



FAQ's (Frequently Asked Questions) About the Agriculture Water Quality Act

** Why is agriculture and silviculture being "singled out" as water polluters?*

Agriculture and silviculture is not being looked at as the only potential source of water pollution. Everyone (businesses, landowners of less than 10 acres) falls under the water quality standards set by the Kentucky Division of Water and the Environmental Protection Agency. The Agriculture Water Quality Act provides landowners of 10 acres or more with a process to assess, plan and implement best management practices specific to their particular situation. It also provides a process to work with the Division of Water in solving a pollution problem that has been documented. This process gives landowners the opportunity to develop a corrective measures plan through their local conservation district. Persons not affected by the Agriculture Water Quality Act fall outside this process. Producers are not the only individuals required to develop water quality protection plans. A variety of other entities are required to develop groundwater protection plans, including all businesses and homeowners with on-site wastewater treatment systems or drinking water wells (As outlined in 401 KAR 5:029-040 General Surface and Groundwater Protection regulations).

** What if I write a plan that does not work?*

As long as your agriculture water quality plan is based on the best management practices that have been selected from those outlined in the state water quality plan and has been properly implemented, your plan will not be considered "bad". However, the plan may need to be modified if it doesn't adequately address potential water quality problems. The best management practices presented in the water quality plan are

based on current scientific knowledge. In the case where a best management practice fails to protect water resources, the Agriculture Water Quality Authority will be responsible for reviewing and amending that best management practice or you may still be asked to institute corrective measures to fix the water pollution problem. Assistance will be available to help you make the needed changes to your agriculture water quality plan.

** Do I have to file my water quality plan and have it approved?*

Landowners are not required to file their water quality plan with any governmental agency. You will need to produce a copy of your plan should a water quality problem be identified and traceable to your operation. The Producer Workbook contains a self-certification form that can be filed with the local conservation district. By signing this form, a landowner certifies that he/she understands the requirements of the Agriculture Water Quality Act and has developed a water quality plan for their operation. Filing the certification form with your local conservation district office will also enable you to receive any updates or amendments to the Act.

** I lease the land I farm. Do I have to write a water quality plan?*

Both the person conducting the physical activity to accomplish the farming task (tenant, leasee, etc), as well as the landowner are responsible for compliance with the Agriculture Water Quality Act, with the landowners being ultimately responsible for developing and implementing a water quality plan.

**** I own and farm 500 acres that is split up among four or five different farms. Do I have to write a plan for each parcel of land?***

One water quality plan may be written as long as all of the different parcels of land are included in the plan.

**** Who is responsible for developing a water quality plan?***

The landowner / landuser has the responsibility to develop and implement the provisions of an applicable water quality plan.

**** Why should I write a water quality plan?***

The goal of the Agriculture Water Quality Act is to protect surface and ground water from potential pollutants as a result of agriculture operations. The quality of our water resources should be maintained at a high level to (1) reduce the costs of treating drinking water; (2) provide adequate opportunity for recreational activities; and (3) keep any pathogen transmission through water to a minimum. Following the BMP's listed in the state water quality plan will encourage a continued reduction of potential pollutants from reaching our water resources.

Within five years of the approval of the state-wide agriculture water quality plan (approval received October 23, 1996), persons engaged in agriculture operations across the state shall implement the requirements of the state-wide plan. A water quality plan will be required to be eligible for the state cost share program administered through local conservation districts. If you do not have a water quality plan in place, you will be subject to enforcement procedures by the Division of Water.

**** Who is responsible for enforcing this act?***

The Agriculture Water Quality Act will be enforced by the Kentucky Division of Water. The enforcement process is complaint driven.

**** What constitutes non-compliance with the Act?***

There are two (2) ways to be in non-compliance:

1. The Division of Water documents that a person engaged in agriculture operations is conducting or allowing the conduct of any agriculture operation in a manner that results in water pollution.

OR...

2. A person fails to implement the provisions of the applicable water quality plan.

**** Will I be required to verify that I am following the best management practices in my plan? (i.e. will I have to produce maintenance records for my septic system?)***

Certainly, any documentation (i.e. records, receipts, inspection schedules, etc.) will help verify that the producer is implementing the provisions of the applicable water quality plan.

**** Who will help me develop my plan or answer questions I may have?***

A number of agencies at both the local and state level can provide assistance and answer your questions regarding the Agriculture Water Quality Act. These agencies include:

Kentucky Cooperative Extension Service
Local Conservation District Boards
Kentucky Division of Conservation
Natural Resource Conservation Service
Farm Service Agency
Kentucky Division of Water
Kentucky Division of Forestry
Kentucky Division of Waste Management
Kentucky Department of Health Services
Local County Health Departments

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