

# **STATE ENVIRONMENTAL LAWS AFFECTING VERMONT AGRICULTURE**

*(See NASDA's website for  
Federal Environmental Laws Affecting U.S. Agriculture)*

**A Project of the**

**National Association of State Departments  
of Agriculture Research Foundation**

**through the**

**National Center for Agricultural Law  
Research and Information**

**!!!**

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# STATE ENVIRONMENTAL LAWS AFFECTING MASSACHUSETTS AGRICULTURE

## Table of Contents

**This document has two components: the state guide and federal guide. To complete this guide, please download the federal guide also found on NASDA’s website.**

The Project Participants .....	VT-iii
Disclaimer .....	VT-iv
Quick Reference Guide .....	VT-v
I. Water Quality .....	VT-1
A. Vermont Water Quality Laws and Regulations .....	VT-1
1. Vermont Water Pollution Control Act .....	VT-1
2. Agricultural Non-Point Sources Pollution Reduction Program .....	VT-3
3. Regulation of Large Farm Operations (LFOs) .....	VT-5
4. Vermont Wetland Rules .....	VT-6
5. Vermont Wasteload Allocation Process .....	VT-6
6. Emergency Authority .....	VT-7
II. Groundwater .....	VT-7
A. Vermont Groundwater Laws and Regulations .....	VT-7
1. Vermont’s Groundwater Protection Rule and Strategy .....	VT-7
2. Licensing and Standards for Well Construction .....	VT-8
III. Air Quality .....	VT-9
A. Vermont Air Quality Laws and Regulations .....	VT-9
IV. Solid Waste and Hazardous Waste .....	VT-11
A. Vermont Solid Waste and Hazardous Waste Laws and Regulations .....	VT-11
1. Vermont Solid Waste Management Rules .....	VT-11
2. Vermont Hazardous Waste Management Regulations .....	VT-13
3. Underground (and Aboveground) Storage Tank Regulation .....	VT-15
V. Pesticides and Chemigation .....	VT-16
A. Vermont Pesticide and Chemigation Laws and Regulations .....	VT-16
1. Vermont’s Insecticide, Fungicide and Rodenticide Act of 1947 ...	VT-16
2. Vermont Fertilizer and Lime Law of 1986 .....	VT-19
VI. Protection of Wildlife .....	VT-19
A. Vermont Wildlife Protection Laws and Regulations .....	VT-19

1.	Vermont Endangered Species Laws .....	VT-19
2.	Fish Propagation and Protection Laws .....	VT-20
VII.	Other State Environmental Statutes Affecting Agriculture .....	VT-21
1.	Uniform Environmental Law Enforcement .....	VT-21
	Appendix - Agencies .....	VT-22

## **The Project Participants**

### **National Association of State Departments of Agriculture Research Foundation**

The National Association of State Departments of Agriculture (NASDA) is a nonprofit association of public officials representing the Commissioners, Secretaries, and Directors of Agriculture in the fifty states and four territories. The NASDA Research Foundation is a 501(c)(3) nonprofit, tax-exempt corporation for education and scientific purposes.

### **National Center for Agricultural Law Research and Information**

The National Center for Agricultural Law Research and Information (Center) was created in 1987 under Public Law 100-202, 101 Stat. 1329-30 to address the complex legal issues that affect American agriculture. The Center focuses its efforts on research, writing, publishing, development of library services, and the dissemination of information to the public. The Center is located at the University of Arkansas School of Law in Fayetteville, Arkansas.

### **Natural Resources Conservation Service**

The Natural Resources Conservation Service (NRCS), formerly known as the Soil Conservation Service (SCS), is a federal agency within the U.S. Department of Agriculture (USDA). NRCS conservationists work with private landowners and operators to help them protect their natural resources.

### **U.S. Environmental Protection Agency**

The U.S. Environmental Protection Agency (EPA) is a federal agency with primary responsibility for implementation of most federal laws designed to protect, enhance, and conserve the nation's natural resources.

## **Disclaimer**

This guide is designed for use by farmers, ranchers, landowners, and their consultants in understanding the effect environmental laws have on agricultural operations. It is not a substitute for individual legal advice. Producers should always confer with their own attorneys, consultants, or advisors, as well as federal, state, and local authorities responsible for the applicable environmental laws.

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The contents and views expressed in this guide are those of the authors and do not necessarily reflect the policies or positions of the United States Department of Agriculture (USDA) NRCS or EPA.

Although every effort has been made to ensure the accuracy of the information contained in this book, environmental statutes, regulations, and ordinances are constantly changing. In addition, the overwhelming complexity and extent of environmental law make it impossible for a single book to describe in complete detail and depth all of the environmental laws and regulations impacting agricultural operations. The following material is simply a basic primer on environmental law for agricultural producers. For these reasons, the utilization of these materials by any person constitutes an agreement to hold harmless the authors, the National Center for Agricultural Law Research and Information, the University of Arkansas, the United States Department of Agriculture, the National Association of State Departments of Agriculture Research Foundation, the Natural Resources Conservation Service, and the United States Environmental Protection Agency for any liability, claims, damages, or expenses that may be incurred by any person or organization as a result of reference to, or reliance on, the information contained in this book.

The background research and final documents were completed in November of 2000.

Anyone with comments concerning the guide should contact the NASDA Research Foundation at 1156 15th Street, N.W., Suite 1020, Washington, D.C. 20005.

## Quick Reference Guide

**Producer Note:** The following chart is intended as a quick reference guide to permits which may be necessary for a particular operation. If a permit is necessary, refer to the page numbers listed referencing this document for further information and contact the agencies listed in the final column for information on applications and procedures for securing a permit for an operation. A list of agencies and contact information is also provided in the Appendix.

Regulatory Area	Type of Activity	Permit Required	Agency
Water Quality <i>pp. 1-7</i>	Livestock and aquaculture operations, depending on size	NPDES and state general permit or land disposal permit; state LFO permit	EPA Regional Office and Vermont Department of Environmental Conservation or Department of Agriculture, Food & Markets
	Wetlands dredge and fill activity or dam, dike, or bridge building activities	Section 404 permit and state conditional use determination	US Army Corps of Engineers with EPA and Vermont Agency of Natural Resources approval
	Water well construction	License required	Vermont Department of Environmental Conservation
Groundwater <i>pp. 7-9</i>	Groundwater protection	No specific permit, but nondegradation standards apply	Vermont Department of Environmental Conservation
Air Quality <i>pp. 9-11</i>	General agricultural operations including odor, dust, or flies	No permit, but may be subject to nuisance suits	EPA Regional Office or Vermont Department of Environmental Conservation
	Burning	No permit; may be prohibited.	Vermont Department of Environmental Conservation
Solid Waste and Hazardous Waste <i>pp. 11-16</i>	Storage, treatment, disposal or transportation of hazardous or solid waste	Permit required for disposal, treatment, storage or transportation activities	EPA Regional Office and Vermont Department of Environmental Conservation

