

**224.71-100 Definitions for KRS 224.71-100 to 224.71-140.**

As used in KRS 224.71-100 to 224.71-140, unless the context requires otherwise:

- (1) "Agriculture operation" means 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 ten (10) contiguous acres or more of land used for the production of livestock, livestock products, poultry, poultry products, milk, milk products, or silviculture products, or for the growing of crops such as, but not limited to, tobacco, corn, soybeans, small grains, fruit and vegetables; or devoted to and meeting the requirements and qualifications for payments to agriculture programs under an agreement with the state or federal government;
- (2) "Bad actor" means any person engaged in agriculture operations, who receives written notification of documented water pollution and of the agriculture water quality plan needed to prevent water pollution, and is provided technical assistance, and financial assistance when possible, to implement the agriculture water quality plan, but still refuses or fails to comply with the requirements of the agriculture water quality plan;
- (3) "Best management practices" means, for agriculture operations, the most effective, practical, and economical means of reducing and preventing water pollution provided by the United States Department of Agriculture Soil Conservation Service and the Soil and Water Conservation Commission. Best management practices shall establish a minimum level of acceptable quality for planning, siting, designing, installing, operating, and maintaining these practices;
- (4) "Conservation plan" means a plan, provided by the United States Department of Agriculture Soil Conservation Service and the Soil and Water Conservation Commission, describing best land management practices, including an installation schedule and maintenance program, which when completely implemented, will improve and maintain soil, water, and related plant and animal resources of the land;
- (5) "Compliance plan" means a conservation plan containing best management practices developed for persons engaged in agriculture operations by the United States Department of Agriculture Soil Conservation Services, in conjunction with local conservation districts as required for eligibility under the Federal Food Security Act;
- (6) "Forest stewardship management plan" means a plan developed by the cabinet's Division of Forestry, the cabinet's Division of Conservation, the Department of Fish and Wildlife Resources, and the United States Department of Agriculture Soil Conservation Service which establishes practices for a person engaged in agriculture operations to manage forest lands in accordance with sound silvicultural principles;
- (7) "Conservation district" means a subdivision of state government organized pursuant to KRS Chapter 262 for the specific purpose of assisting persons engaged in agriculture operations and land users in solving soil and water resources problems,

setting priorities for conservation work to be accomplished, and coordinating the federal, state, and local resources to carry out these programs;

- (8) "Groundwater" means subsurface water occurring in the zone of saturation beneath the water table and any perched water zones below the B soil horizon;
- (9) "Water priority protection region" means an area specifically delineated where water pollution from agriculture operations has been scientifically documented;
- (10) "Agriculture water quality plan" means a document incorporating the conservation plan, compliance plan, or forest stewardship management plan as necessary to prevent groundwater and surface water pollution from an agriculture operation;
- (11) "Surface water" means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters, marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Effluent ditches and lagoons used for waste treatment which are situated on property owned, leased, or under valid easement by a permitted discharger shall not be considered to be surface waters of the Commonwealth; and
- (12) "Soil and Water Conservation Commission" means the commission created in KRS 146.090 for the purpose of administering the organization of conservation districts.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 182, sec. 1, effective July 15, 1994.