

Vermont's Acceptable Management Practices Program

Annual Statewide Summary

2004

Background

The 1986 Vermont Legislature passed amendments to Vermont's Water Quality Statutes Title 10 V.S.A. Chapter 47: Water Pollution Control. The amendments declared that "it is the policy of the state to seek over the long-term to upgrade the quality of waters and to reduce existing risks to water quality." The revised state law requires permits for discharges of "any waste, substance or material into the waters of the state." However, individual permits are not required for any discharges that inadvertently result from logging operations if responsible management practices are followed to protect water quality. "Acceptable Management Practices (AMPs) For Maintaining Water Quality On Logging Jobs In Vermont" were developed and adopted as rules to Vermont's water quality statutes and became effective on August 15, 1987. The AMPs are intended and designed to prevent any mud, petroleum products and woody debris (logging slash) from entering waters of the state. They are scientifically proven methods for loggers and landowners to follow for maintaining water quality and minimizing erosion.

Since adoption of the AMPs, the Department of Forests, Parks and Recreation (FP&R) has worked with representatives from the Vermont forest industry to support the Agency of Natural Resources (ANR) Enforcement Division in an effort to reduce the number and severity of discharges resulting from logging operations.

Memorandum of Understanding

In 1990 a Memorandum of Understanding (MOU), was developed between the ANR Enforcement Division and the Department of FP&R and remains in effect. The MOU outlines a process to be followed that provides a consistent approach to remediation and enforcement of water quality violations occurring on logging operations. According to the agreement, five AMP Technical Advisory Teams (TAT's) were created to directly assist any logger or landowner when there is a discharge or a request for assistance. These teams will consist of an FP&R forester at a minimum when conducting site inspections. An ANR Enforcement Officer, when deemed necessary and a representative of the Vermont forest industry, depending on their availability, may also be involved with conducting site inspections. Enforcement would only be pursued in instances where:

- There is substantial failure to comply with the AMPs which has resulted or is likely to result in substantial environmental degradation;
- Efforts to obtain voluntary compliance have been unsuccessful; and
- There is a history of noncompliance with the AMPs coupled with discharges to State waters.

This report summarizes statewide results of AMP technical assistance program activities and other related efforts to Vermont's AMP Program from January 1, 2004 to December 31, 2004.

AMP Site Investigations & Assistance Provided

During the last year, AMP foresters conducted site investigations on forty-four logging operations. These investigations are commonly prompted by complaints received from the general public. Upon investigation, thirty-four of these cases either displayed an on-going discharge or exhibited evidence that a discharge had recently occurred as a result of logging. Site restoration work was completed on thirty of those cases during 2004. Appropriate AMPs' were prescribed and implemented and/or the logging operation was closed out to the satisfaction of the State. Monitoring and possibly additional site restoration work will occur during 2005 on the other four cases. In all cases discharges to State waters were brought under control in a timely fashion.

Ten cases revealed no active discharge or evidence that one had recently occurred as a result of logging. AMP recommendations to maintain water quality and prevent soil erosion were prescribed for forty out of the forty-four total number of cases investigated during 2004.

A.N.R. Enforcement

During 2004 five cases were referred to the ANR Enforcement Officers for possible enforcement action. One case reached the ANR Enforcement Division legal staff for determination of penalty. The other three cases are undergoing further investigation by the ANR Enforcement Officers. One carryover case from 2003 was resolved during 2004 with an "Assurance of Discontinuance" and another carryover case from 2003 remained open at the end of 2004.

Requests for Technical Assistance

There were sixteen requests for technical assistance during 2004. Requests for technical assistance generally entail an AMP forester meeting with a logger at his/her request. The meeting is generally held on-site before a logging operation begins to provide recommendations aimed at protecting water quality and preventing erosion both during and after the operation. Most assists deal specifically with temporary stream crossings.

Educational Efforts

During 2004, the Vermont Loggers Academy owned by the Vermont Loggers Association hosted a series of workshops for loggers. One hundred sixteen loggers received introductory AMP training and thirty-four loggers received advanced training in maintaining forest water quality on logging operations.

Administration

The technical and enforcement staff met after the 2004 program year to review and discuss issues relevant to the administration of the AMP program. This meeting provides an opportunity to periodically evaluate our efforts, solve problems and make improvements to the program.

Conclusions

The program continues to keep water quality violations from logging activity to a level that has been manageable given the number of logging operations. There continues to be a high

level of cooperation and voluntary compliance among loggers to bring their operations into compliance with Vermont's Water Quality Statutes. The MOU between the Department of Forests, Parks, and Recreation and the ANR Enforcement Division has been an effective guide to refer to when investigating AMP cases. AMP cases referred to the ANR Enforcement Division remains low in comparison to the total number of water quality cases investigated. Vermont loggers are encouraged to continue participating in AMP workshops offered by the Vermont Loggers Academy and the Logger Education to Advance Professionalism (LEAP) program.

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STATEWIDE SUMMARY OF AMP CASES - 2004

	FORESTRY DISTRICT					
	Springfield	Rutland	Essex	Barre	Saint Johnsbury	Total
Number of Cases With Evidence of Discharge	6	6	3	16	3	34
Number of Cases Resolved*	4	6	1	16	3	30
Number of Cases Referred to ANR Enforcement Officer	2	0	{1}	1	1	5
Number of Cases With No Evidence of Discharge	1	1	2	2	4	10
Recommendations Made (Number of Cases)	6	7	4	18	5	40
Total Number of Cases Investigated**	7	7	5	18	7	44
Number of Requests For Technical Assistance	5	0	1	4	6	16

*Resolved either by the AMPs' being implemented or the operation closed out to the satisfaction of the State.

**This figure is the sum of "Number of Cases With Evidence of Discharge" and "Number of Cases With No Evidence of Discharge".

{ } This case was opened and reported in 2003 and referred to ANR Enforcement in 2004.