<b>Regulatory Area</b>	<b>Type of Activity</b>	<b>Permit Required</b>	<b>Agency</b>
	Public notice of hazardous waste	No permit	Local Emergency Planning Committee and Vermont Department of Labor
Pesticides and Chemigation <i>pp. 16-19</i>	Application and use of pesticides	State permits required for certain applications; certification may be required	EPA, Vermont Department of Agriculture, Food & Markets, Vermont Department of Environmental Conservation
	Record keeping	No permit, but all requirements must be met	Vermont Department of Agriculture, Food & Markets
Wildlife Protection <i>pp. 19-20</i>	Taking of wildlife	Permit required if endangered or threatened species may be affected	U.S. Fish and Wildlife Service and Vermont Department of Fish & Wildlife

# STATE ENVIRONMENTAL LAWS AFFECTING VERMONT AGRICULTURE

**Producer Note:** Agricultural producers are faced with many challenges in today's rapidly changing world. Changes in industrialization, use of computer-based technology, governmental involvement in market dynamics, and environmental regulation are affecting producers in a number of ways. Environmental regulation is a complex area with both federal and state government involvement. Keeping informed is the producer's most useful instrument for meeting the challenges of today's agriculture. This information on environmental regulation is provided to inform producers of the breadth and scope of environmental laws which may impact daily production activities.

## I. WATER QUALITY

### A. Vermont Water Quality Laws and Regulations

Most states have enacted clean water legislation. While these statutes usually contain provisions similar to those found in the parallel federal legislation, there may be significant differences. In fact, state statutes may impose requirements that are even more restrictive than the federal law. In all cases, CWA requirements must be followed, and are enforced along with the state enacted statutes and regulations implemented by the state administrative agencies. Under the CWA, EPA has delegated the NPDES permit program to many states.

**Caution:** Because environmental laws and regulations change frequently, all producers must stay in contact with both state and federal officials in order to remain aware of and in compliance with changes in the law.

#### 1. *Vermont Water Pollution Control Act*

Pursuant to the Vermont Water Pollution Control Act,<sup>1</sup> the state's water quality program is managed by the Department of Environmental Conservation (Department), enforcing standards promulgated by Vermont Water Resources Board. The Department is charged with the responsibility of protecting and managing the water resources within the state.<sup>2</sup> To that end, it has assumed responsibility for administering the NPDES permit programs governing the discharge of pollutants into Vermont waters.

Waters in Vermont are assigned to one of two classes. Class A waters are high quality waters with significant ecological value or suitable for public water supply. All other waters,

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<sup>1</sup> VT. STAT. ANN. tit. 10 §§ 1250 et seq.

<sup>2</sup> VT. STAT. ANN. tit. 10 § 905b.

including those suitable for irrigation and agricultural uses, are designated as Class B waters.<sup>3</sup> Within Class B waters, limited areas may be designated as “waste management zones” or “mixing zones,” into which direct discharge of waste prior to treatment is permitted. The state’s anti-degradation policy provides that the state’s waters are to be managed so that the beneficial values and uses associated with the classification are obtained and maintained. The Vermont Agency of Natural Resources has the authority to take legal action to enforce and maintain any water’s classification.<sup>4</sup>

A permit from the Department is generally required for any person to discharge, directly or indirectly, any waste, substance or material into any river, stream, creek, brook, reservoir, pond, lake, spring, or body of surface water, or to discharge into an injection well any waste which would have a substantial adverse effect on water quality.<sup>5</sup> In most cases, a permit will only be issued where the proposed activity has no significant impact on the existing use of the water body by aquatic biota, fish or wildlife, or would not result in significant degradation of an existing use for recreation, fishing, water supply, or commercial purposes.<sup>6</sup> The Department may impose conditions on the permit in order to maintain the water quality associated with the affected waters’ classification.

In the interest of promoting a healthy and prosperous agricultural community, however, the statutes and regulations contain several exceptions and substantive provisions unique to agriculture. First, the statute provides that the proper application of fertilizer to fields and crops may not be prohibited by means of the permit process.<sup>7</sup> Second, “accepted agricultural or silvicultural practices” are exempted from some of the discharge prohibitions outlined in the statute, including:

- ! Causing a direct discharge of wastes that, prior to treatment, contained pathogenic organisms;
- ! Causing a discharge of wastes into Class A waters without a permit;  
and
- ! Causing any new or increased indirect discharge of wastes into Class B waters without a permit.<sup>8</sup>

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<sup>3</sup> VT. STAT. ANN. tit. 10 § 1258.

<sup>4</sup> VT. STAT. ANN. tit. 10 § 1258(a).

<sup>5</sup> VT. STAT. ANN. tit. 10 § 1263.

<sup>6</sup> Vermont Water Quality Standards § 1-03.B.2 (April 21, 1997).

<sup>7</sup> VT. STAT. ANN. tit. 10 § 1259(a).

<sup>8</sup> VT. STAT. ANN. tit. 10 § 1259(f).

Note, however, that the general discharge prohibition and accompanying permit requirement do not fall within these exemptions. Third, the statute establishes an Agricultural Non-Point Sources Pollution Reduction Program, described below, under which qualifying agricultural practices will be presumed in compliance with state water quality standards.

## **2. *Agricultural Non-Point Sources Pollution Reduction Program***

Under Vermont's Agricultural Non-Point Sources Pollution Reduction Program,<sup>9</sup> the state's Department of Agriculture, Food & Markets (Department) classifies agricultural land use practices into two categories: accepted agricultural practices (AAPs), and best management practices (BMPs).

As part of the Department's comprehensive effort to reduce nonpoint pollution discharges, AAPs are the minimally acceptable standards to which agricultural operations will be held. AAPs include such practices as erosion and sediment control, and management of animal waste, fertilizer and pesticides. Among the conditions and restrictions imposed by the AAP Rules<sup>10</sup> are the following:

- ! Direct discharges from point sources, such as pipes, ditches, or conduits, require a permit from the Department;
- ! Concentrated overland flow of wastes into adjoining waters are prohibited;
- ! Barnyards, manure storage lagoons and animal holding areas must be managed to avoid discharges of manure runoff;
- ! Manure may not be stacked in fields if the stacking can create prohibited flow of runoff;
- ! Manure, fertilizer, and pesticide storage and application must conform to specified standards;
- ! Cropland must be cultivated to meet acceptable soil loss standards;
- ! Agricultural wastes, including chemical and petroleum products, containers, and carcasses must be properly stored, handled, and disposed of to eliminate adverse water quality impacts;

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<sup>9</sup> VT. STAT. ANN. tit. 6 §§ 4810 et seq.

