

Large Farm Operation Permit Amendment

The Vermont Agency of Agriculture, Food, and Markets is authorized to regulate Large Farm Operations under 6 V.S.A. Chapter 215.

Permittee:

Name/Address

Goodrich Farm, Inc.
Ernie, Chase, and Danielle Goodrich
615 Shard Villa Rd.
Salisbury, VT 05769

Contact Information

1271 Middle Rd.
Salisbury, VT 05769

Watershed

041504020306- Middlebury River
041504020305- Leicester River
041504020307- Pleasant Brook-Otter Creek
041504020304- Willow Brook-Otter Creek
041504020303- Neshobe River

Permit Number:

LFO #2014-07-A1

Animal Type:

Dairy Cows

**Reasons for Permit /
Permit Amendment:**

- Construction Authorization
- Expansion of Herd Size
- Compliance Schedule

Farm Operation:

Goodrich Farm, Inc. was originally permitted as a Large Farm Operation (LFO) in September 2014. Under that permit, LFO #2014-07, the Agency authorized Goodrich Farm, Inc. to have four animal housing facilities (Main Farm, Berthiaume Farm, Desautel Farm, and Quesnel Farm) that are located in Addison County within the Otter Creek Basin. The animal housing facilities are:

The Main Farm, located in Salisbury, is comprised of buildings for housing mature dairy cows and youngstock/heifers; waste storage facilities, including a separator building for bedding recovery; feed bunks with a collection system and a leachate collection pond; and a mortality area.

The Berthiaume Farm, located in Salisbury, is comprised of a building for housing mature dairy cows and youngstock/heifers; a waste storage facility for liquid waste; and two feed bunks, each with a collection system.

The Desautel Farm, located in Salisbury, is comprised of a building for housing youngstock/heifers; one waste storage facility; and one feed bunk with a collection system and pumping station.

The Quesnel Farm, located in Salisbury, is comprised of a building for housing youngstock/heifers; one waste storage facility; and one feed bunk with no collection system.

The land that Goodrich Farm, Inc. operates is made up of 17 different tracts of land that total 2,358 acres. Manure at the Main Farm is transferred as a liquid slurry into manure storage via underground pipe, and is then loaded into manure spreading tanks for field application to cropland. The farm also uses drag line manure spreading technologies to improve nutrient management. Calf manure is treated as a semi solid. The semi-solid manure is spread daily or stacked until field application. The farm continues to work with a certified technical service provider (TSP) for the development, update, and implementation of a nutrient management plan (NMP).

The farm is currently planning for an expansion of the dairy herd and building a 100 ft. x 616 ft. barn expansion at the Main Farm. The expansion is intended to allow the farm to cease milking at the Berthiaume Farm and instead milk animals only at the Main Farm. The family intends to continue operating the dairy farm business to provide income for themselves and provide jobs at the farm.

I. FINDINGS OF FACTS: LFO BASIC INFORMATION

A. Animal Numbers and Manure and Waste Generation

Main Farm (current herd size at this facility)

Type	Total Number
Mature Dairy Cows (milkers/dry cows)	500
Youngstock or Heifers	125
Liquid Volume Generated for 365 Days	5,052,437 gallons
Semi-Solid Volume Generated for 365 Days	437 tons

Berthiaume Farm (current herd size at this facility)

Type	Total Number
Mature Dairy Cows (milkers/dry cows)	525
Youngstock or Heifers	56
Liquid Volume Generated for 365 Days	4,583,631 gallons
Semi-Solid Volume Generated for 365 Days	360

Desautel Farm (current herd size at this facility)

Type	Total Number
Youngstock or Heifers	350
Liquid Volume Generated for 365 Days	1,762,026 gallons

Quesnel Farm (current herd size at this facility)

Type	Total Number
Youngstock or Heifers	200
Liquid Volume Generated for 365 Days	1,099,825 gallons

Proposed Animal Increase

Type	Total Number
Mature Dairy Cows (milkers/dry cows)	175
Youngstock or Heifers	169
Liquid Volume Generated for 365 Days	2,569,650 gallons
Semi-Solid Volume Generated for 365 Days	-177 tons*

* Semi Solid manure production is decreasing because more manure will be managed as liquid manure.

Total Waste Generated and Imported On LFO

TOTAL Liquid Volume Generated for 365 Days	15,067,569 gallons
- Liquid Manure Exported	0 gallons
+ Imported Non-Farm Generated Waste	0 gallons
TOTAL Annual Liquid Waste Remaining	15,067,569 gallons
Liquid Storage Required for 180 Days	7,430,582 gallons
TOTAL Semi-Solid Volume Generated for 365 Days	620 tons
- Semi-Solid Waste Exported	0
TOTAL Annual Semi Solid Waste Remaining	620 tons
Semi-Solid Storage Required for 180 Days	306 tons

B. Storage Capacity

I. Current Waste Storage Facilities, Remote Stockpiles, and Available Capacity

Main Farm

Name	Available Storage
Liquid Storages	
North Pit	1,128,600 gallons
South Pit	2,145,300 gallons
Leachate Pond	542,462 gallons

