

Houston-Anderson, Wendy

From: Huber, David
Sent: Tuesday, March 19, 2019 12:41 PM
To: Houston-Anderson, Wendy
Subject: FW: Memo to file for Whitney

From: Huber, David
Sent: Tuesday, March 19, 2019 12:26 PM
To: DiPietro, Laura <Laura.DiPietro@vermont.gov>
Subject: RE: Memo to file for Whitney

Perfect!

From: DiPietro, Laura <Laura.DiPietro@vermont.gov>
Sent: Tuesday, March 19, 2019 12:25 PM
To: Huber, David <David.Huber@vermont.gov>
Subject: RE: Memo to file for Whitney

Memo below.
Thanks,
Laura

From: Huber, David <David.Huber@vermont.gov>
Sent: Friday, March 15, 2019 11:41 AM
To: DiPietro, Laura <Laura.DiPietro@vermont.gov>
Subject: Memo to file for Whitney

Hi Laura,

Please just fill out this memo below and email bac to me.

MEMO TO FILE

To: ARM Enforcement
From: Laura DiPietro
Date: 3/19/19
RE: Whitney spreading

Jason Whitney called the Agency on Thursday, March 14th to find out whether he could continue to spread as a custom manure operator for Allendale Farm. This was his first call regarding the Allendale Farm manure spreading exemption. This call was returned by me, Laura DiPietro, and I spoke directly with Mr. Whitney.

When I provided the verbal emergency winter manure spreading exemption to Allendale Farm and specifically Joe Allen, it was never mentioned that a custom manure applicator would be utilized hence there was no coordination between

Mr. Whitney and the Agency prior to him land applying manure. Additionally, the manure spreading exemption provided to Allendale Farm was a verbal emergency since the storage was actively overtopping, so there was no written documentation as the intent between all parties was to resume the conversation on Friday that week and the verbal was simply to gain sufficient storage until a proper exemption could be issued and the weather and field conditions would be improved.

Mr. Whitney called when he had spread reportedly by him, 90 loads of manure at 6,000 gallons each. In discussing with Mr. Whitney, he described that by removing this much manure that Allendale Farm would have sufficient storage to store manure until May 1st, nearly 7 weeks from the application date. The verbal spreading exemption provided to Allendale on 3/11/19 only provided for 5 days worth of manure generation to be land applied. Mr. Whitney did not inquire with the Agency prior to spreading manure for the farm and only inquired after he had spread the 540,000 gallons reported on the phone. One of the challenges of why we provided an interim 5 days worth of manure generation exemption to Allendale and discussed following up for a larger volume exemption that Friday after the weather cleared (Thursday and Friday were predicted to be very warm and raining) was because the manure calculation estimates needed to make it through the ban came out to 1.2 million gallons, which seems misaligned given the situation and number of days until the ban ends. Mr. Whitney was very familiar with this manure storage at the Allendale Farm and he stated that the farm would be all set until May 1st with the amount he had applied, which coincides with Mr. Joe Allen's report that he doesn't need to remove any more manure to make it through to when he can spread again. If you calculate the estimated volume given this information, Allendale's exemption approved volume would have been 56,250 gallons for 5 days worth of manure generation. At this point the records have not been fully retrieved from Mr. Whitney, but reportedly from Joe Allen, the total amount spread was 98 loads, or roughly 588,000 gallons.

Therefore, Mr. Whitney spread nearly ten times the manure allocation provided by the verbal exemption. Only after spreading this amount did Mr. Whitney consider checking in with the Agency as to whether he could continue to keep spreading. Mr. Whitney claimed he was told by Joe Allen that he needed 1.2 million gallons spread in the next 5 days. According to Steve Cash, Joe Allen stated that Mr. Whitney showed up at the farm with 6 tankers, which is a sign that the directive was a large volume in a short time frame as opposed to a small volume of manure in a day or two.

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