

Emergency Winter Ban & Snow-Covered Ground Agricultural Waste Spreading Exemption

Emergency Exemption Effective December 16, 2019 through December 22, 2019

The past year has been a historic and unrelenting weather crisis for Vermont farmers, with almost an additional [10 inches of precipitation](#) in the past year (a 28% increase over the past 365 day historic average on November 11, 2019). Farmers had snow-covered ground which did not thaw from November of 2018 through late May 2019 when they were then hit with a spring that never quite dried out. Crops were planted late in spring 2019 and recent rainfall has resulted in record flooding this fall [as soon as the corn came off the ground](#). Yet again, in a second unprecedented year in a row, very early season and persistent snows in November 2019 were again covering fields and creating a weather crisis for farming in Vermont. This exemption is necessary in part because many farmers have delayed spreading activities since harvest to wait for better weather.

In Vermont, the Required Agricultural Practice regulations (RAPs) Sections 60.05(a) & 6.05(e)(2) establishes that manure and other agricultural wastes shall not be applied to frozen or snow-covered ground, or between December 15 and April first of each year, unless the Secretary of Agriculture has approved an exemption consistent with Section 6.06 of the RAPs. This notice provides a statewide Emergency Winter Ban & Snow-Covered Ground Agricultural Waste Spreading Exemption to all farms in Vermont through December 22, 2019, provided farms comply with the requirements outlined below. **This Emergency Exemption will expire at 11:59 PM on December 22, 2019.**

To comply with this Emergency Winter Ban & Snow-Covered Ground Agricultural Waste Spreading Exemption, your farm must follow the requirements below. Failure to follow the requirements could lead to enforcement action against your farm, especially if a water quality violation occurs. **It is your farm's responsibility to ensure that it considers and takes all appropriate measures in applying manure or other agricultural waste to snow-covered ground. If runoff of manure or other agricultural waste occurs and it can be demonstrated that additional measures should have and could have been taken at the time of application, your farm may be liable for the runoff losses.**

The Agency of Agriculture, Food & Markets will be conducting field investigations across the state to ensure farms are complying with this Emergency Exemption.

Your farm must follow these planning requirements prior to applying manure or other agricultural waste:

- Complete planning or work with your farm's Technical Service Provider to identify an acreage of lower risk fields for any manure or agricultural waste applications that need to occur.
- Look for fields with:
 - No history of runoff or groundwater issues
 - None or limited connection to streams/ditches
 - Mild slopes
 - No concentrated flows
 - High crop residue or surface roughness
- Continual monitoring of weather forecasting to identify conditions that are conducive to safe trafficking of fields and application of manure or other agricultural waste.
- Make plans to utilize manure injection or manure incorporation where practical.



Your farm must follow these requirements when applying manure or other agricultural waste:

- Do not apply during a rain event or when rain or snow melt is actively running off the intended area of application.
- Where precipitation capable of producing runoff is forecast within the next 48 hours, do not apply manure ahead of that event without adequate conservation measures in place including: enhanced setbacks, appropriate application rates, and injection or incorporation on annual crop fields.
- Only spread the necessary amount of agricultural wastes to ensure enough agricultural waste storage capacity to make it through the winter manure and agricultural waste spreading ban.
- Utilize split applications to lower the application rates when possible.
- Expand all manure and agricultural waste spreading setbacks, it is recommended that riskier fields receive 150-foot setbacks from surface waters but that all fields should have site specific setbacks expanded beyond the RAP minimums based on the field conditions and history of runoff potential.
- Do not apply manure or agricultural waste within 100 feet of private water supplies.
- Do not apply manure or agricultural waste within 200 feet of public water supplies.
- Manure and agricultural waste application rates shall not exceed the recommendations of the farm's Nutrient Management Plan and where field conditions and history of runoff risks are present lower applications rates should be utilized.
- Take all precautions necessary to prevent the entry of manure into surface waters. On annual cropland utilize manure injection and/or incorporation methods unless no till systems and/or cover crops are in place. Where no-till and/or cover crops are in place, consider if chiseling around the land application area or injection is necessary.

Please be advised that if your farm uses a spreading contractor, your farm is responsible for ensuring that the contractor understands and complies with all of the conditions of this exemption.

Records of all applications must be kept by your farm and the custom applicator, if one is used. The records must include at a minimum:

- Date of application,
- Field location,
- Application rate for each field,
- Source of nutrients applied to each field, and
- Weather and field conditions at the time of application.

If you are a permitted LFO or MFO farm, you must also comply with all additional record keeping requirements in your permit. Please note the requirements to take a sample of the manure and have it analyzed for nutrient content for farms required to have 590 nutrient management plans. This information should be taken into account when reconciling the implementation of the farm's nutrient management plan.

Once your farm has started spreading, if there are any complications with the weather that will prevent your farm from being able to spread due to the restrictions listed above, stop spreading and resume when conditions are appropriate for spreading.

This Emergency Winter Ban & Snow-Covered Ground Agricultural Waste Spreading Exemption does not exempt your farm from complying with any other laws or regulations.

If you have questions regarding this exemption or its application and planning requirements, contact:
Laura DiPietro 802-595-1990; Nate Sands 802-224-6850; or Ryan Patch at 802-272-0323.



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