Berthiaume Farm

Name	Available Storage
Liquid Storages	
Berthiaume Pit	1,683,900 gallons

Desautel Farm

Name	Available Storage
Liquid Storages	
Desautel Pit	1,490,400 gallons

Quesnel Farm

Name	Available Storage
Liquid Storages	
Quesnel Pit	665,400 gallons

Remote Stockpiles

Name/Location	Maximum Volume
Harding Pad (Lat: 43° 49' 31.61880" N, Lon: 73° 4' 1.96248" W)	400 tons

Total Current Storage Available On LFO

TOTAL Liquid Storage Available (current) 7,656,062 gallons
 TOTAL Semi-Solid Storage Available 400 tons

C. Nutrient Generation from Animals and Wastes

(Includes any proposed animal increase included in permit amendment as well as imported non-farm generated wastes)

Nutrient	Total Nutrients Generated & Imported (lbs.)
Nitrogen	57,505*
Phosphorus	85,892
Potassium	222,677

* This number is based on less than 100% availability

D. Land Base and Crop Nutrient Recommendation

Crop	Acres	Nitrogen Recommendation (lbs.)	Phosphorus (P ₂ O ₅) Recommendation (lbs.)
Perennial Cropland	1,638	198,972	72,083
Annual Cropland	720	73,468	47,406
TOTALS	2,358	272,441	119,489

E. Waste Storage and Nutrient Balance Summary

Waste Storage Overview (current + proposed)

Liquid Storage Available	7,656,062 gallons
- Liquid Storage Required for 180 Days	7,430,582 gallons
Balance	225,480 gallons
Semi Solid Storage Available	400 tons
- Semi Solid Storage Required for 180 Days	306 tons
Balance	94 tons

Land Base Nutrient Balance Overview

	Nitrogen (lbs.)	Phosphorus (lbs.)	Potassium (lbs.)
Total Nutrients Generated on the Farm	57,505	85,892	222,677
Total Nutrients Imported to the Farm (+)	0	0	0
Total Nutrients Exported/Transferred from the Farm (-)	0	0	0
Total Crop Nutrient Recommendation from NMP (-)	272,441	119,489	302,666
Remaining Balance* (=)	-214,936	-33,597	-79,989

*Negative balance indicates nutrients generated from wastes (generated and imported) are not exceeding crop recommendations.

Farm Nutrient Balance Overview

	Nitrogen (lbs.)	Phosphorus (lbs.)	Potassium (lbs.)
Total Crop Nutrient Recommendation from NMP	272,441	119,489	302,666
Total Nutrients Recommended from Wastes and Imports (-)	57,505	85,892	222,677
Total Nutrients Recommendation from Fertilizer (-)	198,803	9,501	17,521
Remaining Balance** (=)	16,133	24,096	62,468

**Positive balance indicates waste and fertilizer recommendations are not exceeding crop recommendations in NMP.

I. Agency Conclusions

Waste Generation and Storage Conclusion:

Based upon the facilities listed above in Section I.1. Storage Capacity, the Agency concludes that Goodrich Farm, Inc. has demonstrated that at this time the proposed waste management system meets the 180-day minimum storage requirement.

Nutrient Management and Land Base Conclusion:

The Agency concludes that Goodrich Farm, Inc. has an adequate land base in place to address the nutrients generated and managed.

II. SPECIFIC PERMIT CONDITIONS, REQUIREMENTS

Pursuant to 6 V.S.A. Chapter 215, this permit authorizes Goodrich Farm Inc. to manage its facility according to the representations contained in the Large Farm Operation Permit Application (except where modified herein), which is hereby incorporated by reference, and under the following conditions:

A. Herd Size and Information

The authorized herd size is based in part on each of the following:

- The total volume of waste generated, exported and imported;
- The total volume of waste storage available that meets the standards;
- The total land base, and crop nutrient recommendations (for manure spreading); and
- The availability of other means of managing manure.

The permittee may not increase animal numbers above those listed in Section II (A.I.) of this permit unless a compliance schedule has been authorized and is outlined in Section II (A.II.).

I. Current Authorized Herd Size

Type	Maximum Number Immediately Authorized
Mature Dairy Cows (milkers/dry cows)	1025
Youngstock or Heifers	731

II. Expansion of Herd Size

The Goodrich Farm, Inc. plans to house the proposed increase in mature dairy cows at the Main Farm in the new freestall barn (New Barn), yet to be constructed, that is designed to attach to the existing main barn structures. It also plans to move the mature dairy cows from the Berthiaume Farm to the New Barn. The Goodrich Farm, Inc. plans to house the proposed increase in youngstock/heifers at the Berthiaume Farm, in the barns that currently exist there.

This permit LFO #2017-07-A1 authorizes the Goodrich Farm, Inc. to increase mature cows and youngstock/heifers by the animal numbers noted in the table below.

