

State of Vermont  
Department of Environmental Conservation  
Waste Management and Protection Division  
1 National Life Drive – Davis 1  
Montpelier, VT 05620-3704  
(802) 828-1138

April 22, 2019

Re: Organic Solid Waste Acceptance at Vermont Farms -

Dear Farmer;

Recently, there has been testimony and discussion at the legislature about the practice of using unprocessed food scraps to feed poultry and in making compost. During a discussion in the House Agriculture and Forestry Committee on April 18<sup>th</sup>, a Stakeholder representative and ANR agreed to modify the letter ANR sent on January 9, 2019, to allow additional time for each of the action items. Then, the Committee, the Stakeholder representative, and ANR all agreed and consented to this approach and that section 19 of the bill would be deleted. This revised schedule will provide a period that is 4 months longer than the proposed language in section 19 of S.160. Below is a revised letter, with the new dates.

In May of 2018, the Agency of Natural Resources (ANR) met with stakeholders to discuss the regulatory requirements associated with importing solid waste—specifically food residuals or “food scraps” --to a farm for composting and a timeline for ushering farms into compliance with Solid Waste Management Rules. The primary request at that time was to be provided the opportunity to meet with the Agency of Agriculture, Food and Markets (AAFM) to ask questions about any impacts these changes will have to your operations. ANR is aware that a meeting between AAFM and the stakeholder group occurred in August and AAFM issued a follow-up response to your questions from that meeting in October. We are reaching out to you to formally begin the process of assisting farms that import food scraps and other organic solid wastes into compliance with the Solid Waste Management Rules.

As you know, the Agency of Natural Resources (ANR) oversees management of all solid waste in the state and the Agency of Agriculture, Food & Markets (AAFM) oversees farming practices. In a memorandum dated March 15, 2018 (attached), AAFM stated clearly that feeding unprocessed food scraps to chickens is not an agricultural practice and not subject to their jurisdiction, confirming a shift in policy regarding jurisdiction. More specifically, AAFM details how the practice falls short of their definition of farming and does not meet their requirements for a registered commercial feed. Due to AAFM’s assertion that this particular practice does not fall under their jurisdiction, that unprocessed food scraps are a discarded solid waste, and the potential for public health and environmental impacts from their mismanagement, ANR will be working with you over the coming months to either obtain compliance with ANR Solid Waste composting requirements (part of the Solid Waste Management Rules) or to cease the importation of solid waste altogether. We recognize this is a change for your operation and ANR is willing to provide guidance and allow time to come into compliance.

## What will the process look like?

Each farmer and farm operation have unique circumstances to factor in, but we anticipate working with each operator to develop a suitable, custom-tailored but timely compliance schedule within the following general framework:

1. **Complete and Return the Attached Form** – to be completed and returned by **June 1, 2019** - Attached is a short form for contact information so that we can contact and assist you going forward. Please fully complete and return the form by June 1, 2019.
2. **Initial Discussion and Site Visit** – to be completed by **July 1, 2019** - A preliminary site visit by ANR with the farm owner and compost operator to discuss current operations, processes and recipes and to assess infrastructure and layout. At the site visit, ANR may request some initial and immediate operational improvements by the composter to reduce any existing impacts to public health and the environment and/or nuisance conditions. This is also an opportunity for the compost operator and farm owner to ask any specific questions about the Solid Waste composting requirements as they pertain to your unique situation and operation. The goal is to open a dialogue to provide you with all the information you need to make a decision. The information discussed at this site visit and subsequent follow-up conversations will inform item 3 below.
3. **Submit Notice of Intent** – to be completed by **May 1, 2020** - After you've had ample opportunity to discuss the regulations with ANR staff and have conducted your own additional research, a notice of intent shall be submitted to the Solid Waste Management Program. The notice will state either; 1) the farm owner and compost operator intend on conducting any necessary improvements and requesting a Solid Waste Composting Certification or 2) that the importation of organic solid waste (food residuals, etc.) onto the farm property has ceased. The signed notice of intent shall be submitted to the Program by May 1, 2020. If no response is submitted, or if a farm owner and/or compost operator become uncooperative or unresponsive, the Program will not be able to make a positive finding that compliance with the Solid Waste Management Rules is achievable and will immediately begin following up with the property owner, compost operator, licensed hauler and generators as necessary to ensure that importation of solid waste to the farm has ceased.
4. **Apply for a Solid Waste Management Facility Composting Certification or Registration, then Complete Any Necessary Site Improvements** – to be completed **no later than November 1, 2020** – The compost operator and facility owner apply for and obtain a solid waste certification, and once permits are obtained, then complete all necessary improvements by November 1, 2020. Alternatively, for small composting operations that meet the Accepted Composting Practices in the Rules, the compost operator and facility owner submit a registration by November 1, 2020.

With your input, our goal is to create your own personalized compliance plan and timeline, allowing you time to sort things out, while simultaneously maintaining steady progress towards a solid waste certification or registration. If the farm owner and compost operator do not coordinate an initial site visit prior to July 1, 2019, fail to comply with the compliance plan & timeline and/or become unresponsive to ANR's communications, we will interpret that as the farm owner and compost operator's notice of intent to cease the importation of solid waste immediately in order to achieve compliance.

## How can I get more information or help?

There are options for additional information and assistance and ANR is here to provide guidance.

- Program staff are available to answer any questions you have by phone or email at any time. We look forward to visiting you at your farm. Please contact Ben Gauthier at (802)522-5080 or [Benjamin.gauthier@vermont.gov](mailto:Benjamin.gauthier@vermont.gov).
- If you'd like further information about preparing your site and operation for a solid waste composting certification or registration, we have a series of online composting resources that you may find informative: <http://dec.vermont.gov/waste-management/solid/materials-mgmt/organic-materials#CompostingResources>.
- Additionally, for the past few years the Solid Waste Management Program has contracted with a third-party composting consultant to offer up to 20 hours of free compost technical assistance to solid waste composting facilities like yours. The available technical assistance hours can be used for a number of purposes such as site design, process refinement, pile troubleshooting and application assistance.

## What are the next steps?

Farms that are currently accepting over 100 cubic yards of any amount of organic solid wastes per year (excluding animal manure, absorbent bedding, and high carbon bulking agent) should contact the Solid Waste Management Program immediately to arrange a site visit in early 2019 or to provide ANR written notice that you have ceased acceptance of solid wastes. Please keep in mind that managing solid waste without a certification/registration is a violation of the Vermont Solid Waste Management Rules and continued non-compliance may result in penalties and enforcement actions against the respondent.

To get the ball rolling on a site visit to your location, to discuss a Solid Waste compost facility registration/certification or if you think that you would benefit from some free technical assistance from our contractor, please contact Ben Gauthier at (802)522-5080 or [Benjamin.gauthier@vermont.gov](mailto:Benjamin.gauthier@vermont.gov).

Thank you for your continued cooperation as we navigate this transition together.

Sincerely,



Cathy Jamieson  
Solid Waste Program Manager  
Waste Management and Prevention Division

cc:  
CAV  
RURAL VT  
STAKEHOLDERS LIST