

Vermont Water Quality Regulatory Structure



- In a recent draft report from EDF, VT approach to non-point source pollution is seen as one of the most comprehensive in the nation
- VAAFMM retains non-point source authority while EPA and DEC maintains point source (CAFO)
- DEC in VT is delegated to implement CAFO program for EPA
- Legislature provided VAAFMM authority to create the AAPs, MFO and LFO rules

Vermont Water Quality Regulatory Structure



- AAPs were specifically designed to be low-cost, low tech and to reduce, not eliminate pollution
- VAAFM has expanded coverage akin to the CAFO regulations to MFO's and LFO's through state law and permitting programs
- VAAFM can require by law that a farm implements a BMP but identify available cost-share assistance
- Conservation Districts offer technical assistance with AAPs and are partially funded by VAAFM

Review of Other State Regulatory Structures



- Only 19 states have mandatory requirements for non-point source pollution
- Some states only focus on impaired watersheds for enhanced non-point source controls
- Other states have expanded their CAFO programs to small farms
- Some states cap authority to be no greater than federal rules
- Some states choose to use voluntary incentive programs without strings
- Other states tie strings to obtaining voluntary program opportunities
- Some states give Ag Dept. NPS authority, while others are managed through DEC's.

	Vermont	Oregon
Zone Management	Statewide	Area Management Plans (38) each with own rules, developed with local advisory groups and reviewed every 2 years
Small Farms	AAPs, complaint driven inspection process, State MFO program. VT DEC WQ Standards	Could be CAFO (any facilities w/ more than 1 confined animal for 4 months or more)
Medium Farms	State MFO program, *new* DEC CAFO general permit, VT DEC WQ Standards	CAFO
Large Farms	State LFO program, *new* DEC CAFO individual permit, VT DEC WQ Standards	CAFO
NMP	NMP required on MFO, LFO and CAFO, NMPlanning on all other farms. CAFO are publicly noticed	Animal Waste Mgt Plans on CAFOs, all are publicly noticed.
Livestock Exclusion	Adequate vegetation and on MFO/LFO no access in production area	CAFO-no access in production area. Could be in area plan specific.
Buffers	10' general and 25' at points of runoff in AAPs, and 25' general for MFO and LFO	CAFO-35' or less where equivalent BMPs that would be as effective as 100' setback are installed
Conservation District Role	Technical Assistance Only, do not write plans (assist in tools only)	TA, plan development and implementation
Winter Spreading	Prohibited, emergency exemptions provided	CAFO can spread on frozen soil with appropriate documentation

	Pennsylvania	New York
Zone Management	Statewide	Statewide
Small Farms	Have a self assessment program. High Density CAO AND 8,000 lbs of animals on farm (HD=2,000 lbs/ac) Equivalent 8 horses, 55 pigs, 9 steers, 6 cows, etc.	AEM voluntary program, cost-share incentives connected and DEC WQ Standards
Medium Farms	CAFO/CAO	Revising CAFO/ECL permits, 300 dairy cows is minimum.
Large Farms	CAFO/CAO	CAFO (only discharges)/ECL (only proposed to discharge)
NMP	All farms must have manure management manual requirements (NMPlanning for SFOs) and erosion & sediment regulations (akin to SW construction permits and RUSLE)	CNMP for Medium and Large, and Annual NMP Report for Large. AEM for small farms
Livestock Exclusion	P Index is used and where Very High values, P removal stocking rates and 50' buffers	AEM voluntary program, cost-share incentives connected
Buffers	Farms utilizing CAFO manure or CAO must have 35' buffer or 100' setback. If P Index indicates, manure can be applied closer to surface water. Covers all permanent and intermittent streams.	CAFO/ECL 35' buffer or 100' setback, OR 15' buffer when incorporated within 24 hours.
Conservation District Role	Districts can be delegated enforcement authority	Manage the voluntary AEM program
Winter Spreading	Fall manure application cover crop or injection/incorporation requirements. Fields identified in plan, 100' buffers from more resources (wells, wetland, intake ag drain systems), 25% minimum ground cover, and defines frozen ground (4" depth)	Allowed on predetermined fields when ground is not frozen or snow covered in CAFO/ECL permits. DEC WQ Standards for small farms.