

March 3, 2026

To: Patrick Field

Senior Mediator

Consensus Building Institute

As part of the CAFO Stakeholder Group we have been asked to indicate through a survey our agreement with the draft recommendations. We would like the "farmer letter" to serve as our response to the survey. Although our letter has similar recommendations as outlined in the survey, our letter provides more specifics and leaves less to interpretation. We are concerned that agreeing to a recommendation in the survey still leads much to interpretation. We are attempting to be very clear and concise in our recommendations. The stakeholder format has provided us with credible information on how other states permit their farms and comply with EPA CWA. This is the basis of our recommendations which are presented in the "farmer letter".

It needs to be understood that farmers are very supportive of reasonable water quality regulations. The regulating agencies have not been clear or collaborative in the past causing the present situation. The farming community is the community affected by the regulations being developed. The farmers have a financial, operational, social, and environmental stake in the outcomes. While we value the opinions and desires of the other stakeholders, they will only be affected operationally. It is for this reason that the farmers want to be clear about their recommendations to ANR. It is critical to the farms that their voice is heard and their recommendations are clear. This is the reason for our decision.

Respectfully,

Champlain Valley Farmers Coalition

Connecticut Rivers Watershed Farmers Alliance

Franklin-Grand Isle Farmers Watershed Alliance

Vermont Dairy Producers Alliance

Jonathan Chamberlain, TSP, Bourdeau Brothers Inc.

February 12, 2026

Farmers were invited to participate in a CAFO Stakeholder Group to provide feedback and input on the development of a CAFO/ Discharge Permit. This group was formed in response to petitioners filing a complaint with EPA due to the lack of an outlined CAFO permit and displeasure with the current regulatory structure. Farmers represented in this group have listened to hours of information from other states, TSP planners, Senior Staff from Vermont Agency of Agriculture Food and Markets (VAAFAM) and Agency of Natural Resources (ANR) and DEC, Petitioners, and the EPA. We have learned valuable information and now are ready to provide clear recommendations to the Vermont Legislature.

We support a discharge permit that falls under the authority of DEC and upholds the federal clean water act. Farmers recommend a permit that is limited to the original intent of EPA along with state Required Agriculture Practices (RAPS). However, farmers would like to request that ANR present immediately present the current draft of what their permit would look like. Farmers need to provide further input on the following critical areas, including but not limited to the following.

- Working with ANR to define what is considered a discharge, what is an intermittent discharge, proposed buffer requirements, and definitions of ag waste.
- Ensure definitions line up with the Clean Water Act and do not exceed the petitioners or EPAs intent.
- Clarify the process from the point of reporting a discharge through the time frame to fix and meet standards.
- Develop a reasonable process for appealing any determinations involving this permit and process.
- Specify the situations which trigger; “At the sole discretion of Secretary.”
- Define the intent and use of Nutrient Management Plans; consider models from other states. These models recognize the realities of implementing an NMP within the constraints of yearly weather variation. Based on evidence from other states, Vermont’s NMP regulations constrain our farmers from adequately managing our farms, increasing inefficiency and costs to taxpayers.

Farmers also need a clear understanding of how current infrastructure in the production area will be assessed for compliance. Significant investment has been made by farmers and taxpayers and should not be deemed nonfunctional. We need clear evaluation and only in extreme or justified cases should new infrastructure be required. We worry that new infrastructure in most cases is not necessary; and it will be a significant burden that is

not necessary and will essentially push farmers out of business and reduce food production in our state. Potentially it could also redirect funds away from practices that have been shown to make clear and positive impacts on water quality simply to check procedural boxes.

During the CAFO Stakeholder Group Meetings, we learned that the EPA and other states run successful CAFO Discharge Permitting Programs that are flexible, and we think that such an approach will be environmentally sound and fiscally responsible here in Vermont.

The farmers recommend the state continue with a non-discharge permit through the VAAFM and the discharge permit under ANR-DEC. The agencies need to be clear on the differences between the two permits, the purpose of why the discharge permit is required and show the consistency of how they will follow the Required Ag Practices within the Discharge Permit.

ANR and VAAFM need to align their requirements for waste handling systems that are supported primarily by federal funding sources so that the systems installed meet the standards set by the CWA, RAPs and provide certainty to farmers.

Clean water is a shared goal. Farmers want our operations to protect water, which means we don't want discharges either. We want the state to help farmers correct discharges instead of permitting discharges is what the farming community desires. We believe the non-discharge permits and process and investments made in that system are working, and we should not disregard these significant efforts. Those efforts have shown considerable reductions towards the TDML goals. Our industry has proven the willingness to step up and do what is needed if it is achievable.

Through the Stakeholder Group meetings, we have learned that current inspectors are not trained to the same standard and what appeared to be no standard at all. The lack of training that inspectors have had is unacceptable. Without standardized training processes and protocol, there is a risk of bias and error. In fact, farmers have experienced bias and lack of clarity during and after inspections. This major shortcoming was further supported by members of the Stakeholder Group that had been VAAFM inspectors. This is completely unacceptable and must be rectified immediately.

Understanding the immediate challenges to consistent regulation and to overcome these challenges and build confidence and respect for the VT regulatory process, we recommend that LFO/MFO inspections be performed by a certified third party. Unbiased and standardized inspection reports should then be returned to the farmers and agencies. These auditors, such as PG Environmental Division of ERG; which have environmental

scientists, conduct inspections for both agencies. They have the experience and understanding of the industry without bias and discord, and subjectivity that has been discussed in the stakeholder meetings. The criteria and process of selecting this third party would be developed together by Agencies, TSP planners, and Stakeholders. This contracted third party inspection would be put in place until the Agencies have demonstrated to the stakeholders that the current issues have been resolved to the stakeholder's satisfaction.

They would provide inspection reports to agencies and farmers. The agencies would then work with the farmers on either a non-discharge or discharge permit. Farmers will work with the agencies to develop an implementation plan to overcome any obstacles identified during the audit.

Farmers that are required to move to the discharge permit should be allowed to provide feedback on strategies to overcome obstacles instead of being told what best fixes are for the obstacle. The plan will provide up to five years from the audit to come into complete



Farmer Group Letter
2026.pdf

compliance. Farmers will work with the agencies to obtain funding, if needed, such as covering costs for engineering.

During this process we have witnessed and reluctantly acknowledged the lack of professionalism between the two agencies as well as towards our farmers and technical service providers. There is an overall high level of distrust and lack of respect throughout the regulatory framework. We want and support a clearly defined permitting process that is handled with the professionalism our farmers deserve.

To that end, it is imperative that the Stakeholder Group remains in effect moving forward to work with the agencies and legislature on mitigating unintended consequences upholding the intent of current legislation and EPA mandates. The stakeholder group should be included to assist in the improvement of relationships between the two agencies that currently exist and be included in regulatory development. We would pattern this group's role from the New York DEC/Farmer model which has created trust and buy in to achieve their water quality goals and improvements within their industry.

We come unified in our recommendations for your consideration to help us create operational and economically feasible permitting processes that will serve our future generations of dairy farmers and the State of Vermont, while achieving the intent of the Legislative requirement in 2025 and the request of the EPA in developing a Discharge CAFO Permit.

