

Agency of Agriculture, Food & Markets
Office of the Secretary
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DATE OF SECRETARY'S SIGNATURE

FARM OPERATION NAME
OPERATOR FIRST NAME LAST NAME
MAILING ADDRESS
EMAIL

CUSTOM APPLICATOR
EMAIL

Emergency Winter Agricultural Spreading Ban Exemption

Dear FARM OPERATION and CUSTOM APPLICATOR,

On DATE you contacted the Agency of Agriculture, Food & Markets to indicate a need on your farm for an exemption to the Winter Agricultural Spreading Ban. It is the Agency's understanding that this exemption for **NUMBER gallons**, is necessary because otherwise you will not have sufficient storage among the storage facilities available to you to manage manure and any other agricultural runoff you are required to collect during the winter spreading ban due to the significant rainfall and early snowfall that covered Vermont this year.

The 2023 estimated annual rainfall since July is 35% greater than the average annual rainfall (1901-2000) for the same months. This increased volume of precipitation created field conditions that delayed work leading up to the ban and produced significantly more diluted manure and agricultural runoff that need to be managed. **Despite these challenges, you are expected to continue to follow NMP requirements designed to prevent nutrient runoff to the greatest extent practicable.**

Section 6.06(a) of the Required Agricultural Practices Regulations (RAPs) states, "In granting an emergency exemption, the Secretary shall establish requirements so that manure will be applied on fields in a manner with the least likelihood of generating runoff to surface waters." The following restrictions apply to the land application of manure and collected agricultural runoff applied under this emergency exemption:

Exemption Requirements:

- ▶ Do not apply within 100 feet of any surface waters, ditches or surface inlets.
- ▶ Do not apply within 100 feet of private water supplies.
- ▶ Do not apply within 200 feet of public water supplies.
- ▶ Assess the soil moisture conditions and apply at rates that prevent runoff from occurring at the time of application.
- ▶ Do not apply during a precipitation event or when rain or snow melt is actively running off the intended area of application.
- ▶ Be aware of the forecasted weather conditions for the next 48 hours, including temperature changes that would result in melting or the predicted percentage of precipitation and the amount. Do not apply if there is a high likelihood of runoff as a result of the forecast in the next 48-hour period.
- ▶ Reduce rates or consider split applications where field conditions have a high likelihood of runoff.
- ▶ Do not apply on fields with slopes greater than 15%.

In addition to these requirements, you must take all additional precautions, such as increasing setbacks or lowering application rates, that are necessary to prevent discharges of manure or collected agricultural runoff to surface waters.

Affirmative Action Employer and Provider



Please be advised that if you hire a custom manure applicator, you and the applicator are responsible for ensuring that you each understand and follow all of the conditions of this exemption.

Once you or your custom applicator have started spreading, if there is any complication with the weather that will prevent you from complying with any restriction listed above, please stop spreading and resume when conditions are appropriate for spreading.

It is the farm's and custom applicator's responsibility to ensure that all appropriate measures are considered and utilized when spreading to ensure that the land applied nutrients do not runoff to water. If runoff of nutrients occurs, your farm and/or custom applicator may be liable for the runoff losses.

Please note that FARM OPERATION and CUSTOM APPLICATOR are required to keep nutrient application records. FARM OPERATION shall use nutrient application information for your nutrient management plan (NMP) and shall take a sample of manure and have it analyzed for nutrient content as part of your NMP. This information should be taken into account when reconciling the implementation of your NMP.

This Emergency Winter Agricultural Spreading Ban Exemption does not exempt you from any other portion of the Required Agricultural Practices Regulations (RAP's), or any other laws or regulations that may pertain to your operation.

If you have any questions on the winter agricultural spreading exemption process, please contact Laura DiPietro at 802-595-1990 or Nate Sands at 802-224-6850.

NOT VALID UNTIL SIGNED BY THE AGENCY.

Anson Tebbetts, Secretary
Vermont Agency of Agriculture, Food and Markets

I believe, to the best of my ability, that the information I provided is accurate and complete and I certify that the farm lacks sufficient capacity to store all manure and/or other collected runoff throughout the winter ban period. I read and understand the terms of this exemption and agree to follow all requirements described in this exemption when spreading during the winter ban period. I also understand that the Secretary may revoke this exemption and/or amend the requirements as they deem appropriate. I know and agree that the exemption is not valid or effective unless and until signed by the Secretary of the Vermont Agency of Agriculture, Food & Markets.

Farm Operation – FARM NAME, OPERATOR FIRST NAME LAST NAME
Signature

Custom Applicator – CUSTOM APPLICATOR
Signature