<sup>10</sup> Vermont Accepted Agricultural Practice Rules § 4.01 et seq. (June 29, 1995).

- ! Buffer zones of perennial vegetation must be maintained between row cropland and the banks of adjoining waters; and
- ! Construction of new farm structures must conform to setback requirements.

The Department has the authority to issue cease and desist orders, seek injunctions or other legal remedies, and assess administrative penalties of up to \$25,000 (\$1,000 per day) against anyone conducting farming activities inconsistent with AAPs.<sup>11</sup> Farming activities are defined by statute<sup>12</sup> and regulation<sup>13</sup> to include a broad variety of agriculture-related activities.

BMPs may be required by the Department on a case-by-case basis, where they are necessary to prevent or reduce pollution from nonpoint source wastes to a level consistent with the state water quality rules.<sup>14</sup> However, compliance with BMPs may be enforced only when there is sufficient financial assistance available to aid farmers in achieving the BMP standards. Vermont has established a financial assistance program to assist farmers in voluntary construction of on-farm improvements designed to abate non-point source agricultural waste discharges into the waters of the state.<sup>15</sup> The BMP Rules also provide for a program of phosphorus loading reduction credits for discontinuing winter spreading of manure within the Lake Champlain Basin. Under the program, specified practices will be used to determine environmental credits for phosphorus reduction, to be used to show progress toward compliance with the phosphorus allocation plan necessary to meet in-lake standards for phosphorus.<sup>16</sup>

For purposes of compliance with the state's water quality standards, the requirements for discharges of nonpoint source wastes are presumed to be satisfied when the activity producing the discharge:

- ! Is conducted in accordance with accepted agricultural or silvicultural practices; and
- ! Does not result in an undue adverse effect on any beneficial value or use or result in irreversible damage to the waters of the State; and

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<sup>11</sup> VT. STAT. ANN. tit. 6 § 4812; Vermont Accepted Agricultural Practice Rules § 5.2 (June 29, 1995).

<sup>12</sup> VT. STAT. ANN. tit. 10 § 6001(22).

<sup>13</sup> Vermont Accepted Agricultural Practice Rules § 2.06 (June 29, 1995).

<sup>14</sup> Vermont Best Management Practice Rules § 7.1 (January 27, 1996).

<sup>15</sup> VT. STAT. ANN. tit. 6 §§ 4820 et seq.; Vermont Best Management Practice Rules §§ 3.1 et seq. (January 27, 1996).

<sup>16</sup> Vermont Best Management Practice Rules §§ 8.1 et seq. (January 27, 1996).

- ! Is consistent with the strategy for managing nonpoint source wastes within any applicable basin plan.<sup>17</sup>

When specific water quality analysis demonstrates that the state water quality standards are violated, the presumption of compliance is negated. Furthermore, the presumption is applicable only to nonpoint source wastes from farms managed with at least accepted agricultural practices; point source waste discharges and discharges as a result of substandard practices remain subject to the general water quality standards and permit requirements.

### 3. *Regulation of Large Farm Operations (LFOs)*

Current statutes provide that a permit (LFO permit) from the Department of Agriculture, Food & Markets is required in order to construct or expand a barn designed for large-scale livestock or fowl operations, and to operate such a large-scale farm.<sup>18</sup> The LFO program's proposed rules,<sup>19</sup> designed to protect the state's groundwater and surface water, prescribes criteria intended to cause operators to manage the large farm in a manner which achieves a technical standard equivalent to that required by the federal CAFO regulations. When a farm is in compliance with the LFO Proposed Rules, a discharge will not occur; this will preclude the need for a federal NPDES permit in addition to the state LFO permit.

LFO permits are required when the operation involves more than 950 animal units of horses, cattle and sheep; 2,375 swine; 95,000 or 28,500 laying-hens or broilers (depending on whether the facility uses a continual water flow or liquid manure system); 4,750 ducks; or 52,250 turkeys. Permits will be granted only when the applicant demonstrates that the farm has an adequately sized manure management system and a nutrient management plan for waste disposal. The applicant must show compliance with detailed standards for operations and structural design outlined in the LFO proposed rules.<sup>20</sup> Permits may be conditioned or denied on the basis of odor, noise, traffic, insects, flies, or other pests. Permittees must comply with recordkeeping and reporting requirements, and they must submit to inspections.<sup>21</sup>

**Producer Note:** The statute creating the LFO permit program has a sunset provision; unless renewed by the legislature, the program will be repealed, effective July 1, 2000.

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<sup>17</sup> Vermont Water Quality Standards § 2-04.A (April 21, 1997).

<sup>18</sup> VT. STAT. ANN. tit. 6 §§ 4850 et seq.

<sup>19</sup> Vermont Large Farm Operation (LFO) Regulation Proposed Rules.

<sup>20</sup> Vermont Large Farm Operation (LFO) Regulation Proposed Rules, subch. 7.

<sup>21</sup> Vermont Large Farm Operation (LFO) Regulation Proposed Rules, subch. 8.

#### **4. Vermont Wetland Rules**

Vermont has adopted rules for the protection of wetlands classified as significant in terms of environmental, recreational or aesthetic values.<sup>22</sup> These rules establish a hierarchy of potential uses to which significant wetlands may be put. Any use not expressly included on the list of allowed uses is deemed a conditional use, requiring a permit (“conditional use determination”) from the Vermont Agency of Natural Resources. Most agricultural activities are exempt from the Wetland Rules. The enabling statute expressly excludes “such areas as grow food or crops in connection with farming activities” from its definition of wetlands,<sup>23</sup> and it further directs that the rules should not unduly restrain agricultural activities.<sup>24</sup> Exempt farming activities include the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural or orchard crops; and the growing of food and crops in connection with raising, feeding, or management of livestock, poultry, equines, fish farms, or bees for profit; further, the exemption applies to all areas with such uses, including those in ordinary crop rotation.<sup>25</sup> However, practices inconsistent with the Department of Agriculture, Food & Markets’ Acceptable Agricultural Practices will be subject to the requirement of a conditional use determination.<sup>26</sup>

#### **5. Vermont Wasteload Allocation Process**

Recognizing that the capacity of any water body to assimilate waste without significant degradation in water quality is finite, the state has adopted a process for placing limits on the amount of waste that may be discharged and allocating the allowable wasteload among competing dischargers.<sup>27</sup> The state Wasteload Allocation Process, administered by the Department of Environmental Conservation (Department), is implemented through the NPDES permit program and included in the State Water Quality Management Plan. When proposed discharges or projected growth precipitates the need for a wasteload allocation, the Department will evaluate the assimilative capacity of affected water bodies, propose several alternative allocation plans (which may include prescribing total maximum daily loads (TMDLs) and/or specified treatments), and present informational materials at a public meeting. The final wasteload allocation will preclude new or increased discharges within the relevant basin, and will limit allowable levels of existing discharges so as to maintain state water quality standards.