Type	Total Number
Mature Dairy Cows (milkers/dry cows)	175
Youngstock or Heifers	169

Authorization of the expansion of herd size is granted with the following conditions:

- Manage the Separator Building at the Main Farm in a manner that prevents wastes from running off to surface water or impacting groundwater.
- Fill in the ditch the farm dug down gradient of the Berthiaume Farm Silage Leachate Treatment System by December 31, 2018 so that no silage leachate is able to enter the ditch and reach surface water.
- Monitor and manage the Berthiaume Farm Silage Leachate Collection and Treatment System so that all wastes are collected, transferred and treated, and cannot reach surface water. If all wastes are not properly collected, transferred or treated, then the farm shall repair and/or replace the Silage Leachate Collection and/or Treatment System.
- Manage the Quesnel Farm to ensure that agricultural wastes cannot runoff to the east of the production area.
- Develop a plan for odor, noise, traffic, and pests 18 months after the Agency has provided formal guidance that will identify and mitigate the farm's impact on the surrounding community as a result of expansion of farm management.
- Develop a storm water management plan 18 months after the Agency has provided formal guidance for impervious surface runoff to ensure proper design and construction of storm water treatment and control practices as well as erosion prevention and sediment control practices necessary to minimize the adverse impacts of storm water runoff to surface waters from production areas.

III. Maximum Authorized Herd Size

The table below combines the current authorized herd size and the expansion of herd size, and may not be exceeded at any time under this permit as outlined below. Increasing the current authorized herd size to include the expansion of herd size animal numbers is only authorized once all conditions associated with the proposed animal increase are met. If the proposed animal increase involves constructing a barn, or an addition to a barn, or purchasing a new facility, the conditions in Section II (C) must be met prior to increasing animal numbers to the maximum amounts. Increase in animal numbers above those listed below would be a violation of this permit which may lead to further enforcement action.

Type	Total Number
Mature Dairy Cows (milkers/dry cows)	1200
Youngstock or Heifers	900

B. Water Quality Discharge

There shall be no discharge to surface waters from the storage or management of manure, compost, haylage, silage, or other wastes at any time.

C. Construction/Purchase/Use of Structures

The permittee may not construct any new barns, expand existing barns, or add any new facilities for the purposes of animal housing to the existing LFO permit unless a compliance schedule has been authorized and is included in a written amendment signed by the Secretary of Agriculture, Food and Markets.

The permittee may not add, construct or expand any waste management system or use a new waste management system unless a compliance schedule has been authorized and is included in a written amendment signed by the Secretary of Agriculture, Food and Markets.

Siting and setback criteria in the LFO Rules apply, and a public informational meeting may be required for the construction, expansion and/or use of structures as part of the application and/or amendment request process.

It is the responsibility of the permittee to notify the town zoning administrator or the town clerk in writing of the proposed construction activity PRIOR to the construction of any farm structure. The notification must contain a sketch of the proposed structure including the setbacks from adjoining property lines and road rights-of-way. It is also the responsibility of the permittee to work with the Vermont Department of Environmental Conservation: Watershed Management Division on proper construction storm water permitting if the construction project triggers permit thresholds, currently one acre or more of land disturbance.

I. Proposed Construction, Purchase or Use of a New Facility or Barn Authorized with Conditions:

This permit authorizes the permittee to construct an addition, which measures 100 ft. X 616 ft., on to an existing barn at the Main Farm. The addition will increase animal housing and will allow the farm to increase their herd size.

The construction authorization is only valid for the proposed construction as presented by the permittee. This authorization is valid for two years from the date the permit is signed by the Secretary of Agriculture. If construction is not completed by the end of the two-year period, the permittee must reapply for construction authorization.

Failure to notify the Town prior to construction, failure to notify the Agency of changes to the proposed construction, failure to reapply for a permit or permit amendment that includes construction, or failure to receive proper construction storm water permitting may result in enforcement action.

Facility/Barn Name	Location	Animals/Type
New Barn	Main Farm	Milking Cows

No construction of any new barns, expanding existing barns, or adding any new facilities for the purposes of animal housing, other than those previously described (if applicable), is authorized in this permit. The process for authorization for construction of any new barns, expanding existing barns, or adding any new facilities for the purposes of animal housing is outlined in Section III (E & F). The permittee may be subject to enforcement action if new barns are constructed, existing barns are expanded, or if a new facility is used for the purposes of animal housing prior to authorization.

II. Proposed Construction, Purchase or Use of a New Waste Storage Facility Authorized with Conditions:

No new construction of a waste management system, expansion of an existing waste management system or use of a new waste storage system, other than those previously described (if applicable), is authorized in this permit. The process for authorization for construction, expansion, use, or purchase of a waste management system not authorized in this permit is outlined in Section III (G & H). The permittee may be subject to further enforcement action if waste storage systems are constructed, expanded or used prior to authorization.

D. Facilities Approved for Animal Housing

The following facilities are the only authorized locations for animal housing under the conditions of this permit:

Facility Name	Facility Location
Main Farm	615 Shard Villa Rd.
Berthiaume Farm	1493 Shard Villa Rd.
Desautel Farm	1919 Shard Villa Rd.
Quesnel Farm	2017 Middle Rd.

