

STATE OF VERMONT

SUPERIOR COURT  
Washington Unit

CIVIL DIVISION

State of Vermont Agency of )  
Natural Resources )  
Plaintiff, )  
v. )  
Reginald Riendeau )  
Defendant. )

Docket No. 635-10-13 Wncv  
Docket No. 33-1-14 Wncv

**STIPULATION FOR ENTRY OF CONSENT ORDER AND FINAL  
JUDGMENT**

The parties, Plaintiff, the State of Vermont Agency of Natural Resources (the State), by and through Attorney General William H. Sorrell, and Defendant Reginald Riendeau (Defendant) stipulate and agree as follows:

Albany Site

1. In 2011 and 2012 Defendant conducted a logging operation on approximately 250 acres of land located off Shuteville Road in the town of Albany, Vermont (the Albany site). Defendant co-owns the site.
2. In 2011 and 2012 Department of Forests, Parks, and Recreation (the Department) observed that Defendant had discharged materials into state waters and had not followed the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont

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(the AMPs) at the Albany site. Defendant did not have a 10 V.S.A. § 1259 discharge permit. The Department observed inadequate skidder crossings, failed water bars, an inadequate number of water bars, the lack of seeding and mulching of water crossings, logging debris and sediment in the water.

3. The conditions described in Paragraph 2, of which Defendant was aware, existed for nearly two years.
4. In 2011 and 2012 Department conducted heavy cut investigations on the Albany site. The Department determined that Defendant had heavy cut more than 40 acres in each of two locations on the site without filing a notice of intent to heavy cut and without obtaining an authorization to proceed as required by 10 V.S.A. § 2625. No exemption to the requirement to obtain the Department's approval applied.
5. In January 2012 the Agency of Natural Resources (the Agency) issued a Notice of Alleged Violation (NOAV) under 10 V.S.A. § 8006(b) to Defendant. The NOAV alleged that Defendant violated 10 V.S.A. § 1259(a) by discharging materials into state waters and that he had heavy cut more than 40 acres on the Albany site. The NOAV required Defendant to perform remediation work and to obtain a § 2625 authorization to proceed prior to additional harvesting at the site.

6. Defendant did not respond to the NOAV. He did not perform remediation work at that time nor did he obtain an authorization to proceed prior to additional harvesting at the Albany site.
7. In December 2012, the Department observed additional discharges to state waters at the Albany site. The Department sent Defendant a letter requesting that he provide the Department with a formal plan to remediate the site by the spring of 2013.
8. Defendant did not provide the Department with a formal plan to remediate the Albany site by the spring of 2013. In July 2013 the Department observed that Defendant had not performed remediation.
9. Only after the State initiated this legal action and moved for a preliminary injunction did Defendant provide the Department with a formal remediation plan and perform remediation. On October 29, 2013 this Court issued a stipulated preliminary injunction order requiring the remediation of the Albany site. As required by the order, Defendant hired a private forestry consultant to plan and supervise the necessary remediation and performed remediation.

#### Wheelock Site

10. In 2011 and 2012 Defendant conducted a logging operation on approximately 225 acres of land located off of Piperville Road in the town of Wheelock, Vermont (the Wheelock site). Defendant is not the owner of the site.

11. In November and December of 2011 the Department observed that Defendant had discharged materials into state waters and did not follow the AMPs at the Wheelock site. Defendant did not have a 10 V.S.A. § 1259 discharge permit. The Department observed logging debris and heavy sedimentation in the brook, inadequate water crossings, rutting, inadequate water bars, the lack of seeding and mulching, and water crossings that had not been removed after logging.

12. In December 2011 Department of Environmental Conservation District Wetlands Ecologist observed that Defendant had not followed the AMPs in a wetland and its buffer zone on the Wheelock site. She observed that Defendant's logging vehicles caused heavy rutting from being driven through the wetland and its buffer zone. She also observed that Defendant's logging operation resulted in the dredging, filling, and draining of the wetland.

13. In December 2011, the Agency issued a Notice of Alleged Violation (NOAV) under 10 V.S.A. § 8006(b) to Defendant. The NOAV alleged that Defendant violated 10 V.S.A. § 1259(a) by discharging materials into state waters and instructed him to complete remediation work at the Wheelock site.

14. In June 2012, Department staff observed that Defendant had performed remediation work at the Wheelock site. Staff observed that

he had not completed the work as he had not seeded and mulched four main water crossings and had not remediated a deeply rutted area. In September 2012, Defendant had performed additional remediation work.

#### Resolution of Claims

15. For the Albany Site Defendant admits that he violated 10 V.S.A. § 1259 by discharging materials into state waters and failed to follow the AMPs and that he violated 10 V.S.A. §2625 for heavy cutting without filing a notice of intent or obtaining an authorization to proceed.
16. For the Wheelock Site Defendant admits that he violated 10 V.S.A. § 1259 by discharging materials into state waters without a discharge permit and failed to follow the AMPs and that he violated 10 V.S.A. § 913 and the Vermont Wetlands Rules for conducting silvicultural activities in a wetland without a permit.
17. Defendant is potentially liable for civil penalties of up to \$85,000 for each violation and \$42,500 per violation for each day the violation continued.
18. The State considered the criteria in 10 V.S.A. §§ 8010 (b) and (c) in arriving at the proposed penalty amount, including the degree of actual or potential impact on public health, safety, welfare and the

environment resulting from the violations and that Defendant knew or had reason to know the violation existed.

19. The Attorney General believes that this settlement is in the State's interest as it upholds the statutory regime of Title 10 of the Vermont Statutes Annotated in which the violations occurred.

20. The Stipulation for the Entry of Consent Order and Final Judgment Order has been negotiated by and among the State and Defendant in good faith.

21. The attached Consent Order may be entered as a final judgment order of the Court.

Dated at Montpelier, Vermont, this 8th day of September, 2014.

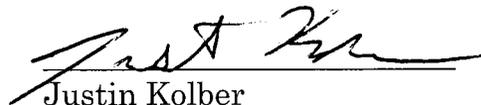
STATE OF VERMONT

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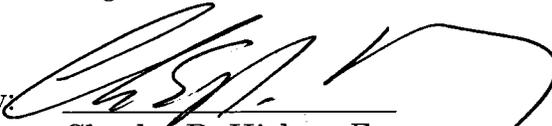
Dated at St. Johnsbury, Vermont this 23rd day of September, 2014.

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Reginald Riendeau

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