established
9 under the Required Agricultural Practices.

10 (39) “Food processing residuals” means the remaining organic material
11 from a food processing plant and may include whey and other dairy, cheese
12 making, and ice cream residuals or residuals from any food manufacturing
13 process excluding livestock or poultry slaughtering and rendering operations.
14 “Food processing residuals” does not include food residuals from markets,
15 groceries, or restaurants.

16 (40) “Food residuals” has the same meaning as in section 6602 of this
17 title.

18 (41) “Principally used” means, for the purposes of subdivision
19 (3)(D)(vii)(III) or (22)(H) of this section, that more than 50 percent, either by
20 volume or weight, of the compost produced on the farm is physically and

1 permanently incorporated into the native soils on the farm as a soil
2 enhancement and is not removed or sold at any time thereafter.

3 **(42) “Small farm” has the same meaning as in 6 V.S.A. § 4871.**

4 Sec. 2. Section 2 of the Agency of Agriculture, Food and Markets,
5 Vermont Required Agricultural Practices Rule for the Agricultural
6 Nonpoint Source Pollution Control Program is amended to read:

7 Section 2. Definitions

8 * * *

9 2.16 Farming means:

- 10 (a) the cultivation or other use of land for growing food, fiber, Christmas
11 trees, maple sap, or horticultural, viticultural, and orchard crops; or
12 (b) the raising, feeding, or management of livestock, poultry, fish, or bees;
13 or
14 (c) the operation of greenhouses; or
15 (d) the production of maple syrup; or
16 (e) the on-site storage, preparation, and sale of agricultural products
17 principally produced on the farm; or
18 (f) the on-site storage, preparation, production, and sale of fuel or power
19 from agricultural products or wastes principally produced on the farm; or

1 (g) the raising, feeding, or management of four or more equines owned or
2 boarded by the farmer, including training, showing, and providing instruction
3 and lessons in riding, training, and the management of equines; or

4 (h) the importation of up to 2,000 cubic yards per year or less of food
5 residuals or food processing residuals onto a farm for the production of
6 compost, provided that:

7 (i) the compost is principally used on the farm where it is
8 produced; or

9 (ii) the compost is produced on a small farm that raises or
10 manages poultry.

11 * * *

12 2.44 “Food residual” means source separated and uncontaminated material
13 that is derived from processing or discarding of food and that is recyclable, in a
14 manner consistent with 10 V.S.A. § 6605k. Food residual may include
15 preconsumer and postconsumer food scraps. “Food residual” does not mean
16 meat and meat-related products when the food residuals are composted by a
17 resident on site.

18 2.45 “Principally used” means that more than 50 percent, either by
19 volume or weight, of the compost produced on the farm is physically and
20 permanently incorporated into the native soils on the farm as a soil
21 enhancement and is not removed or sold at any time thereafter.

1 Sec. 3. 6 V.S.A. chapter 218 is added to read:

2 CHAPTER 218. AGRICULTURAL RESIDUALS MANAGEMENT

3 § 5131. PURPOSE

4 The purpose of this chapter is to establish a program for the management of
5 residual wastes generated, imported to, or managed on a farm for farming in
6 Vermont.

7 § 5132. DEFINITIONS

8 As used in this chapter:

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

10 (2) “Compost” means a stable humus-like material produced by the
11 controlled biological decomposition of organic matter through active
12 management, but shall not mean sewage, septage, or materials derived from
13 sewage or septage.

14 (3) “Farm” means a parcel or parcels of land owned, leased, or managed
15 by a person and devoted primarily to farming that meets the threshold criteria
16 for regulation under the Required Agricultural Practices.

17 (4) “Farming” has the same meaning as in 10 V.S.A. § 6001(22).

18 (5) “Food processing residuals” means the remaining organic material
19 from a food processing plant and may include whey and other dairy, cheese
20 making, and ice cream residuals or residuals from any food manufacturing
21 process excluding livestock or poultry slaughtering and rendering operations.

1 “Food processing residuals” do not include food residuals from markets,
2 groceries, or restaurants.

3 (6) “Food residuals” means source separated and uncontaminated
4 material that is derived from processing or discarding of food and that is
5 recyclable or compostable. “Food residuals” may include preconsumer and
6 postconsumer food scraps. “Food residuals” include meat and meat-related
7 products when the disposition of the products is managed on a farm.

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

9 (8) “Source separation” has the same meaning as in 10 V.S.A. § 6602.

10 § 5133. FOOD RESIDUALS; RULEMAKING

11 (a) The Secretary shall regulate the importation of food residuals or food
12 processing residuals onto a farm.

