



10-Minute Supervisor Trainings

Kentucky Soil and Water Conservation Commission

October 2018

AGRICULTURE WATER QUALITY PLAN

What is the Agriculture Water Quality Act?

The Agriculture Water Quality Act was passed by the Kentucky General Assembly in 1994. The act protects surface and groundwater resources from pollution from agriculture and silviculture practices. The act effects all landowners with 10 or more contiguous acres and who conduct agriculture or silviculture operations on their land. These landowners/land users must develop and implement a water quality plan based on guidance from the Kentucky Agriculture Water Quality Plan.

What is an Agriculture Water Quality Plan?

The Kentucky Agriculture Water Quality Plan (AWQP) consists of best management practices (BMPs) from six areas: silviculture (forestry); pesticides and fertilizers; farmstead; crops; livestock; and streams and other waters. The statewide plan serves as a guide to individual landowners/land users as they develop water quality plans for their individual operations.

How does the act define agriculture and silviculture operations?

According to the Kentucky Agriculture Water Quality Act, an “agriculture operation” is defined as any farm operation on a tract of land, including all income-producing improvements and farm dwellings, together with other farm buildings and structures incident to the operation and maintenance of the farm, situated on 10 contiguous acres or more of land used for agriculture or silviculture or devoted to meeting the requirements and qualifications for payments to agriculture programs under an agreement with the state or federal government.

This means, if a producer applies for any state or federal cost share program, a current AWQP must be completed and available upon request. This plan should be kept by the producer. The plan must be current and available for review at all times.

What is the process for developing and implementing an individual water quality plan?

Landowners must assess their operations and determine if they need an AWQP. Once the assessment has deemed a plan is needed, a plan must be completed by choosing the appropriate BMPs for his/her operation. The AWQP workbook may be accessed online at www.uky.edu/bae/sites/www.uky.edu/bae/files/awqp.pdf. The workbook consists of the landowner and farm number information and a series of yes/no responses based on BMPs needed for specific agriculture operations.

Who is responsible for developing an Agriculture Water Quality Plan?

The landowner is responsible for preparing an agriculture water quality plan that best meets the needs of his/her particular farming operation. This plan belongs to the landowner and must be available in the event that water pollution occurs and is identified and traced to his/her agricultural operation. A self-certification form may be filed with the local conservation district verifying completion of the plan. An interactive online tool is available at www.ca.uky.edu/awqa to help landowners decide which best management practices (BMPs) are needed for their farm. For more information regarding the workbook or online computer version contact your local conservation district office, county extension office, or Amanda Gumbert at 859-257-6094 or amanda.gumbert@uky.edu.

Summary

The Kentucky General Assembly passed the Kentucky Agriculture Water Quality Act (AWQA) in 1994 with the goal of protecting the surface and groundwater resources from pollution resulting from agriculture and forestry activities. This workbook is a tool to help you think about the things you do on your farm and determine what practices you have that prevent pollution. Answers to the questions lead the user through sections that may apply to your farm. Honestly answering yes or no below each question will help you choose the practices you have installed that prevent pollution from that activity. You can also use this workbook to help give you ideas about additional practices you may want to add to your farm in the future. A completed workbook is only part of compliance with the Kentucky AWQA. To be in compliance, you also have to be implementing practices on your farm to stop pollution. These practices are also beneficial to you in preventing loss of soil and nutrients from your farm.

Although there is no required frequency of plan updates, you should review your plan every time you change something on your farm to make sure your plan is up to date. New practices are also added to the state plan periodically, and may be of benefit to add to your plan upon review.

After completing the appropriate sections of the workbook, please complete the “My Agriculture Water Quality Plan” and “Certification” on pages 39 and 40. This site-specific plan will serve as a record of the management decisions made that could prevent impacts to surface or groundwater from this farm. The plan will belong to the landowner or producer and can be used in the event a water quality problem is identified.

How is Compliance with the Agriculture Water Quality Act managed?

The Division of Water (DOW) is charged with the responsibility to ensure compliance with the Act. This approach is carried out via the Division’s Ag Water Quality Act Corrective Measures Protocols. Compliance checks/inspections are based on routine inspections of permitted agriculture facilities, or in response to a complaint. DOW Inspectors will ensure that a AWQP has been completed and properly implemented (may require with consultation with local conservation district) and determine whether the AWQP is adequately protecting waters of the Commonwealth.

DOW protocol for taking actions includes directing the owner/operator to seek assistance from the local conservation district, notification to the conservation district of the issue, and conducting a follow-up inspection unless the conservation district notifies DOW that the issue has been resolved to their satisfaction.

The responsibilities of the conservation district includes:

- The Board Chairman notifying the owner/operator of intent to address the problem.
- Outline, in writing, options available for technical and financial assistance and consequences for non-compliance; copy DOW
- Notify DOW if/when issues are resolved
- Coordinate with DOW on necessary follow-up inspections.

Failure to seek assistance with development or implementation of an AWQP, failure to develop or implement a Corrective Action Measures Plan, or water quality violations may result in Enforcement actions from the Division of Compliance based on DOW enforcement actions (KRS 224.70-100 to 224.71-140) and Bad Actor Provisions (KRS 224.71-130(2))