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<sup>22</sup> Vermont Wetland Rules (February 1990).

<sup>23</sup> VT. STAT. ANN. tit. 10 § 902(5).

<sup>24</sup> VT. STAT. ANN. tit. 10 §§ 905(7)-(9).

<sup>25</sup> Vermont Wetland Rules § 3.1 (February 1990).

<sup>26</sup> Vermont Wetland Rules § 6.2(f) (February 1990).

<sup>27</sup> Vermont Wasteload Allocation Process, Administrative Rule 87-46 (September 1987).

## 6. *Emergency Authority*

When the Agency of Natural Resources determines that a pollution source is presenting an imminent and substantial endangerment to water or groundwaters, or to human health or welfare, it may file a civil action seeking immediate restraint or other corrective action.<sup>28</sup>

**Producer Note:** Often the specifics of environmental laws are found in agency regulations. In addition, regulations are likely to be amended frequently. As a result, a producer must keep in contact with offices administering specific programs in order to keep up with all changes which may occur.

## II. GROUNDWATER

**Producer Note:** Producers should contact their state agriculture department to determine the current status of the regulation and the groundwater pesticide management plan for their state.

### A. Vermont Groundwater Laws and Regulations

#### 1. *Vermont's Groundwater Protection Rule and Strategy*

Vermont's groundwater protection program<sup>29</sup> seeks to protect the quality of its groundwater resources while not unduly restraining agricultural activities. The program seeks to achieve its goals through existing regulatory and permit programs; it does not itself impose any additional permit requirements. However, as a result of the strategy, the Agency of Natural Resources exercises broad authority to deny or condition its permits with respect to any regulated activity, or issue other corrective orders, whenever the proposed activity poses an unacceptable risk to groundwater quality.<sup>30</sup>

For purposes of assessing risks, all groundwaters are assigned to one of four classes, Class I through Class IV, according to its suitability for a variety of beneficial uses ranging from drinking water to agricultural, industrial or commercial use. The state Groundwater Quality Standards<sup>31</sup> identify the levels of specific substances in groundwater that warrants either

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<sup>28</sup> VT. STAT. ANN. tit. 10 § 1280.

<sup>29</sup> VT. STAT. ANN. tit. 10 §§ 1390 et seq.; Vermont Groundwater Protection Rule and Strategy, Rule No. 97-P14 (October 28, 1997).

<sup>30</sup> Vermont Groundwater Protection Rule and Strategy, Rule No. 97-P14 §§ 12-501 et seq. (October 28, 1997).

<sup>31</sup> Vermont Groundwater Protection Rule and Strategy, Rule No. 97-P14, Appendix 1 (October 28, 1997).

preventive action or enforcement. Some agricultural activities, so long as they are consistent with the Department of Agriculture, Food & Markets' Accepted Agricultural Practices (AAPs), are expressly designated as acceptable:

- ! In a Class I Groundwater Area, the low density pasturing of livestock and the liming, mowing or clipping of pastures and maple sap collection;
- ! In a Class II, III and IV Groundwater Areas, any AAP, unless the practice is found to exceed or threaten to exceed the groundwater quality enforcement standard for a particular substance; and
- ! In Class III and IV Groundwater Areas, the permitted application of sewage treatment plant sludge, septage and dairy wastes for crop production and soil enhancement, when adjacent groundwater quality is monitored.

Activities of interest to agricultural producers that are expressly designated as unacceptable include:

- ! In a Class I Groundwater Area, nearly all human activities (except those AAPs identified above);
- ! In a Class II Groundwater Areas, the construction of new or expanded use of unpermitted injection wells; unsewered floor drains; new improperly constructed or protected wells; the installation of new noncompliant underground storage tanks; any activity which results in the discharge to groundwater of hazardous waste; new pit privies; and new commercial storage or mixing facilities for fertilizers, pesticides or other hazardous materials; and
- ! In Class III Groundwater Areas, any activity which results in the discharge to groundwater of any hazardous waste.<sup>32</sup>

## **2. *Licensing and Standards for Well Construction***

In the interest of protecting the state's groundwater quality, those engaged in the business of drilling water wells must be licensed by the Department of Environmental Conservation (Department) every three years and are subject to recordkeeping, reporting, and continuing education requirements.<sup>33</sup> Under the regulations, no one may drill a water well in Vermont

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<sup>32</sup> Vermont Groundwater Protection Rule and Strategy, Rule No. 97-P14, Appendix 2 (October 28, 1997).

<sup>33</sup> VT. STAT. ANN. tit. 10 §§ 1395 et seq.; Vermont Water Well Driller Licensing Rules and Well Construction Standards, Rule 86-68 (October 16, 1986).

without a valid license.<sup>34</sup> All water well drilling and construction must be located with adequate isolation from potential contamination sources and constructed with approved materials, methods and equipment.<sup>35</sup> Water wells are subject to inspection by the Department.<sup>36</sup> Violations of the statute and regulations, including competency and truthful representation requirements, may subject a well driller to license suspension, revocation, or amendment, emergency corrective orders, or penalties of up to \$1,000 per violation.<sup>37</sup>

### III. AIR QUALITY

**Producer Note:** While most agricultural operations are not air pollution sources under the CAA, complaints concerning odor and dust resulting from agricultural operations may be made. These complaints normally come in the form of actions filed under state law against an agricultural producer for nuisance.

#### A. Vermont Air Quality Laws and Regulations

Vermont has vested its Agency of Natural Resources (Agency) with broad regulatory and enforcement authority over air pollution. Under Vermont law, air pollution is defined to include dust, fumes, mist, smoke, other particulate matter, vapor, gas, or odors in concentrations significant enough to interfere unreasonably with human health, welfare, or enjoyment of life or property.<sup>38</sup>

Open burning of combustible materials is generally prohibited. A number of agricultural open burning activities have been specifically exempted from this prohibition, however, including:

- ! Burning for the purpose of weed abatement; disease, forest fire and pest prevention and control; and for the purpose of agricultural, forestry or wildlife habitat management; and

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<sup>34</sup> Vermont Water Well Driller Licensing Rules and Well Construction Standards, Rule 86-68, § 3-01 (October 16, 1986).

<sup>35</sup> Vermont Water Well Driller Licensing Rules and Well Construction Standards, Rule 86-68, § 6-01 et seq. (October 16, 1986).

<sup>36</sup> Vermont Water Well Driller Licensing Rules and Well Construction Standards, Rule 86-68, § 6-12 (October 16, 1986).

<sup>37</sup> VT. STAT. ANN. tit. 10 §§ 1280, 1399; Vermont Water Well Driller Licensing Rules and Well Construction Standards, Rule 86-68, §§ 4-01 et seq., 7-01 (October 16, 1986).

<sup>38</sup> VT. STAT. ANN. tit. 10 § 552.

