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H.54

Introduced by Representatives Keenan of St. Albans City, Branagan of Georgia, Brennan of Colchester, Condon of Colchester, Dakin of Colchester, Donovan of Burlington, Kitzmiller of Montpelier, Lenos of Shelburne, Parent of St. Albans City, and Pearson of Burlington

Referred to Committee on

Date:

Subject: Agriculture; water quality; manure application

Statement of purpose of bill as introduced: This bill proposes to require the Secretary of Agriculture, Food and Markets to adopt by rule a process to certify the operation of custom applicators of manure, nutrients, sludge, or other solid waste from a manure pit or digester. In addition, on or after April 1, 2016, the bill would provide that only a custom applicator certified by the Secretary of Agriculture, Food and Markets may apply manure, nutrients, sludge, or other solid waste from a manure pit or digester on fields owned or operated by a large or medium farm located in a watershed of a nutrient impaired lake. On or after January 1, 2019, only a certified custom applicator would be authorized to apply manure, nutrients, sludge, or other solid waste from a manure pit or digester on any farm in a watershed of a nutrient impaired lake.

1 An act relating to manure application on farms located in watersheds of
2 nutrient impaired lakes

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 6 V.S.A. chapter 215, subchapter 8 is added to read:

5 Subchapter 8. Application of Manure,

6 Nutrients, or Sludge

7 § 4961. DEFINITIONS

8 As used in this subchapter:

9 (1) “Custom applicator” means a person who applies manure, nutrients,
10 sludge, or solid waste from a manure pit or digester to land and who charges or
11 collects other consideration for the service.

12 (2) “Lake” shall have the same meaning as defined in 10 V.S.A. § 1422.

13 (3) “Manure” means livestock waste that may also contain bedding,
14 spilled feed, water, or soil.

15 (4) “Nutrient impaired lake” means a lake in the State identified by the
16 Secretary of Natural Resources as impaired due to excessive nutrient or
17 phosphorus loading, including Lake Champlain, Lake Memphremagog, Lake
18 Carmi, and Ticklenaked Pond.

19 (5) “Seasonal employee” means a person who:

20 (A) works for a custom applicator for 20 weeks or fewer in a
21 calendar year; and

22 (B) works in a job scheduled to last 20 weeks or fewer.

1 (6) “Sludge” means any solid, semisolid, or liquid generated from a
2 municipal, commercial, or industrial wastewater treatment plant or process,
3 water supply treatment plant, air pollution control facility, or any other such
4 waste having similar characteristics and effects.

5 (7) “Solid waste” shall have the same meaning as defined in
6 10 V.S.A. § 6602.

7 (8) “Waters” or “water” shall have the same meaning as defined in
8 10 V.S.A. § 1251.

9 § 4962. CERTIFICATION OF CUSTOM APPLICATOR

10 (a) On or before January 1, 2016, the Secretary of Agriculture, Food and
11 Markets shall adopt by rule a process to certify the operation of custom
12 applicators within the State. The certification process shall require a custom
13 applicator to complete eight hours of training over each five-year period
14 regarding:

15 (1) application methods or techniques to minimize the runoff of
16 land-applied manure, nutrients, sludge, or solid waste from a manure pit or
17 digester to State waters; and

18 (2) identification of weather or soil conditions that increase the risk of
19 runoff of land-applied manure, nutrients, sludge, or solid waste from a manure
20 pit or digester to State waters.

1 (b) A custom applicator shall not apply manure, nutrients, sludge, or solid
2 waste from a manure pit or digester unless certified by the Secretary of
3 Agriculture, Food and Markets.

4 (c) A custom applicator certified under this section may train seasonal
5 employees in methods or techniques to minimize runoff to waters and to
6 identify weather or soil conditions that increase the risk of runoff. A custom
7 applicator who trains a seasonal employee under this subsection shall be liable
8 for damages done and liabilities incurred by a seasonal employee who
9 improperly applies manure, nutrients, sludge, or solid waste from a manure pit
10 or digester.