Facilities listed above are the only authorized locations for the purposes of animal housing in this permit. The process for authorization for adding any new facilities for the purposes of animal housing is outlined in Section III (F). The permittee may be subject to enforcement action if a facility not listed above is used for the purposes of animal housing prior to authorization.

E. Manure, Compost, and Other Waste Storage

Manure and other wastes shall be properly stored, handled and disposed of.

I. Waste Storage Facilities Approved for Use

The following waste storage facilities are authorized for use under the conditions of this permit:

Structure Name	Facility or Location Where Structure is Located
North Pit	615 Shard Villa Rd.
South Pit	615 Shard Villa Rd.
Leachate Pit	615 Shard Villa Rd.
Berthiaume Pit	1493 Shard Villa Rd.
Desautel Pit	1919 Shard Villa Rd.
Quesnel Pit	2017 Middle Rd.
Harding Pad	Town Farm Rd.

II. Waste Storage Facility Certification and Available Waste Storage Capacity

Waste storage facilities must be certified to meet the NRCS 313 Waste Storage Facility conservation practice standard. Previously uncertified structures and structures older than the 15 year practice lifespan need to be evaluated to determine if they meet the current standard. The waste storage facilities listed below on Goodrich Farm Inc. will need to be evaluated and certified by NRCS or certified by a professional engineer,

As built drawings, or surveys, will need to be provided for each structure along with *LFO Appendix A-2: Waste Storage Facility (WSF) Form* to verify the available waste storage capacity for each structure. A signed letter, by a professional engineer, needs to accompany the above information for each waste storage facility that states that each structure meets the current NRCS 313 Waste Storage Facility conservation practice standard, or an equivalent standard, at the time of submission.

Actions Required	Date Due
<p>The farm has completed assessments on the following waste storage facilities, although certification cannot be met until the items within the assessment are completed. Provide the Agency with the following documentation for each structure listed below:</p> <ul style="list-style-type: none"> - Signed documentation or letter from a professional engineer that each structure meets the NRCS 313 conservation practice, or equivalent standard. <p>List of Waste Storage Facilities Requiring Action Items within the Assessment are Completed to Meet Certification:</p> <ul style="list-style-type: none"> i. North Pit ii. South Pit iii. Berthiaume Pit iv. Desautel Pit v. Quesnel Pit 	<p>18 months from signing</p>

III. Manure and Waste Stacking Sites

No manure field stacking sites are authorized in this permit. All manure field stacking sites must meet the NRCS 313 standard, as amended. The permittee must notify the Agency and provide certification that manure field stacking sites meet the NRCS 313 standard prior to using the site for manure stacking. Failure to notify the Agency and use of an uncertified site may result in enforcement action.

IV. Manure and Waste Stacking Site Certification

Farm Name does not have any stacking sites that require verification.

F. Land Base and Nutrient Management

It is the responsibility of the permittee to maintain an adequate land base as part of a nutrient management plan (NMP) to adequately manage nutrients from generated and imported wastes. It is the permittees responsibility to notify the Secretary in writing (within 15 days) if the NMP becomes deficient. The permittee shall include a revised NMP that will address how the nutrients will be managed to meet permit requirements and include any written export agreements if applicable. Animal numbers and/or imported wastes shall be adjusted if an adequate land base is not available and/or waste exports cannot adequately address nutrients of all wastes.

G. Non-Farm Generated Waste Importation

This permit does not authorize the permittee to receive any non-farm generated wastes. Section III (J) outlines the required process for authorization of non-farm generated waste importation. Importation of non-farm generated wastes without authorization may result in further enforcement action.

III. GENERAL REQUIREMENTS

The permittee shall comply with the following requirements:

A. The permittee shall use the appropriate Appendices (forms) as outlined below:

- i. When requesting permit amendments and modifications, a letter of intent must be submitted to the Secretary for review. *Appendix A: Application for Large Farm Operation Permit* shall be filled out in its entirety, signed and submitted to the Secretary, along with the following forms, as appropriate:
 - a. *Appendix A-1: Facilities Information Form*: must be filled out for all facilities associated with the LFO
 - b. *Appendix A-2: Waste Storage Facility Form*: must be filled out for each waste storage facility associated with the LFO
 - c. *Appendix A-3: Proposed Construction Form*: must be filled out prior to any proposed construction (including waste management systems and barns as well as additions and/or expansion of existing structures)
 - d. *Appendix A-5: Substrate/Waste Import Form*: must be filled out for all wastes imported or proposed to be imported to LFO
 - e. *Appendix A-6: Transfer of Ownership Form*: must be filled out when transferring an existing LFO Permit to a new owner
- ii. Nutrient Management: Appendix B: GUIDANCE DOCUMENT: COMPONENTS OF A MODEL NUTRIENT MANAGEMENT PLAN must be followed when preparing or modifying your NMP
- iii. Annual Water Withdrawal and Use
 - a. *Appendix C: LFO Water Withdrawal and Use Report*
- iv. Annual Reporting:
 - a. *Appendix D: LFO Annual Compliance Report*

Note: Forms and NMP guidance shall be requested by the permittee from the Agency and can be in hard copy form or in digital fillable format, as applicable.

