

Letter to the editor –

July 20, 2008

The Composting Association of Vermont (CAV) is deeply disappointed that another ruling by the Natural Resources Board (NRB) has been issued to the Vermont Compost Company (VCC). It is especially distressing when VCC is already in an Act 250 appeals process, and when the State is in the middle of examining it's rules for composting facilities.

In H.873, the Legislature imposed a freeze on Act 250 enforcement until 2010 so that stakeholders would have time "to review the existing regulatory requirements for composting in the state and to recommend amendments or improvements to the existing rules governing the construction, alteration, or operation of a composting facility."

The Agency of Natural Resources and the Agency of Agriculture have demonstrated leadership in their willingness to work with a diverse group of stakeholders to update Vermont's composting rules. Legislative intent in H.873 is clear. The recent NRB order issued to Vermont Compost appears to be "out of step" with Vermont's executive, legislative and regulatory leadership. Why has the NRB acted on this definitional question *before* Vermont Compost's appeal of the District 5 Jurisdictional Opinion is adjudicated? It seems – and with no intent to be inflammatory – that the NRB is trying to circumvent it's own appeal process. If so, why?

The original language in H.873 called for an immediate exemption of composting from Act 250. Composters had great potential to benefit from this language. CAV firmly believes passage of the original language would have shortchanged the public process that in the surest route to enduring composting regulations that serve Vermont's waste reduction, environmental and public health goals. We urge the State to uphold the spirit of H.873 and reverse the Administrative Order issued to Vermont Compost Company.

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