- ! On-premise burning of leaves, brush, deadwood, or tree cuttings accrued from normal property maintenance.

These agricultural burning activities must comply with any applicable local requirements and must not create a nuisance.<sup>39</sup>

The regulations also contain several broad prohibitions relevant to agricultural producers. It is a violation to:

- ! Cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne;<sup>40</sup>
- ! Discharge, cause, suffer, allow or permit such quantities of air pollutants or other material as will cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public, or which endangers the comfort, repose, health or safety of such people or the public, or which causes or has a natural tendency to cause injury or damage to business or property;<sup>41</sup> or
- ! Discharge, cause, suffer, allow or permit any emissions of objectionable odors beyond the property line of a premises.<sup>42</sup>

The discharge of hazardous air contaminants must conform to stringent emissions requirements. However, operations conducted for the purpose of spraying or applying agricultural herbicides, pesticides, insecticides, or other agricultural chemicals under a program approved by the Vermont Department of Agriculture, Food & Markets are exempted from these emissions requirements.<sup>43</sup>

Finally, the Agency has the authority to impose further restrictions to protect the public health during an air pollution control emergency.<sup>44</sup>

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<sup>39</sup> Vermont Air Pollution Control Regulations § 5-201 et seq. (August 24, 1998).

<sup>40</sup> Vermont Air Pollution Control Regulations § 5-231(4) (August 24, 1998).

<sup>41</sup> Vermont Air Pollution Control Regulations § 5-241(1) (August 24, 1998).

<sup>42</sup> Vermont Air Pollution Control Regulations § 5-241(2) (August 24, 1998).

<sup>43</sup> Vermont Air Pollution Control Regulations § 5-261(1) (August 24, 1998).

<sup>44</sup> VT. STAT. ANN. tit. 10 § 560.

Any knowing violation of the statute, regulations, permit conditions, or an order issued pursuant to the regulations is subject to criminal penalties, which may result in fines of up to \$100,000 and imprisonment of up to 5 years per violation per day. False statements, misrepresentations, and tampering with required monitoring are punishable with fines of up to \$50,000 and imprisonment of up to one year per violation per day.<sup>45</sup>

#### IV. SOLID WASTE AND HAZARDOUS WASTE

**Producer Note:** There are several laws which control the use and disposal, as well as the cleanup, of hazardous wastes. Producers who use hazardous chemicals or use petroleum or other products stored in storage tanks must be aware of the requirements governing their actions.

##### A. Vermont Solid Waste and Hazardous Waste Laws and Regulations

**Producer Note:** While most farmers and ranchers are not generators, transporters, or disposers of solid waste, it is important to check with state officials concerning the definitions of solid waste to determine whether an operation's activities could be regulated under state solid and hazardous waste statutes.

Vermont's Agency of Natural Resources (Agency) administers a comprehensive waste management program to reduce pollution and reduce the volume of solid and hazardous wastes generated in the state.<sup>46</sup> Any land or structures thereon that are used for treating, storing, or disposing of solid waste are subject to the state's Solid Waste Management Rules.<sup>47</sup> When the waste qualifies as hazardous waste, it is subject to further regulation by the Hazardous Waste Management Regulations.<sup>48</sup>

##### 1. Vermont Solid Waste Management Rules

Vermont's Solid Waste Management Rules apply to anyone storing, transporting, treating, disposing, recycling, or otherwise managing any solid waste "facility," defined to include any land or structures thereon used for treating, storing, or disposing of solid waste. Disposal includes, among other things, discharge, spilling, leaking, or placing solid waste into or on land or water. These definitions include waste treatment, land application, and some composting

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<sup>45</sup> VT. STAT. ANN. tit. 10 § 568.

<sup>46</sup> VT. STAT. ANN. tit. 10 §§ 6601 et seq.

<sup>47</sup> Vermont Solid Waste Management Rules, Rule No. 98PO52 (December 20, 1998).

<sup>48</sup> Vermont Hazardous Waste Management Regulations (September 30, 1998).

operations.<sup>49</sup> Expressly exempted from the rules, however, is the composting of farm-generated agricultural wastes, newspaper used for animal bedding, and yard waste, provided the composting activity poses no threat to public health, safety or the environment and does not constitute a nuisance.<sup>50</sup>

“Solid waste” includes any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plan, or pollution control facility, and other discarded material including solid, liquid, semi-solid or contained gaseous materials resulting from industrial, commercial, mining or agricultural activities; it does not, however, include:

- ! Animal manure and absorbent bedding used for soil enrichment, or
- ! Solid or dissolved materials in industrial discharges which are point sources subject to permits under Vermont’s Water Pollution Control Act.<sup>51</sup>

The rules provide that anyone operating, constructing or substantially altering a solid waste management facility must obtain a certification from the Agency.<sup>52</sup> Certified facilities must conform to siting and design standards, approved treatment methods, operational and closure requirements, and recordkeeping, monitoring, reporting and financial responsibility requirements.<sup>53</sup>

Certifications may be modified, suspended or revoked upon a showing of good cause, including environmental impairment.<sup>54</sup> Any violation of the statute, rules, or terms of a certification, or any potential hazard to human health or the environment, may result in a remedial administrative order or civil remedies including damages and injunctions,<sup>55</sup> or civil or criminal penalties of up to \$25,000 and imprisonment for up to 6 months per violation per day.<sup>56</sup> The knowing or reckless transport, treatment, storage or disposal of more than one cubic yard (or 275

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<sup>49</sup> Vermont Solid Waste Management Rules, Rule No. 98PO52, § 6-201 (December 20, 1998).

<sup>50</sup> Vermont Solid Waste Management Rules, Rule No. 98PO52, § 6-1103 (December 20, 1998).

<sup>51</sup> Vermont Solid Waste Management Rules, Rule No. 98PO52, § 6-201 (December 20, 1998).

<sup>52</sup> VT. STAT. ANN. tit. 10 § 6605; Vermont Solid Waste Management Rules, Rule No. 98PO52, § 6-302 (December 20, 1998).

<sup>53</sup> Vermont Solid Waste Management Rules, Rule No. 98PO52, §§ 6-501 et seq. (December 20, 1998).

<sup>54</sup> Vermont Solid Waste Management Rules, Rule No. 98PO52, §§ 6-307, 6-311 (December 20, 1998).

<sup>55</sup> VT. STAT. ANN. tit. 10 § 6610a.

<sup>56</sup> VT. STAT. ANN. tit. 10 § 6612.

pounds) of solid waste in violation of the statute, regulations, certification, or administrative order may result in a criminal penalty of up to \$250,000 and imprisonment for up to 5 years.