B. Large Farm Operations Rule and Required Agricultural Practices

All permitted Large Farm Operations shall comply with all LFO rule provisions and with all Required Agricultural Practices regulations adopted under 6 V.S.A. Chapter 215, unless a compliance schedule is provided to bring the farm into compliance with the LFO Rules and Required Agricultural Practices.

C. Waste Storage Structure Storage Volume, Operation and Management

It is the responsibility of the permittee to maintain a minimum of 180 days of total waste storage at all times. It is also the permittees responsibility to notify the Secretary in writing (within 15 days after) that the 180 day storage requirement cannot be met. The permittee shall also include a revised waste storage plan that will address how the volume of wastes managed on the farm will be addressed and include written export agreements as applicable. Animal numbers and/or imported wastes shall be revised if there is insufficient storage for wastes.

All Waste storage structures shall be operated and maintained in such a manner as to prevent overflow and to prevent discharges to waters. All waste storage structures shall be managed and their contents shall be removed on a regular basis in compliance with this permit in order to avoid an overflow or a discharge.

D. Manure, Waste and Other By-Product Management and Utilization

Manure and other wastes shall be managed in accordance with the RAP's, the LFO Rules, and the NRCS operations and management standards and to prevent discharges to waters of the State. The permittee is authorized to land apply manure and other wastes based upon rates and recommendations in a nutrient management plan (NMP) that meets NRCS Technical Practice Code 590, as amended.

E. Building a Barn or Expanding an Existing Barn for Animal Housing

Required Action	Date Due
<ul style="list-style-type: none"> - Submit a letter of intent to the Secretary describing the proposed new facility, new barn or extension of an existing barn, including blueprints and/or a design for the proposed construction, including location and maximum number of animals the building is intended to house. Submit appropriate forms listed in Section III (A). The Agency will respond in writing outlining next steps. - The permittee shall complete and submit information as required by the Secretary and shall await the Secretary's written determination as to whether a full permit application or modification is required to accommodate the proposed change. - Follow the process that is laid out in the Secretary's written determination regarding application review and permit decision. 	<p>Prior to construction</p>
<p>Construction of a new barn/facility or expansion of an existing facility may begin ONLY once conditions above are met and written approval is given by the Agency.</p>	

F. Purchasing a Barn/Facility for Animal Housing

Required Action	Date Due
<ul style="list-style-type: none"> - Submit a letter of intent to the Secretary describing the proposed change to the existing operation including location of new barn/facility, type of operation and available storage associated with it. Submit appropriate forms listed in Section III (A). The Agency will respond in writing outlining next steps. - The permittee shall complete and submit information as required by the Secretary and shall await the Secretary's written determination as to whether a full permit application or modification is required to accommodate the proposed change. - Follow the process that is laid out in the Secretary's written determination regarding application review and permit decision. 	<p>Prior to using an acquired barn or barns</p>
<p>A new barn/facility may be added to the LFO ONLY once conditions above are met and written approval is given by the Agency</p>	

G. Constructing a New or Expanding an Existing Waste Storage Structure

Required Action	Date Due
<ul style="list-style-type: none"> - Submit a letter of intent to the Secretary describing a proposed change to the existing operation including the design and location of the structure. Submit appropriate forms listed in Section III (A). The Agency will respond in writing outlining next steps. - The permittee shall complete and submit information as required by the Secretary and shall await the Secretary's written determination as to whether a full permit application or modification is required to accommodate the proposed change. - Follow the process that is laid out in the Secretary's written determination regarding application review and permit decision. 	<p>Prior to building or expanding a Waste Management System</p>
<p>Construction of a new or expansion of an existing Waste Storage Structure may begin ONLY once conditions above are met and written approval is given by the Agency</p>	

H. Purchasing or Using a New Waste Storage Structure

Required Action	Date Due
<ul style="list-style-type: none"> - Submit a letter of intent to the Secretary describing a proposed change to the existing operation including the design and location of the structure. - Complete and submit <i>Appendix A-2: Waste Storage Facility Form</i>. - The Agency will respond in writing outlining next steps. Complete and submit necessary information as required by the Secretary. Await the Secretary's written determination as to whether a full permit application or modification is required to accommodate the proposed change. - Follow the process that is laid out in the Secretary's written determination regarding application review and permit decision. 	Prior to utilizing a new Waste Management System
<p>Utilization of a new Waste Storage Structure may begin ONLY once conditions above are met and written approval is given by the Agency.</p>	

