

Sustainability Subcommittee Meeting Guide 9.13.21

Environmental Requirements

Existing Regulations

Act 164 & Act 62

Objectives of Subcommittee

Sec. 5.4.b

...additional groundwater quality requirements are required for the cultivation of cannabis in order to protect the groundwater resources of the State from overuse.

Sec. 5.4.c

- (1) recommended building energy standards for cannabis establishments if different from existing commercial building standards;
- (2) recommended energy audits for cannabis establishments, including the recommended frequency of audits and who should perform the audits; and
- (3) energy efficiency and conservation measures applicable to cannabis establishments.

Sec. 5.4.d

...shall recommend the permits, licenses, or standards that a licensed cannabis cultivator or cannabis product manufacturer shall demonstrate, as a condition of licensure, or as a condition for licensure renewal if such standards are not established prior to initial licensure.

§ 903.A.5

priorities of issuing license - whether the project incorporates principles of environmental resiliency or sustainability, including energy efficiency;

§ 861. Definitions (Act 62)

(19) “Enclosed, locked facility” means a building, room, greenhouse, outdoor fenced-in area, or other location that is enclosed on all sides and prevents cannabis from easily being viewed by the public.

(24) “Plant canopy” means the square footage dedicated to live plant production and does not include areas such as office space or areas used for the storage of fertilizers, pesticides, or other products.

(26) “Small cultivator” means a cultivator with a plant canopy or space for cultivating plants for breeding stock of not more than 1,000 square feet.

§ 863. REGULATION BY LOCAL GOVERNMENT

What control over licensing and licensing types do municipalities have?

- Implications for Growing Methods?
- Zoning Implications?

§ 868. PROHIBITED PRODUCTS

(a) The following are prohibited products and may not be cultivated, produced or sold pursuant to a license issued under this chapter:

- (1) cannabis flower with greater than 30 percent tetrahydrocannabinol;
 - Processed into Products?
 - Waste Management – Landfill Diversion, Organic Material
- (2) solid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol;
 - Dilution Protocols?
- (3) oil cannabis products except for those that are sold prepackaged for use with battery-powered devices;
 - Waste Management – Take Back Scheme, Recyclability

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

- Q.2A Rules concerning cultivators
 - Tiered system based on plant canopy
 - Pesticide Use at least as Stringent as VAAFM's Pesticide Control Regulations
 - Standards for Indoor Cultivation
 - 3A (manufacturing) – products contain not more the 50mg of THC
 - 6C (laboratories) – procedures for destruction of all cannabis samples
- 6 license Types
 - Cultivator, wholesaler, product manufacturer, retailer, lab testing, integrated license
 - Integrated License – separate or combined locations?

§ 904. CULTIVATOR LICENSE

(d) Each cultivator shall create packaging for its cannabis.

- Non-retail packaging between wholesaler, product manufacturer, integrated licensee, and dispensary

Act 62 - A dispensary shall be permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee

- Include environmental requirements for cultivation and manufacturing on this license

§ 869. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND USE STANDARDS

A cannabis establishment shall not be regulated as “farming” under the Required Agricultural Practices

the cultivation of cannabis ...shall not disqualify the land or buildings from the use value appraisal program

(b) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with all applicable State, federal, and local environmental, energy,

- Are there local environmental, energy regulations?

Comply with Required Agricultural Practices:

- section 6, regarding conditions, restriction, and operating standards;
- section 8, regarding groundwater quality and groundwater quality investigations; and
- section 12, regarding subsurface tile drainage.
- *Cannabis Farms do not fit into Certified Small Farm Category*

Required Agricultural Practices – Section 6

No discharges to surface water

Appropriate Storage of Wastes/Inputs

Nutrient Management Planning

- NMP Code 590
 - New Crops/Industry – demonstrated yield, and nutrient utilization information maybe used
 - Nutrient Sources – *UVM recommendations – do these exist?*
 - *GIS requirement – Technological/Financial barrier*
- Soil Sample every 5 years – *Increase frequency?*

Soil Health/Covercrop

Ground Water Quality

Composting

Buffers

RAP – Section 9 & 12

Ground Water Quality

- Waste Limits - Appendix One, Groundwater Protection Rule and Strategy
- Allows for Monitoring, Inspections

Subsurface Tile Drainage

- No new installations located within/adjacent cropland

Gaps

Section 5 – Water Quality Training

- Should this be required?

Section 9 – Construction of Farm Structures

- New Production Areas

No Air Quality, Pollution, Odor Control Regulations

No Energy Regulations

No Land Management, Biodiversity Regulations

Act 250

Regulates

Construction of improvements for commercial, industrial use above 2,500 ft.

Construction of improvements on more than 10 acres

Within town w/o permanent zoning and subdivision regulations, subdivision of land into 6 or more lots

Substantial change or expansion of grandfathered development

Withdrawal 340,000 gallons of groundwater per day

Act 250

[Criterion 1- Air](#)

[Criterion 1 - Water](#)

[Criterion 1\(A\) - Headwaters](#)

[Criterion 1\(B\) - Waste Disposal](#)

[Criterion 1\(C\) - Water Conservation](#)

[Criterion 1\(D\) - Floodways](#)

[Criterion 1\(E\) - Streams](#)

[Criterion 1\(F\) - Shorelines](#)

[Criterion 1\(G\) - Wetlands](#)

[Criterion 2 - Water Supply](#)

[Criterion 3 - Impact on Water Supply](#)

[Criterion 4 - Soil Erosion and Drainage](#)

[Criterion 5\(A&B\) - Transportation](#)

[Criterion 6 - Educational Services](#)

[Criterion 7 - Municipal Services](#)

[Criterion 8 - Aesthetics, Scenic and Natural Beauty](#)

[Criterion 8 - Historic Sites](#)

[Criterion 8 - Historic Sites - Archeology](#)

[Criterion 8 - Rare and Irreplaceable Natural Areas](#)

[Criterion 8\(A\) - Wildlife and Endangered Species Habitat](#)

[Criterion 9\(A\) - Impact of Growth](#)

[Criterion 9\(B\) - Primary Agricultural Soils](#)

[Criterion 9\(C\) - Productive Forest Soils](#)

[Criterion 9\(D\) - Protection of Earth Resources](#)

[Criterion 9\(E\) - Extraction of Earth Resources](#)

[Criterion 9\(F\) - Energy Conservation](#)

[Criterion 9\(G\) - Private Utilities](#)

[Criterion 9\(H\) - Scattered Development](#)

[Criterion 9\(J\) - Public Utilities](#)

[Criterion 9\(K\) - Public Investments](#)

[Criterion 9\(L\) - Settlement Patterns](#)

[Criterion 10 - Local and Regional Plans](#)

Vermont Agriculture and Food System Plan:2020 (*Act 83*)

Hemp Section

- 65% of growers <5 acres
- 40% cultivated acres by 8% growers

Climate Change

- Increase pest/disease pressure
- Water Stress
- Soil Compaction
- Runoff
- Erosion
- Nutrient Loss

Water Quality

- Phosphorus Runoff
- Focus on Soil Health

Succession

- Opportunity for Young Farmers