

## **FICA COVERAGE THRESHOLD FOR ELECTION WORKERS**

Please note that the threshold for coverage under social security and Medicare for election workers will rise on January 1, 2008. It will rise from \$1,300 in 2007 to \$1,400 in 2008. The Legislative Committee on Administrative Rules (LCAR) adopted revisions to Vermont's Large Farm Operations Rules at its meeting on October 31. These rules provide management and design standards, procedures, and requirements for Large Farm Operation (LFO) permits. The rules' intended result is a permit that: assures no discharge of farm wastes from production areas to state waters; includes requirements for nutrient management, maintenance, record keeping, and annual reporting; and addresses siting and setbacks.

Local officials have no zoning jurisdiction over accepted agricultural and silvicultural practices, including construction of farm structures. 24 V.S.A. § 4413 (d)). However, they can at least participate in an advisory group to the secretary of the Agency of Agriculture that assists in the review of an LFO application for construction of a new large farm barn. Whereas the secretary "shall" establish the advisory group and include a representative appointed by the local legislative body when an application for construction of a *new* barn is proposed, the secretary "may" convene such a group when the application is for the expansion of an existing barn.

What is an LFO? If livestock or domestic fowl are confined for more than 45 days and are in an area where vegetation is not sustained during the growing season, and the facilities are owned by the same person or share a common border or common waste disposal system, then the numbers of animals noted below will qualify as an LFO.

An LFO facility includes production area, barns, and land devoted to waste storage. It also includes other agricultural structures such as waste management systems built to prevent direct discharges to waters of the state or to help groundwater meet state groundwater quality standards. In summary, an LFO facility is one that is designed, adapted or used to operate a farm in which the barns are designed to house more than: 700 mature dairy animals, whether milked or dry; 700 bulls; 1000 cattle, cow/calf pairs, young stock or heifers; 1000 veal calves; 2500 swine weighing over 55 pounds or 10,000 swine weighing less than 55 pounds; 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 30,000 laying hens with a liquid manure handling system or 82,000 laying hens without a liquid manure handling system; 125,000 chickens other than laying hens without a liquid manure system; 5,000 ducks with a liquid manure handling system or 30,000 ducks without a liquid manure handling system; or any other animal type and number that the secretary (of the Agency of Agriculture) deems to fit this category.

Once an LFO application is complete, the secretary of Agriculture must contact the secretary of the Agency of Natural Resources to determine that there are no unpermitted discharges to waters of the state that would require a federal Confined Animal Feeding Operation (CAFO) permit. If necessary, or at the secretary of Agriculture's discretion in the case of an expansion, the advisory group shall be convened to review applications and make recommendations regarding the permit. The Agriculture Agency has 45 days to

review the permit or it is deemed approved. Only the applicant seeking the permit and the secretary of Agriculture are parties to an appeal of an LFO permit. An applicant may appeal the secretary's final permit decision to the environmental court within 30 days of a final permit decision.

As noted above, an LFO permit addresses discharges to surface waters; groundwater quality; compliance with Accepted Agricultural Practices (AAPs); land application of wastes; flies, odor, noise, or traffic in excess of "those from a well managed similar sized farm of the same animal type"; erosion and sediment control during improvement activities; compost and leachate control; and waste management system design standards. As well, the application must address setbacks and nutrient management plans.

There are only a few LFOs in Vermont. However, the potential impact of such large operations on surrounding areas and waters is clearly significant. Should such a facility be proposed, local legislative bodies need to assure that they appoint an advisory committee member and that the municipality's voice is heard in the application process.

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**VLCT News**, December 2007