I. Adding Additional Animals Above Permitted Level

Required Action	Date Due
<ul style="list-style-type: none"> - Prior to increasing animal numbers above the permitted level, complete and submit the following Appendices: Appendix A: Application for Large Farm Operation Permit; Appendix A-1: Facilities Information Form; Appendix A-2: Waste Storage Facility Form; Appendix A-3: Proposed Construction Form; and, Appendix A-5: Substrate/Waste Import Form (if the farm imports wastes) to the Secretary. Submit additional documentation to the Agency showing the following; - Storage requirements for additional proposed animals and an overall balance showing total manure and waste generation and storage for 180 days; - Estimated nutrient (N, P and K) generation of the proposed animal increase; - Land base capacity to accept all waste generated. - Await the Secretary's written determination as to whether a full permit application or modification is required to accommodate the proposed change. - Follow the process that is laid out in the Secretary's written determination regarding application review and permit decision. 	Prior to increasing animal numbers
<p>Increasing animal numbers above those listed in Section II may occur ONLY once conditions above are met and written approval is given by the Agency.</p>	

J. Non-Farm Generated Waste Importation

Required Action	Date Due
<p>Prior to receiving Non-Farm Generated Wastes the permittee must notify VAAFM.</p> <ul style="list-style-type: none"> - Complete and submit <i>Appendix A-5: Substrate/Waste Import Form</i> - Nutrient samples must be obtained for the waste. - The nutrient values must be used to determine if the farm has the land base to accommodate the additional nutrients in accordance with the farm's NMP. - Additionally, the volume of proposed wastes must be stated and it must be proven that the farm has sufficient storage. - Documentation must be provided to VAAFM showing the storage structures have been certified to meet applicable standards as amended. - If proposed wastes are a Food Processing Waste (Substrate), the generator is also required to obtain an indirect discharge permit from ANR to transfer wastes to an offsite facility. - Other non-ag generated wastes may require the generator to obtain a permit from ANR to transfer wastes to an offsite facility. 	Prior to receiving non-farm generated wastes
<p>Non-farm generated wastes may be imported ONLY once conditions above are met and written approval is given by the Agency.</p>	

K. Annual Reporting Requirements

Required Action	Date Due
Annual reports shall be submitted by all LFO operators to the Agency no later than February 15 of each year. The annual report submission shall include a filled out and signed copy of <i>Appendix D: LFO Annual Compliance Report</i> and the form shall be requested annually from the Agency.	Feb 15 of each year

L. Land, Waste and Nutrient Management

Required Action	Date Due
<p>1. Nutrient management plan (NMP)</p> <ul style="list-style-type: none"> - Your NMP must be submitted to the Agency annually (required elements are outlined in Appendix B which can be requested from the Agency). - All land application of waste shall be completed in accordance with an approved nutrient management plan that meets standards of the LFO Rules and NRCS Technical Practice Code 590. The NMP shall be implemented in full compliance. - Future application rates shall show how accurately the plan was implemented in the previous growing season, and this shall be reflected in the following year's proposed NMP, by reconciling the actual application rates, with the following years' plan. 	<p>Feb. 15 of each year for the next season</p> <p>Ongoing</p> <p>Ongoing</p>
<p>2. Soil Cultivation</p> <p>Yearly soil loss for all fields receiving manure, wastes or nutrients shall not exceed T (of the dominant soil type) as determined by RUSLE 2 (Revised Universal Soil Loss Equation 2). If a rotation is needed to meet T, that rotation shall not exceed 10 years in length. Crop rotations shall be maintained in full compliance with the Large Farm Operations Rule and NRCS 590 Standard as amended.</p>	Ongoing
<p>3. Vegetative Buffer Zones</p> <p>A buffer zone of perennial vegetation shall be maintained between annual and perennial croplands and the top of the bank of adjoining surface waters, including intermittent waterways that are determined to potentially transport significant waste or nutrients. Vegetative buffers shall be maintained in full compliance with the Large Farm Operations Rule and NRCS 590 Standard, as amended, and as follows:</p> <ul style="list-style-type: none"> a. Surface waters, including intermittent waterways that are determined to potentially transport significant waste or nutrients, shall be buffered from croplands by at least 25 feet of perennial vegetation, measured from the top of the bank. b. No manure, compost, or other wastes shall be applied within vegetative buffers. c. Use of fertilizer for the establishment and maintenance of the vegetative buffer is allowed. d. Tillage shall not occur in a vegetative buffer except for the establishment or maintenance of the buffer. e. Harvesting the buffer as a perennial crop is allowed. 	Ongoing
<p>4. Daily Spreading Records</p> <p>All manure and other wastes that are land applied shall be documented on log sheets including:</p> <ul style="list-style-type: none"> - field name or number - dates of spreading - whether each field is owned or leased - weather conditions at time of application and for 24 hours prior to and following application; - method used to apply the wastes; - gallons per acre or tons per acre of manure or waste spread each date; - name of waste structure from which manure or other waste came; - last manure analysis for each waste structure; - nutrient analysis, pounds of nutrients applied and pounds per acre of commercial fertilizer applied 	Maintain Daily; make available to the Agency upon request.
<p>5. Records for Wastes Transferred/Exported</p> <ul style="list-style-type: none"> - Wastes generated by the LFO facility, which are transferred to another manager or person, shall require a contract or other written agreement including sufficient detail to require no 	Ongoing