13 (b)(1) The Secretary shall adopt by rule requirements for the management
14 of food residuals and food processing residuals on a farm. The rules may
15 include requirements regarding:

16 (A) the proper composting of food residuals or food processing
17 residuals;

18 (B) destruction of pathogens in food residuals, food processing
19 residuals, or compost;

20 (C) prevention of public health threat from food residuals, food
21 processing residuals, or compost;

1 (n) A farm producing compost under subdivision 6001(22)(H) is exempt
2 from the requirements of this section.

3 Sec. 5. 10 V.S.A. § 6605h is amended to read:

4 § 6605h. COMPOSTING REGISTRATION

5 Notwithstanding sections 6605, 6605f, and 6611 of this title, the Secretary
6 may, by rule, authorize a person engaged in the production or management of
7 compost at a small scale composting facility to register with the Secretary
8 instead of obtaining a facility certification under section 6605 or 6605c of this
9 title. This section shall not apply to a farm producing compost under
10 subdivision 6001(22)(H).

11 Sec. 6. 10 V.S.A. § 6605j is amended to read:

12 § 6605j. ACCEPTED COMPOSTING PRACTICES

13 (a) The Secretary, in consultation with the Secretary of Agriculture, Food
14 and Markets, shall adopt by rule, pursuant to 3 V.S.A. chapter 25, and shall
15 implement and enforce accepted composting practices for the management of
16 composting in the State. These accepted composting practices shall address:

17 (1) standards for the construction, alteration, or operation of a
18 composting facility;

19 (2) standards for facility operation, including acceptable quantities of
20 product or inputs, vector management, odors, noise, traffic, litter control,

1 contaminant management, operator training and qualifications, recordkeeping,
2 and reporting;

3 (3) standards for siting of composting facilities, including siting and
4 operation of compost storage areas, compost bagging areas, and roads and
5 parking areas;

6 (4) standards for the composting process, including rotation,
7 management of compost piles, compost pile size, and monitoring of compost
8 operations;

9 (5) standards for management of runoff from compost facilities,
10 including liquids management from the feedstock area, active composting
11 areas, curing area, and compost storage area; the use of swales or stormwater
12 management around or within a compost facility; vegetative buffer
13 requirements; and run-off management from tipping areas;

14 (6) specified areas of the State unsuitable for the siting of commercial
15 composting that utilizes post-consumer food residuals or animal mortalities,
16 such as designated downtowns, village centers, village growth areas, or areas
17 of existing residential density; and

18 (7) definitions of “small-scale composting facility,” “medium-scale
19 composting facility,” and “de minimis composting exempt from regulation.”

20 (b) A person operating a small scale composting facility ~~or operating a~~
21 ~~composting facility on a farm~~ who follows the accepted composting practices

1 shall not be required to obtain a discharge permit under section 1263 or 1264
2 of this title, a solid waste facility certification under chapter 159 of this title, or
3 an air emissions permit under chapter 23 of this title unless a permit is required
4 by federal law or the Secretary of Natural Resources determines that a permit
5 is necessary to protect public health or the environment.

6 ~~(c) The Secretary of Natural Resources shall coordinate with the Secretary~~
7 ~~of Agriculture, Food and Markets in implementing and enforcing the accepted~~
8 ~~composting practices. The Secretary of Agriculture, Food and Markets and the~~
9 ~~Secretary of Natural Resources may, after opportunity for public review and~~
10 ~~comment, develop a memorandum of understanding for implementation and~~
11 ~~enforcement of the accepted composting practices. [Repealed.]~~

12 (d) The Secretary shall not regulate under this section a farm producing
13 compost under subdivision 6001(22)(H).

14 Sec. 7. APPLICATION OF SOLID WASTE MANAGEMENT RULE

15 Prior to adoption of rules under 6 V.S.A. § 5133, the Secretary of
16 Agriculture, Food and Markets shall require a person producing compost on a
17 farm under subdivision 6001(22)(H) to comply with Sections 6-1101 through
18 6-1110 of the Agency of Natural Resources' Vermont Solid Waste
19 Management Rules. After adoption of rules under 6 V.S.A. § 5133, Sections
20 6-1101 through 6-1110 of the Agency of Natural Resources' Vermont Solid

1 Waste Management Rules shall not apply to a person producing compost on a
2 farm under subdivision 6001(22)(H).

3 Sec. 8. UPDATE ON IMPLEMENTATION OF IMPORT OF FOOD

4 RESIDUALS ONTO FARM FOR COMPOSTING

5 On or before January 15, 2022, the Secretary of Agriculture, Food and
6 Markets and the Secretary of Natural Resources shall consult and present or
7 submit testimony to the Senate Committee on Agriculture and the House
8 Committee on Agriculture and Forestry regarding the import of food residuals
9 onto farms for the purpose of compost production.

10 Sec. 9. EFFECTIVE DATE

11 This act shall take effect on passage.

12

13

14

15 (Committee vote: _____)

16

17

Senator _____

18

FOR THE COMMITTEE