## 2. *Vermont Hazardous Waste Management Regulations*

Where regulated wastes constitute hazardous waste, they are subject to the additional restrictions and regulations of the state's Hazardous Waste Management Regulations. Under the law and regulations, hazardous waste is defined as:

- ! Any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Agency may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or
- ! Any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.<sup>57</sup>

Among the express exemptions from the hazardous waste regulations are:

- ! Pesticidal wastes that are both generated and disposed of by the same farmer, provided the emptied pesticide container is triple-rinsed using approved procedures and the pesticide residues are disposed of on the farmer's own farm in a manner consistent with the label's disposal instructions.

Recalled pesticides and unused pesticide products that are collected and managed as part of a waste pesticide collection program are subject to streamlined universal waste management standards.<sup>58</sup> All other pesticides, unless they fall within the express exemption, are subject to the general hazardous waste regulations. Pesticide waste management regulations are administered by the Vermont Department of Agriculture, Food & Markets.<sup>59</sup>

"Hazardous materials" is further defined to include all petroleum and toxic, corrosive, or other chemicals and related sludge included in petroleum products or federal or state designated hazardous waste; herbicides and pesticides, however, are expressly exempted from the definition

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<sup>57</sup> VT. STAT. ANN. tit. 10 § 6602; Vermont Hazardous Waste Management Regulations, §§ 7-103, 7-202 (September 30, 1998).

<sup>58</sup> Vermont Hazardous Waste Management Regulations, §§ 7-901 et seq. (September 30, 1998).

<sup>59</sup> VT. STAT. ANN. tit. 10 § 6608a.

of “hazardous materials,” provided their application is consistent with good practice and conforms with applicable laws.<sup>60</sup>

Permits from the Vermont Department of Environmental Conservation (Department) are required for treatment, storage, disposal or transportation of hazardous waste.<sup>61</sup> Anyone generating or transporting hazardous waste, or who owns or operates a transfer facility or a facility for the treatment, storage, use, disposal, or recycling of hazardous waste is subject to notification, management, and recordkeeping and reporting requirements.<sup>62</sup> The Department has the authority to enter and inspect any premises and records therein to monitor compliance with permit conditions and regulations.

Discharges of hazardous wastes and releases of hazardous material must be immediately reported and contained.<sup>63</sup> The release of hazardous materials, intentionally or unintentionally, into the surface or groundwater, or onto the land of the state, is prohibited.<sup>64</sup> Failure of responsible parties to immediately notify the Agency of a release or suspected release may result in imposition of civil and criminal penalties.<sup>65</sup>

The statute is enforceable by means of permit modifications, suspensions or revocations, administrative orders, injunctions, and substantial administrative, civil and criminal penalties.<sup>66</sup> The knowing or reckless release of any hazardous material, or the knowing or reckless transport, treatment, disposal or storage of hazardous waste, may result in criminal penalties of up to \$250,000 and imprisonment for up to 5 years.

Any release or threatened release of hazardous materials further subjects responsible parties to civil liability for the costs of abatement and the state’s necessary costs of investigation,

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<sup>60</sup> VT. STAT. ANN. tit. 10 § 6602; Vermont Hazardous Waste Management Regulations, § 7-103 (September 30, 1998).

<sup>61</sup> VT. STAT. ANN. tit. 10 § 6606; Vermont Hazardous Waste Management Regulations, §§ 7-401 et seq., 7-501 et seq. (September 30, 1998).

<sup>62</sup> VT. STAT. ANN. tit. 10 § 6608; Vermont Hazardous Waste Management Regulations, §§ 7-101 et seq. (September 30, 1998).

<sup>63</sup> Vermont Hazardous Waste Management Regulations, § 7-105 (September 30, 1998).

<sup>64</sup> VT. STAT. ANN. tit. 10 § 6616.

<sup>65</sup> VT. STAT. ANN. tit. 10 § 6617.

<sup>66</sup> VT. STAT. ANN. tit. 10 §§ 6610a, 6612; Vermont Hazardous Waste Management Regulations, § 7-107 (September 30, 1998)

removal and remediation.<sup>67</sup> To provide an incentive for cleanup and recovery, liability may be avoided by successful completion of an approved corrective action plan.<sup>68</sup>

### 3. *Underground (and Aboveground) Storage Tank Regulation*

Vermont has established state standards and criteria for the design, installation, operation, maintenance and monitoring of underground and aboveground liquid storage facilities,<sup>69</sup> including tanks used to store fuel for farm equipment. Owners and operators of underground storage tanks (USTs), except noncommercial farm or residential motor fuel tanks that hold less than 1100 gallons, are subject to notification and financial responsibility requirements, structural and design standards, and minimum operating standards. Owners and operators of regulated aboveground tanks and USTs must report and respond to known and suspected releases of regulated substances according to specified procedures.<sup>70</sup> Vermont has a Petroleum Cleanup Fund to assist owners or operators with the cost of environmental cleanup and compensation of third parties injured by accidental release of petroleum from an aboveground tank or UST.<sup>71</sup>

Permits from the Department of Environmental Conservation (Department) are generally required for the installation, operation and maintenance of USTs, and permittees are required to pay an assessment to support the cleanup fund. However, all farm and residential tanks used for storing motor fuel are exempt from the permit and assessment requirements.<sup>72</sup>

Knowing violations of the statutory or regulatory standards, permit conditions, or orders issued by the Department are subject to civil and criminal penalties of up to \$25,000 and imprisonment for up to 6 months per violation per day.<sup>73</sup>

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<sup>67</sup> VT. STAT. ANN. tit. 10 § 6615.

<sup>68</sup> VT. STAT. ANN. tit. 10 §§ 6615a.

<sup>69</sup> VT. STAT. ANN. tit. 10 § 1921 et seq.; Vermont Underground Storage Tank Regulations (February 1, 1991).

<sup>70</sup> Vermont Underground Storage Tank Regulations § 8-601 et seq. (February 1, 1991).

<sup>71</sup> VT. STAT. ANN. tit. 10 § 1941.

<sup>72</sup> Vermont Underground Storage Tank Regulations §§ 8-201(4), 8-302(1), 8-304, 8-408 (February 1, 1991).

<sup>73</sup> VT. STAT. ANN. tit. 10 § 1935.

## V. PESTICIDES AND CHEMIGATION

**Producer Note:** Use of pesticides and other farm chemicals is regulated by federal and state statutes. Most states have some form of licensing or certification requirements controlling those who use pesticides. In addition, if a producer employs agricultural workers, there are regulations which address safety concerns about pesticide use by or around those workers.

### A. Vermont Pesticide and Chemigation Laws and Regulations

**Producer Note:** Vermont, like most states, has laws designed to control the use of pesticides. The laws are designed to closely monitor the distribution and ultimate use of these substances within the state.