<p>direct discharges to waters of the state or to prevent groundwater from exceeding state standards, and to require compliance with RAP's.</p> <ul style="list-style-type: none"> - Small volumes of wastes transferred via individual buckets or truckloads do not require a contract, but shall be tracked as part of the annual report requirements. - Waste transferred must be analyzed a minimum of once annually for nutrient content and organic matter. The results of the analyses are to be used in determining application rates for waste. 	
<p>6. Manure, Other Waste Analysis A representative sample from each waste management structure shall be sampled annually and the results submitted with the Annual Report. The laboratory analysis report shall include the moisture content of the waste and the available nitrogen, phosphorus and potassium content, calculated per wet ton or 1,000 gallons as appropriate.</p>	Feb 15 of each year for the next season
<p>7. Soil Test Requirements All fields, which are identified in the nutrient management plan, shall be soil tested every three years and shall be collected and prepared according to UVM guidance, the NRCS 590 standard and/or standard industry practice.</p>	Feb 15 of each year for the next season

M. Farm Water Supply Requirements

Required Action	Date Due
<ul style="list-style-type: none"> - Every five (5) years, sample and analyze the farm water supply for each barn within 500 feet of row cropland or on a production area that has a waste management system for: nitrates, chlorides, total and fecal coliform, and soil-applied pesticides that have been used during the most recent growing season on that field. - If nitrate levels are above 5 ppm nitrate-N, if chloride levels are above 250 ppm, or if soil-applied pesticides are detected, reanalyze annually (or as otherwise directed by the Agency) until nitrate levels are below 5 ppm, chloride levels are below 250 ppm, or soil-applied pesticides are not detected. 	Feb 15 of each year submit most recent sample result in Annual Report
Submission of <i>Appendix C: LFO Water Withdrawal and Use Report</i> (form is to be requested from the Agency annually)	February 15 of each year for the preceding calendar year

N. Liquid Waste Storage Structures (Pits, Lagoons)

Required Action	Date Due
Operate and manage all structures in accordance with NRCS standards, the engineer's standards, or absent specific operational requirements from the engineer, the structure shall be managed in accordance with NRCS standards. This includes, but is not limited to, maintaining at all times at least one foot (12" twelve inches) of freeboard (unused space) between the highest level of liquid in the structure and the top of the structure berm.	Ongoing
Weekly inspections of the manure, litter, and process wastewater impoundments; the inspection will note the level in liquid impoundments.	Weekly
Manage structures so that there is no discharge to surface waters.	Ongoing

O. Mortality Storage and Management

Required Action	Date Due
Mortalities shall not be disposed of in a liquid waste storage structure, and shall be handled in such a way as to prevent the discharge of pollutants to surface water or groundwater.	Ongoing
Mortality handling area(s) shall be inspected weekly to affirm that no discharge of pollutants to surface water has or can occur.	Weekly
Divert surface waters away from storage/stacking area.	Ongoing
Do not stack waste material within 200 feet of a property line.	Ongoing

P. Observational Requirements for the Production Area and Associated Conservation Practices

Required Action	Date/Due
<p>Visual inspections: There shall be routine visual inspections of the LFO production area. At a minimum, the following must be visually inspected:</p> <ul style="list-style-type: none"> - Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channeling dirty storm water to the wastewater and manure storage and containment structure; - Daily inspection of water lines; including drinking water or cooling water lines; - Weekly inspections of the manure, litter, and process wastewater impoundments; the inspection will note the level in liquid impoundments. - Corrective actions: Any deficiencies found as a result of these inspections shall be corrected as soon as possible 	<p>Weekly</p> <p>Daily Weekly</p> <p>As soon as possible</p>

Q. Waste Storage Structure(s) (Annual Inspection)

Required Action	Date/Due
<p>All waste storage structures shall be inspected annually for cracks and corrosion. In addition, any earthen manure storage structures shall be inspected for damage, including that from frost, equipment and rodents. The inspection reports shall be kept for a minimum of five years and be available for inspection by the Agency.</p>	<p>Feb 15 of each year</p>

R. Runoff Control Structure(s): Installation, Operation and Maintenance

Required Action	Date/Due
<p>All runoff control structures shall be operated and maintained in accordance with requirements in the USDA NRCS Technical Guide, Section IV, or as designed by a professional engineer.</p>	<p>Daily, Ongoing</p>
<p>All runoff control structures shall be inspected to confirm the system's integrity, and its adequacy to control dirty water runoff. The inspection reports shall be kept for a minimum of five years and be available for inspection by the Agency.</p>	<p>Daily, Ongoing</p>

S. Traffic

The facility shall not generate traffic flows and frequencies at a greater level than a well-managed similar sized farm of the same animal type.

T. Odors

The facility shall not generate odors of a type different than or in excess of a well-managed similar sized farm of the same animal type using a similar waste management system.

U. Noise

The facility shall not create noise disturbances at a greater level than a well-managed similar sized farm of the same animal type.

V. Insects, Flies and Other Pests

The facility shall not propagate flies, insects, or other pests at populations greater than a well-managed similar sized farm of the same animal type.

