

# Vermont Compost's Legal Fight Heats Up

By Dave Rogers, NOFA-VT Policy Advisor

Karl Hammer has been a farmer for the last 14 years on the 49 acres he owns and manages on upper Main Street in Montpelier, near the city's northern boundary. He has 1200 free-ranging chickens and is one of Vermont's largest egg producers. He sells over 1000 dozen eggs per month at local stores, coops and directly to customers at his farm. According to Vermont's Agency of Agriculture, Karl is a farmer. The Vermont Attorney General's office and city officials of Montpelier think so too.

But Ed Stanak, Coordinator for the Vermont Natural Resources Board's District 5 Environmental Commission in Barre, doesn't agree that all of the activities at Main Street Farm are "farming" as defined by Act 250. Earlier this year, in response to a request by an enforcement officer from Vermont's Agency of Natural Resources, Stanak issued a Jurisdictional Opinion (JO) that argued that Karl does indeed operate a farm, but also operates a separate compost product manufacturing facility. If upheld, this opinion would require Karl to apply for and receive a permit under Vermont's Land Use and Development Act, Act 250.

Karl is the owner/operator of the Vermont Compost Company. On several acres of his farm he composts tons of food waste, natural organic materials and animal manure from local schools, businesses and farms. Karl's hens' diet consists largely of the "food residuals" and material they find while foraging among the compost piles. Karl's position is that the compost operation, therefore, is part of and integral to the operation and production of the farm.

Karl is appealing the District Commission's JO to Vermont's Environmental Court. If the appeal is denied, the Natural Resources Board may move to force Karl to suspend operations sometime this summer pending the eventual outcome of future legal proceedings. Meanwhile, mounting legal fees and the prospect of continuing legal actions are creating serious financial hardship and placing the future of Karl's farm and compost business in real jeopardy.

Karl is one of the most knowledgeable *compostologists* in the country; his compost products are used by the majority of Vermont's organic commercial greenhouse

*Continued on Page 15*




**Johnny's**  
*Selected Seeds*  
An employee-owned company

**Expanding our organic offerings for 35 years.**

-   **'Belstar' (F1)**  
Most widely adapted hybrid broccoli.
-   **'Music'**  
Rich, sweet garlic with pungent flavor.
-   **'Red Sails'**  
Slowest bolting red leaf lettuce

Order online at [Johnnyseeds.com](http://Johnnyseeds.com) or call us at **1-877-Johnnys** (564-6697).  
Winslow, Maine U.S.A. #51388



**GIROUX'S  
POULTRY FARM**  
8957 Route 9  
Chazy, N.Y. 12921

**GIROUX'S  
POULTRY COMPOST**

- Premium organic compost: approximate N-P-K of 2-3-2. (High fertility)
- Contains natural materials: chicken manure & sawdust.
- Adds microbes to your soil.
- Helps to suppress plant pathogens.
- Excellent soil conditioner.
- Increases organic matter.
- Bulk trailer deliveries or pickups.
- Custom spreading available.

*Call 518-846-7300 for more details.*

# Vermont Compost

Continued from page 8

growers and vegetable farmers. Thousands of home gardeners buy Vermont Compost at stores throughout the region. It would be hard to find anyone who does a better job of “closing the loops” of the local environment, economy and food system. Over the years these contributions and innovations have been widely recognized and appreciated in Montpelier — and beyond.

While the environmental and economic benefits of composting are widely recognized by Vermonters and state and local officials, the status of composting facilities under Act 250 and other laws is uncertain. As a result, in May the legislature passed and Governor Douglas signed into law, an act (H.873) suspending further regulatory and enforcement actions related to commercial composting operations in Vermont pending the outcome of a two-year comprehensive study and review of related issues. This will enable commercial composting activity at Burlington’s Intervale, which was the subject of widely publicized controversy and state enforcement actions earlier in the year, to continue during this period.

It would be hard to  
find anyone who does a  
better job of “closing the loops”  
of the local environment,  
economy, and food system.

Unexpectedly, and for reasons that are not entirely clear even to some legislators, Vermont Compost Company was not included under H.873’s moratorium. This has provided the state’s Natural Resources Board with the


opportunity to immediately pursue its legal action against Vermont Compost Company.

It is NOFA-VT’s opinion that Karl is being treated unfairly. Vermont Compost Company is a responsible and well-established business that provides valuable services and high quality local food to citizens of the community, as well as essential agricultural products to a large number of Vermont’s organic vegetable farmers. Its status as a farm has been recognized and affirmed by both state and local officials. For Vermont’s Natural Resources Board to press ahead at this time and under the current circumstances strikes us as gratuitous and threatens to disrupt the businesses of organic growers across Vermont.

For these reasons, NOFA-VT is exploring opportunities to participate in the appeals process on behalf of Vermont’s certified organic vegetable and greenhouse growers. Additional actions by NOFA-VT and its members in this matter are being considered. Updates will be included in NOFA-VT’s E-Newsletter. Contact Dave Rogers at NOFA-VT for further information - dave@nofavt.org.

**Judy Jarvis DHHP**  
Holistic Health  
with  
Homeopathy & Heilkunst  
802-472-6169

Route 16 • East Hardwick, VT 05836



**Homeopathic Medicine**

**Keep your herd healthy,  
Effectively treat:**

- Mastitis      • Worms
- Foot Rot    • Pink Eye
- Bloat        • And More

 Washington Homeopathic Products  
www.homeopathyworks.com  
Call 1-800-336-1695 for a free catalog

*Wisdom of the Herbs School*

Commune with Nature Beings ~ Harvest  
Wild Edibles ~ Gain Plant ID Skills ~  
Make Home Remedies

 Apply now for our Eight Month Program.  
Check out our Weekend & Winter Workshops.

Annie McCleary, Director ~ George Lisi, Naturalist  
802-456-8122 ~ South Woodbury, VT  
www.WisdomOfTheHerbsSchool.com