#### 1. *Vermont's Insecticide, Fungicide and Rodenticide Act of 1947*

Vermont's Insecticide, Fungicide and Rodenticide Act of 1947 (also known as the Pesticide Registration Act)<sup>74</sup> and its accompanying regulations<sup>75</sup> contain provisions that both implement and supplement the requirements of FIFRA with respect to labeling, distribution, sale, storage, transportation, use, application and disposal of pesticides. The Act is administered by the Department of Agriculture, Food & Markets (Department), with the advice of its Pesticide Advisory Council. In the statute and regulations, the word "pesticide" is used interchangeably with the term "economic poison," defined to include both pest control products and plant regulators, defoliant, and desiccants. The Act provides that:

- ! All registered pesticides sold, distributed or manufactured within the state are classified as Class A (federal and state restricted use and by-permit-only pesticides), Class B (controlled sale pesticides), or Class C (homeowner/specialty pesticides);<sup>76</sup>
- ! All pesticides distributed, sold, offered for sale, transported or delivered for transportation within the state must be registered annually, unless they are being manufactured or shipped for an approved experimental use;<sup>77</sup>

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<sup>74</sup> VT. STAT. ANN. tit. 6 §§ 911 et seq.

<sup>75</sup> Vermont Regulation No. 20-031-012.

<sup>76</sup> Vermont Regulation No. 20-031-012, § 10.

<sup>77</sup> VT. STAT. ANN. tit. 6 §§ 918, 927.

- ! It is a criminal offense to distribute, sell, offer for sale, transport, or deliver for transportation:
- ! Any unregistered pesticide, or any registered pesticide with respect to which the registration application contained misstatements regarding claims, directions for use, or composition;
- ! Any pesticide not conforming to the statute's container, labeling, or coloration requirements; or
- ! Any pesticide which is adulterated or misbranded.<sup>78</sup>
- ! It is unlawful to detach, alter, deface or destroy any pesticide labeling, or to tamper with the contents,<sup>79</sup>
- ! Most uses of new chemicals and new products, and experimental ("unregistered") uses of registered pesticide products, require a state experimental use permit;<sup>80</sup>
- ! Class A pesticides may be sold only to certified applicators or their agents<sup>81</sup> (and, for by-permit-only pesticides, the purchaser must additionally have a special permit);
- ! Anyone using or supervising the use of Class A (restricted use) pesticides must annually obtain certification from the Plant Industry Division of the Department; noncommercial applicators require certification if they use or supervise the use of Class A or B pesticides in the course of their employment. Specialized certifications and/or licenses are required for commercial applicators and pesticide dealers.<sup>82</sup> Among other things, licensing or certification may require testing, continuing education, liability insurance coverage, and comprehensive recordkeeping and reporting.<sup>83</sup>
- ! Special permits are required for aerial applications and control of bird or animal pests;

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<sup>78</sup> VT. STAT. ANN. tit. 6 § 919.

<sup>79</sup> VT. STAT. ANN. tit. 6 § 920.

<sup>80</sup> Vermont Regulation No. 20-031-012, §§ 2, 4(6).

<sup>81</sup> Vermont Regulation No. 20-031-012, § 10(4).

<sup>82</sup> Vermont Regulation No. 20-031-012, §§ 2, 10(4), 11.

<sup>83</sup> Vermont Regulation No. 20-031-012, §§ 5-9.

- ! All pesticides must be used in a manner consistent with their labeling, and under conditions known to minimize contamination of land and water areas;
- ! Application of pesticides in waters of the state requires a Water Quality Permit from the Department of Environmental Conservation;<sup>84</sup> furthermore, pesticide products posing special risks to groundwater may be subject to limitations outlined in the state's Groundwater Quality Standards;<sup>85</sup>
- ! To protect bee populations, application of pesticides to flowering crops may not be conducted without prior notice to local apiculturists;<sup>86</sup>
- ! Special restrictions apply to aerial applications, experimental uses, clearance and maintenance of rights of way, bird and animal control applications, and turf, landscape and golf course pesticide use;<sup>87</sup>
- ! All pesticides must conform to the Act's labeling, packaging, and safety requirements, and to any additional requirements imposed by their registration or permit;
- ! Improper transportation, disposal and storage of pesticides and pesticide containers are violations of the Act;<sup>88</sup> and
- ! Pesticide applicators must comply with all terms and conditions in their license, certification, or experimental use permit, and all standards for application outlined by the Department's regulations.<sup>89</sup>

Violations of the Act, its regulations, or any terms or conditions of a license, certification or permit may result in its amendment, suspension or revocation. The Department may conduct inspections and order production of samples or records, and may issue orders to cease and desist.<sup>90</sup> Violations of the Act, its regulations, or orders issued by the Department can be punished by criminal fines of up to \$200 and/or imprisonment for up to one year, and by administrative

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<sup>84</sup> VT. STAT. ANN. tit. 10 § 1263(a); Vermont Regulation No. 20-031-012, § 4(2).

<sup>85</sup> Vermont Regulation Nos. 20-031-012, § 4(2); 97-P14, §§ 12-702, App. A.

<sup>86</sup> Vermont Regulation No. 20-031-012, § 4(3).

<sup>87</sup> Vermont Regulation No. 20-031-012, § 4.

<sup>88</sup> Vermont Regulation No. 20-031-012, § 13.

<sup>89</sup> VT. STAT. ANN. tit. 6 §§ 919-920, 1111.

<sup>90</sup> Vermont Regulation No. 20-031-012, § 3.

penalties of up to \$1,000 per offense.<sup>91</sup> Violations may be enjoined,<sup>92</sup> and nonconforming pesticide products may be seized and sold or destroyed.<sup>93</sup>

## 2. *Vermont Fertilizer and Lime Law of 1986*

Vermont's Fertilizer and Lime Law of 1986<sup>94</sup> regulates the distribution and supply of fertilizers and agricultural liming materials within the state. Administered by the Vermont Department of Agriculture, Food & Markets, the statute imposes registration and labeling requirements; imposes fees; and subjects covered premises, records, and substances to inspection, sampling and analysis. Adulterated and misbranded products, and materials otherwise out of compliance with the statute or rules, are subject to seizure. Violation of any provision of the statute, regulations, or any order issued thereunder is subject to administrative penalties, fines of up to \$1,000 per violation per day, and any other remedy the court may order.

## VI. PROTECTION OF WILDLIFE

**Producer Note:** Agricultural producers also have responsibilities concerning wildlife and migratory birds which may have habitat on the producer's property. State laws contain measures designed to protect or enhance wildlife or wildlife habitat.

### A. *Vermont Wildlife Protection Laws and Regulations*

**Producer Note:** Many states have additional measures which either enhance protections under federal laws or address issues peculiar to wildlife found within the state. These states also may address common problems caused by wildlife. Vermont has laws protecting wildlife.

