

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred Senate Bill No. 124
3 entitled “An act relating to miscellaneous agricultural subjects” respectfully
4 reports that it has considered the same and recommends that the report of the
5 Committee on Agriculture, Food Resiliency, and Forestry be amended as
6 follows:

7 First: In Sec. 3, 6 V.S.A. § 4851, in subsection (a), in the second to last
8 sentence, after “federal regulations for concentrated animal feeding operations”
9 and before the period, by inserting “or by the VPDES CAFO Rules”

10 Second: In Sec. 4, 6 V.S.A. § 4858, in subdivision (c)(1), in the second to
11 last sentence, after “federal regulations for concentrated animal feeding
12 operations” and before the period, by inserting “or by the VPDES CAFO
13 Rules”

14 and in subsection (d), in the third to last sentence, after “if required by
15 federal regulations for concentrated animal feeding operations” and before the
16 period, by inserting “or by the VPDES CAFO Rules”

17 Third: In Sec. 8, 10 V.S.A. chapter 47, subchapter 3A, in section 1351, by
18 striking out the lead in to subdivision (8) in its entirety and inserting in lieu
19 thereof a new lead in to subdivision (8) to read as follows:

1 (8) “Medium concentrated animal feeding operation” or “medium
2 CAFO” means an AFO that is defined as an AFO by the VPDES CAFO Rules
3 adopted by the Secretary, including an AFO that:

4 and in section 1352, by striking out subdivisions (1)–(4) in their entirety
5 and inserting in lieu thereof new subdivisions (1)–(4) to read as follows:

6 (1) Implement the federal Clean Water Act to administer a Vermont
7 pollutant discharge elimination system (VPDES) CAFO program that is at
8 least as stringent as the federal Clean Water Act and enabling rules.

9 (2) Make, adopt, revise, and amend rules as necessary to administer a
10 VPDES CAFO program that is at least as stringent as the federal Clean Water
11 Act and enabling rules.

12 (3) Make, adopt, revise, and amend procedures, guidelines, inspection
13 checklists, and other documents as necessary for the administration of the
14 VPDES CAFO program.

15 (4) Designate any AFO that meets the definition of a CAFO under the
16 federal Clean Water Act regulations or under the VPDES CAFO Rule as a
17 CAFO, in the Secretary’s sole discretion.

18 Fourth: In Sec. 9, community stakeholder group on agricultural water
19 quality, by adding a subsection (c) to read as follows:

20 (c) The Secretary of Natural Resources shall, as part of the report required
21 under this section, propose a plan for inspection of animal feeding operations

1 (AFOs) potentially subject to the requirements for a CAFO permit under 10

2 V.S.A. chapter 47, subchapter 3A. The plan shall include:

3 (1) a proposal of which AFOs should be subject to inspection, including
4 whether all large farm operations and medium farm operations must be
5 inspected to determine if a CAFO permit is required;

6 (2) a proposed schedule of inspection of those AFOs subject to
7 inspection, including the frequency of inspection or events or thresholds that
8 would require inspection; and

9 (3) an estimate of the staffing or other resources that would be required
10 to implement the proposed inspection plan.

11 Fifth: In Sec. 10, 10 V.S.A. § 1259, in subsection (i), in the first sentence,
12 after “~~shall delegate to and~~” and before “the Secretary of Agriculture, Food and
13 Markets”, by inserting “the VPDES CAFO Rules, and”

14 Sixth: In Sec. 11, 10 V.S.A. § 1263, in subsection (g), in the first sentence,
15 after “National Pollutant Discharge Elimination System permit regulations”
16 and before “shall submit an application”, by inserting “or the VPDES CAFO
17 Rules”

18 Seventh: In Sec. 12, 10 V.S.A. § 1264(d), in subdivision (1)(A), by striking
19 out the first sentence in its entirety and inserting in lieu thereof a new first
20 sentence to read as follows:

1 Stormwater runoff from farms in compliance with agricultural practices
2 adopted by the Secretary of Agriculture, Food and Markets, ~~provided that this~~
3 and not subject to the federal Clean Water Act, its enabling regulations, or the
4 VPDES CAFO Rules as determined by the Secretary of Natural Resources.

5 Eighth: By striking out Sec. 13, effective date, and its reader assistance
6 heading in their entirety and inserting in lieu thereof two new sections to be
7 Secs. 13 and 14 and their and their related reader assistance headings to read:

8 * * * Reference to Federal Clean Water Act * * *

9 Sec. 13. REFERENCE TO FEDERAL CLEAN WATER ACT

10 (a) Notwithstanding statements to the contrary in 6 V.S.A. chapter 215 or
11 10 V.S.A. chapter 47, when the following are referenced in 6 V.S.A. chapter
12 215 or in 10 V.S.A. chapter 47, the text of each shall be applied and interpreted
13 as each public law, statute, or regulation existed on January 1, 2025, regardless
14 of any subsequent amendment, repeal, or other substantive change:

15 (1) Pub. L. No. 92-500;

16 (2) the federal Clean Water Act;

17 (3) federal laws or regulations related to the federal Clean Water Act;

18 (4) the enabling regulations of the federal Clean Water Act, including
19 citations to the Code of Federal Regulations for regulations adopted under the
20 federal Clean Water Act;

(b) Subsection (a) of this section shall be repealed on April 1, 2029.

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

FOR THE COMMITTEE