

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 102 entitled “An act relating to the regulation of agricultural
4 inputs for farming” respectfully reports that it has considered the same and
5 recommends that the bill be amended as follows:

6 First: In Sec. 3, 6 V.S.A. chapter 218, in section 5133, in subsection (b), by
7 adding a subdivisions (3) and (4) to read:

8 (3) The rules shall prohibit a farm from initiating the production of
9 compost on or after July 1, 2021 within a downtown, village center, new town
10 center, neighborhood development area, or growth center designated under 24
11 V.S.A. chapter 76a.

12 (4) The rules adopted under this section shall be no less stringent than
13 the rules for compost facilities in the Agency of Natural Resources’ Vermont
14 Solid Waste Management Rules, as amended.

15 Second: By adding a Secs. 8a-8e to read:

16 Sec. 8a. RULEMAKING; IMPLEMENTATION

17 The Secretary of Agriculture, Food and Markets shall initiate the
18 rulemaking required under 6 V.S.A. § 5133 on or before January 1, 2022. The
19 Secretary of Agriculture, Food and Markets shall file under 3 V.S.A. § 841 a
20 final proposal of the rules required under 6 V.S.A. § 5133 on or before January
21 1, 2023.

1 **Sec. 8b. REPEAL; FOOD RESIDUALS ON FARMS**

2 The following shall be repealed on July 1, 2026:

3 (1) 10 V.S.A. § 6001(22)(H), Act 250 definition of farming;

4 (2) Vermont Agency of Agriculture, Food and Markets, Required
5 Agricultural Practices § 2.16(h), definition of farming; and

6 (3) 6 V.S.A. chapter 218, agricultural residuals management and any
7 rules adopted under 6 V.S.A. chapter 218.

8 **Sec. 8c. 10 V.S.A. § 6605(n) is amended to read:**

9 ~~(n) A farm producing compost under subdivision 6001(22)(H) is exempt~~
10 ~~from the requirements of this section. [Repealed.]~~

11 **Sec. 8d. 10 V.S.A. § 6605h is amended to read:**

12 **§ 6605h. COMPOSTING REGISTRATION**

13 **Notwithstanding sections 6605, 6605f, and 6611 of this title, the Secretary**
14 **may, by rule, authorize a person engaged in the production or management of**
15 **compost at a small scale composting facility to register with the Secretary**
16 **instead of obtaining a facility certification under section 6605 or 6605c of this**
17 **title. ~~This section shall not apply to a farm producing compost under~~**
18 **~~subdivision 6001(22)(H) of this title.~~**

19 **Sec. 8e. 10 V.S.A. § 6605j is amended to read:**

20 **§ 6605j. ACCEPTED COMPOSTING PRACTICES**

21 * * *

1 (b) A person operating a small scale composting facility or operating a
2 composting facility on a farm who follows the accepted composting practices
3 shall not be required to obtain a discharge permit under section 1263 or 1264
4 of this title, a solid waste facility certification under chapter 159 of this title, or
5 an air emissions permit under chapter 23 of this title unless a permit is required
6 by federal law or the Secretary of Natural Resources determines that a permit
7 is necessary to protect public health or the environment.

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

14 ~~(d) The Secretary shall not regulate under this section a farm producing~~
15 ~~compost under subdivision 6001(22)(H) of this title. [Repealed.]~~

16 Third: by striking out Sec. 11, Effective Dates, and its reader assistance in
17 their entirety and inserting in lieu thereof the following:

18 * * * Effective Dates * * *

19 Sec. 11. EFFECTIVE DATES

20 (a) This section and Secs. 1-8a (compost foraging; farming) shall take
21 effect on passage.

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(b) Secs. 8b-8e, reversion of ANR authority over compost facilities on farms, shall take effect July 1, 2026.

(c) All other sections shall take effect on July 1, 2021.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE