

VERMONT

Concentrated Animal Feeding Operations



What is CAFO?

A concentrated animal feeding operation (CAFO), as defined by the EPA's National Pollutant Discharge Elimination System (NPDES) regulations, are any animal feeding operation:

- That meet certain animal population thresholds and discharges directly to state waters, or is not in compliance with a nutrient management plan and is discharging agricultural stormwater; or,
- Regardless of population, is determined to be a significant contributor of pollutants to waterways.

Who is currently responsible for CAFO Permits?

The Vermont Agency of Natural Resources is the sole agency authorized to enforce federal Clean Water Act requirements and to administer a NPDES CAFO permitting program in Vermont. The Vermont Agency of Agriculture, Food and Markets (AAFM) administers state non-discharge permits to farms. To date, no CAFO permits have been issued to Vermont farms and EPA has indicated this is unacceptable.

What deficiencies have been identified in the implementation of Vermont's NPDES CAFO program?

In response to a 2022 petition from the Conservation Law Foundation, the Vermont Natural Resources Council, and the Lake Champlain Committee, the EPA demanded corrective action in the management of Vermont's CAFO permits or risk losing its authorization of its NPDES program.

EPA directed the Agency of Natural Resources to “be responsible for CAFO permitting, monitoring, and enforcement relevant to implementing the Clean Water Act’s NPDES program on Vermont’s farms. This includes making ANR responsible for conducting routine inspections of all farms, enforcing nutrient management planning requirements, and administering discharge permits.”

To maintain Vermont's authority to administer the NPDES program, ANR, in coordination with AAFM, is working on a corrective action plan that will meet Clean Water Act requirements.

What are the next steps that ANR will take?

- Complete revisions to the draft Corrective Action Plan by March 18, 2025 based on feedback received from EPA earlier this year.
- Initiate a stakeholder group including farmers to answer questions and work to address challenges that might arise in the farming community given the unique permitting differences between ANR and AAFM.
- Work with the Administration and Legislature to fix gaps in ANR’s NPDES CAFO program this session.
- Develop a list of priority farms and begin inspecting those farms during the 2025 field season.