



**Vermont Department of Environmental Conservation
Drinking Water and Groundwater Protection Division**

One National Life Drive - Davis 4
Montpelier, VT 05620-3521

www.vermontdrinkingwater.org

Agency of Natural Resources

TO: Legislative Committee on Administrative Rules
FROM: Bryan Redmond, Director
SUBJECT: AAFM's Vermont Rule for Control of Pesticides Chapter 012
DATE: December 12, 2022

Committee Members:

The Department of Environmental Conservation has reviewed the Vermont Agency of Agriculture and Farm Markets' (AAFM) draft Vermont Rule for Control of Pesticides Chapter 012, dated 12/12/2022.

The DEC's Drinking Water and Groundwater Protection Division (DWGWPD) and AAFM's Public Health & Agricultural Resource Management Division have coordinated on additional revisions to the proposed rule to ensure consistency with the DEC's rules regarding protection of groundwater and drinking water resources. As a result of these efforts, AAFM and DEC recommend the additional changes, which are included in the attached version:

Section 1. Definitions

- Revise "groundwater" to mean water below the land surface that occurs in a zone of saturation.
- Add definition of "Groundwater Protection Rule and Strategy" to mean Chapter 12 of the Environmental Protection Rules adopted pursuant to 10 V.S.A. Chapter 48, as amended.
- Add definition of "potable water supply" to mean the same as it is defined in 10 V.S.A. Chapter 064.
- Add definition of "potable water source" to mean a component of a potable water supply that withdraws or collects water from soil or bedrock. Potable water sources include springs; drilled, driven, or dug wells; and surface water.
- Add definition of "public water source" to mean the same as it is defined in 10 V.S.A. Chapter 056.
- Add definition of "Wastewater and Potable Water Supply Rules" to mean Chapter 1 of the Environmental Protection Rules adopted pursuant to 10 V.S.A. Chapters 47, 56, and 64, as amended.

Section 5. General Standards for Pesticide Use; Standard of Operation

- In **5.02(i)**: revising provision to require management of pesticide use to "below the preventative action limits pursuant to Appendix One of the [GWPRS]".
- In **5.02(m)**:

- removing ability to reduce of 50-foot buffer from potable water source if “written permission allowing a lesser distance has been granted by the well owner”.
- in **5.02(m)(2)**: adding requirement for increased isolation distances from potable water sources when required by the WWPWS (Table 11-1).
- in **5.02(n)**: removing ability to reduce setbacks from public water supplies if “written permission allowing a lesser distance has been granted by the water supplier”, and incorporating requirement for specific isolation distances from public water supplies (to be consistent with the distances required by the Vermont Water Supply Rule).

Section 6. Permitting Requirements; Golf Course Permit

- In **6.05(e)(3)(A) and (B)**: updating references to “potable water sources”, “public non-community groundwater drinking water sources and intakes”, “public community drinking water sources and intakes”, and “surface water public non-community drinking water intakes” to better reflect isolation distances related to these types of drinking water sources in DEC’s rules.

Section 11. Transportation and Storage of Pesticides; Pesticide and Container Storage by Applications and Dealers

- In **11.02**: adding subdivision (s) to require minimum buffer distances to be maintained around public water sources to better reflect isolation distances related to these types of drinking water sources in DEC’s rules.

Section 12. Bulk Pesticide Storage

- In **12.03**:
 - Addition of subdivision (7) to require that bulk storage structures maintain buffer distances related to potable water sources as prescribed in Table 11-1 of the Wastewater and Potable Water Supply Rules.
 - Addition of subdivision (8) to require minimum buffer distances to be maintained around public water sources to better reflect isolation distances related to these types of drinking water sources in DEC’s rules.

Other:

- Replacing “private well” and “public well” with “potable water source” and “public water source”, respectively, throughout.

DEC supports the adoption of the rule with the above revisions and believes the adoption of these changes increases consistency with the provisions of the following rules regarding protection of drinking water resources:

- Wastewater System and Potable Water Supply Rules, Environmental Protection Rule Chapter 1
- Public Water Supply Rule, Environmental Protection Rule Chapter 24