#### 1. *Vermont Endangered Species Laws*

Vermont has a program in place to protect species listed by state authorities as endangered or threatened within the state. Under the statute<sup>95</sup> and its accompanying regulations,<sup>96</sup> it is a

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<sup>91</sup> VT. STAT. ANN. tit. 6 §§ 926, 1111.

<sup>92</sup> VT. STAT. ANN. tit. 6 § 1104(13).

<sup>93</sup> VT. STAT. ANN. tit. 6 §§ 921-922.

<sup>94</sup> VT. STAT. ANN. tit. 6 §§ 361 et seq.

<sup>95</sup> VT. STAT. ANN. tit. 10 § 5401 et seq.

<sup>96</sup> VT. STAT. ANN. tit. 10, App. § 10.

criminal offense to take, possess, or transport any state listed species, except as authorized by permit. The state lists include all species included in the federal lists. "Taking" is defined more broadly by the state than the federal statute: the definition additionally includes snaring, netting, disturbing or worrying, or using any device commonly used for taking.<sup>97</sup> "Possession" includes, in addition to acts of actual or constructive possession, exporting, importing, processing, selling, offering to sell, delivering, carrying, transporting or shipping.<sup>98</sup> A first offense is punishable by a fine of up to \$1,000.

Special permits are available for the taking or possession of endangered species under limited circumstances. Endangered or threatened species permits may be granted for scientific, propagation, hardship, exhibition, educational or other special purposes consistent with the federal ESA.<sup>99</sup>

Of special interest to those engaged in agriculture is a statutory and regulatory mandate that the state endangered species rules may not be applied or construed so as to cause "undue interference" with normal agricultural or silvicultural practices.<sup>100</sup>

## **2. *Fish Propagation and Protection Laws***

Fish propagation in Vermont requires an annual breeder's license, issued by the Department of Fish and Wildlife, regardless of whether the propagated species is otherwise protected under state law.<sup>101</sup> Third parties may be civilly liable if they foul the waters of a propagation farm with a substance injurious to the life or growth of fish.<sup>102</sup>

Finally, it is unlawful to place in any waters lime, creosote, coculus indicus or other drug or poison destructive to fish.<sup>103</sup> A violation is punishable by a fine of up to \$1,000, in addition to any applicable license suspension proceedings.<sup>104</sup>

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<sup>97</sup> VT. STAT. ANN. tit. 10 § 4001(23).

<sup>98</sup> VT. STAT. ANN. tit. 10 § 5402(13).

<sup>99</sup> VT. STAT. ANN. tit. 10 § 5408(a), App. § 10(1-05).

<sup>100</sup> VT. STAT. ANN. tit. 10 § 5408(c), App. § 10(1-05).

<sup>101</sup> VT. STAT. ANN. tit. 10 § 5207, App. § 117.

<sup>102</sup> VT. STAT. ANN. tit. 10 § 5211.

<sup>103</sup> VT. STAT. ANN. tit. 10 § 4606.

<sup>104</sup> VT. STAT. ANN. tit. 10 § 4515.

## VII. OTHER STATE ENVIRONMENTAL STATUTES AFFECTING AGRICULTURE

### 1. *Uniform Environmental Law Enforcement*

By statute, Vermont has established a uniform system under which the Agency of Natural Resources (Agency) may enforce most of the state's environmental laws and regulations, as well as any permits or orders issued thereunder.<sup>105</sup> The law gives the Agency broad authority to conduct inspections and investigations to determine compliance, and to issue administrative orders when a violation is detected. The orders may direct that action be taken, and they may assess administrative penalties of up to \$25,000 per violation for the first day, with an additional \$10,000 per day a violation continues, up to a maximum of \$100,000. Under specified circumstances, issuance of an administrative order may stay the effective date or processing of a permit. Upon timely request, the Vermont Environmental Court will conduct a hearing to review an order issued by the Agency.

The statute also provides for civil enforcement.<sup>106</sup> The Agency may file an action requesting the court to issue an injunction, order remedial or preventive action, order compensation or restitution, or levy a civil penalty. Civil penalties are authorized up to \$50,000 for each violation, with an additional \$25,000 per day for each day the violation continues.

The imposition of an administrative penalty by the Agency under these provisions will preclude any other administrative or civil penalties for the same violation.<sup>107</sup> However, available criminal proceedings, when authorized, are not so precluded. Furthermore, excepting the aforementioned preclusion, the penalty structure supplements rather than supplants penalties and enforcement powers that may be specified in connection with individual environmental statutes.<sup>108</sup> An alleged violator may avoid additional civil or criminal penalties by filing a formal "assurance of discontinuance" enforceable by the Environmental Court.<sup>109</sup>

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<sup>105</sup> VT. STAT. ANN. tit. 10 §§ 8001 et seq.

<sup>106</sup> VT. STAT. ANN. tit. 10 §§ 8221 et seq.

<sup>107</sup> VT. STAT. ANN. tit. 10 § 8010(d).

<sup>108</sup> VT. STAT. ANN. tit. 10 § 8003(b).

<sup>109</sup> VT. STAT. ANN. tit. 10 § 8007.

## Appendix - Agencies

**Producer Note:** State agencies are available to answer questions regarding environmental matters and a producer's compliance with environmental laws and regulations. The following is a list of organizations which should be able to answer questions or provide materials for a producer.

### State Agencies:

**Vermont Department of Environmental Conservation, Agency of Natural Resources**  
Center Building  
103 South Main St.  
Waterbury, VT 05671-0301  
Phone: (802) 241-3600  
<http://www.anr.state.vt.us>

**Vermont Department of Agriculture, Food & Markets**  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
Phone: (802) 828-2416  
FAX: (802) 828-3831  
<http://www.state.vt.us/agric/index.htm>

**Vermont Department of Fish & Wildlife**  
10 South  
103 S. Main Street  
Waterbury, VT 05671-0501  
Phone: (802) 241-3730  
FAX: (802) 241-3295  
<http://www.anr.state.vt.us/fw/fwhome/index.htm>

**Vermont Nongame & Natural Heritage Program**  
Department of Fish & Wildlife  
10 South  
103 S. Main Street  
Waterbury, VT 05671-0501  
Phone: (802) 241-3700

**Vermont Water Resources Board**  
National Life Records Center Building  
Drawer 20  
Montpelier, VT 05620-3201  
Phone: (802) 828-3309  
<http://www.state.vt.us/wtrboard>

**Cooperative Extension System**  
University of Vermont  
601 Main Street  
Burlington, VT 05401-3439  
Phone: (802) 656-2980  
FAX: (802) 656 864

**Vermont Natural Resources Conservation Council**  
Department of Agriculture, Food & Markets  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
Phone: (802) 828-3529  
FAX: (802) 828-2361

**For local National Resources Conservation Service (NRCS) offices,** see the listing under U.S. Government/Department of Agriculture in the telephone directory or go to  
<http://www.nrcs.usda.gov/NRCstate.html>.