11 (d) The requirements of this section shall not apply to an owner or operator
12 of a farm applying manure, nutrients, sludge, or solid waste from a manure pit
13 or digester to a field that he or she owns or controls, except that an owner or
14 operator of a farm shall not apply manure, nutrients, sludge, or solid waste
15 from a manure pit or digester to a field that he or she owns if that field is
16 located in a watershed of a nutrient impaired lake subject to the requirements
17 of section 4963 of this title.

18 § 4963. MANURE, NUTRIENT, AND SLUDGE APPLICATION IN A
19 WATERSHED OF A NUTRIENT IMPAIRED LAKE

20 (a) On or after April 1, 2016, only a custom applicator certified by the
21 Secretary of Agriculture, Food and Markets shall apply manure, nutrients,

1 sludge, or solid waste from a manure pit or digester on a field owned or
2 operated by a large farm or medium farm located in a watershed of a nutrient
3 impaired lake.

4 (b) A custom applicator applying manure or solid waste from a manure pit
5 or digester to land under this section shall:

6 (1) only apply manure or solid waste from a manure pit or digester on a
7 farm that has a current nutrient management plan approved by the Secretary of
8 Agriculture, Food and Markets;

9 (2) use global positional system equipment in order to determine field
10 locations and proximity to surface waters; and

11 (3) upon completion of application of manure or solid waste from a
12 manure pit or digester on a farm, record the amount of liquid remaining in the
13 waste storage facility or facilities on the farm and report the amount to the
14 Secretary of Agriculture, Food and Markets.

15 (c) A certified custom applicator shall not apply manure, nutrients, sludge,
16 or solid waste from a manure pit or digester to a field of a large farm or
17 medium farm that he or she owns or controls if the farm is located in a
18 watershed of a nutrient impaired lake.

19 (d) The Secretary of Agriculture, Food and Markets shall publish and
20 disseminate to farmers and custom applicators a map of the watersheds of

1 nutrient impaired lakes and the property subject to the requirements of this
2 section within each watershed.

3 Sec. 2. 6 V.S.A. § 4963 is amended to read:

4 § 4963 MANURE, NUTRIENT, AND SLUDGE APPLICATION IN A
5 WATERSHED OF A NUTRIENT IMPAIRED LAKE

6 (a) ~~On or after April 1, 2016, only~~ Only a custom applicator certified by the
7 Secretary of Agriculture, Food and Markets shall apply manure, nutrients,
8 sludge, or solid waste from a manure pit or digester on a field owned or
9 operated by a ~~large farm or medium~~ farm located in a watershed of a nutrient
10 impaired lake.

11 (b) A custom applicator applying manure or solid waste from a manure pit
12 or digester to land under this section shall:

13 (1) only apply manure or solid waste from a manure pit or digester on a
14 farm that has a current nutrient management plan approved by the Secretary of
15 Agriculture, Food and Markets;

16 (2) use global positional system equipment in order to determine field
17 locations and proximity to surface waters; and

18 (3) upon completion of application on a farm, record the amount of
19 liquid remaining in the waste storage facility or facilities on the farm and
20 report the amount to the Secretary of Agriculture, Food and Markets.

1 (c) A certified custom applicator shall not apply manure, nutrients, sludge,
2 or solid waste from a manure pit or digester to a field of a ~~large farm or~~
3 ~~medium~~ farm that he or she owns or controls if the farm is located in a
4 watershed of a nutrient impaired lake.

5 * * *

6 Sec. 3. PRIORITY ASSISTANCE FOR SMALL FARM NUTRIENT
7 PLANNING

8 Notwithstanding 6 V.S.A. § 4823, prior to January 1, 2019, small farms
9 located in a watershed of a nutrient impaired lake, as that term is defined in
10 6 V.S.A. § 4961, shall be given first priority for incentive grants for nutrient
11 management planning under 6 V.S.A. chapter 215, subchapter 3.

12 Sec. 4. EFFECTIVE DATES

13 (a) This section and Secs. 1 (application from large and medium farms in a
14 watershed of a nutrient impaired lake) and 3 (priority assistance for small farm
15 nutrient planning) of this act shall take effect on passage.

16 (b) Sec. 2 (application by all farms in a watershed of a nutrient impaired
17 lake) of this act shall take effect on January 1, 2019.