IV. ADDITIONAL REQUIREMENTS

A. Duty to Comply

The permittee shall comply with all conditions of the permit. Non-compliance may result in enforcement action, permit modification or permit revocation.

B. Permit Actions

After notice and opportunity for a hearing the permit may be modified or revoked and reissued for cause. If the permittee files a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

C. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

D. Compliance Schedules

Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days after the scheduled date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of non-compliance shall include the cause of non-compliance, a description of remedial actions taken and an estimate of the effect of the non-compliance on the permittee's ability to meet the remaining scheduled completion dates.

E. Access to Site & Records

- i. The permittee shall allow the Secretary access to the site and records, and shall allow the Secretary to copy, at reasonable times, any records that are required under the conditions of the permit or the LFO Rules.
- ii. The permittee shall allow the Secretary to inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit.
- iii. The permittee shall allow the Secretary to sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances at any location.

F. Transfer of Permit Ownership

- i. A permittee may transfer permit ownership with the sale or lease of a LFO. *Appendix A-6: Transfer of Ownership Form* shall be submitted by the original permittee to the Agency within 10 days of that transaction. The written notification shall include a statement signed by the new owner or lessee which indicates that the new owner or lessee understands and agrees to comply with the conditions of the transferred LFO permit.
- ii. The Secretary may determine that a new application, or an application amendment is required to accomplish the permit transfer.

G. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.

II. Duty To Provide Information

The permittee shall furnish the Agency, within a reasonable time put in writing by the Agency, any information that the Agency may request to determine whether cause exists for modifying, revoking or reissuing the permit or to determine compliance with the permit. The permittee shall also furnish the Agency, upon request, copies of records required to be kept by the permittee.

I. Records Retention

The permittee shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least five years from the date of the sample, measurement, report or application. The Agency may request that this period be extended by issuing a public notice to modify the permit to extend this period.

J. Spill Reporting

The permittee shall notify the Agency within 24 hours, or on the next working day, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters.

K. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems which are installed or used by the permittee to achieve compliance with the conditions of the permit, so that no discharge from the LFO occurs, and in compliance with the NRCS Standards for that type of structure.

L. All Reports and Forms Required by this Permit Shall Be Signed, as appropriate

- i. For a corporation by a principal executive officer of at least the level of Vice President or his or her duly authorized representative having overall responsibility for the operation of the facility for which this permit is issued;
- ii. For a partnership, by a general partner; or
- iii. For a sole proprietorship, by the proprietor.

M. Permit Modifications

- i. Prior to making a substantial change in the LFO facility or in its operation, a Permittee shall submit a letter of intent along with the appropriate appendices referenced in this permit describing the proposed change. The Agency will determine whether a full application is required to accommodate that change, or whether a modification to an existing LFO permit is required, or neither. The Secretary's written determination will be sent to the Permittee and may approve, modify with consent or deny the requested changes. The permit shall stay in effect until the Agency has acted on the permit modification request(s) in writing.
- ii. Where Agency initiated modifications to the LFO permit require actions by the permittee, such actions shall be completed by the Permittee within the time frame established by the Agency.

N. Secretary's Compliance/Enforcement Determinations

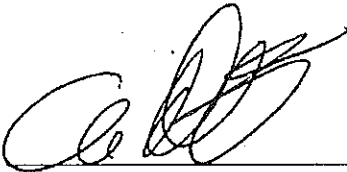
- i. The Secretary may seek enforcement remedies, including administrative penalties, under Sections 1, 12, 13, 15, 16, and 17 of Title 6 with regard to any person who violates the provisions of the LFO law, the LFO Rules, Vermont's RAP Regulations, or the conditions of a LFO permit.
- ii. The Secretary's authority to take a compliance or enforcement action does not preclude another regulatory entity from being able to execute any authority granted to it.

O. Appeals of Secretary's LFO Permit Determinations

- i. Only the applicant seeking a permit who is aggrieved by the Secretary's final decision on the application, and the Secretary are parties to an LFO permit appeal in accordance with 6 V.S.A. §4855.
- ii. An applicant may appeal the Secretary's final permit decision to the environmental court within 30 days of the Secretary's final permit decision.
- iii. The notice of appeal shall be filed with the Secretary under Rule 5 of the Vermont Rules for Environmental Court Proceedings.
- iv. Nothing in these rules shall be construed to affect the legal rights of any person aggrieved by a permit decision of the Secretary.

P. Revocation of Permits

- i. The Secretary may, after due notice and an opportunity for a hearing with the Permittee, revoke a permit issued under this Subchapter if, after investigation, the Secretary deems the permittee to be in violation of the provisions of the LFO law, the LFO Rules, Vermont's RAPs, or the conditions of a LFO permit.
- ii. A permittee aggrieved by the Secretary's final decision on an enforcement decision or on a permit revocation decision may appeal the decision to the Superior Court within 30 days of the final decision.



Anson Tebbetts
Secretary
Agency of Agriculture, Food, and Markets

8/19/13
Effective Date

