

STATE OF VERMONT
WINDSOR COUNTY, SS.

WINDSOR SUPERIOR COURT
DOCKET NO. 693-10-08 Wrcv

STATE OF VERMONT)
AGENCY OF TRANSPORTATION)
AND)
AGENCY OF NATURAL RESOURCES,)
)
Plaintiffs)
v.)
)
JOHN F. HENNESSEY, JR.)
)
Defendant.)

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JUDGMENT ORDER

Based on the Motion for Summary Judgment filed by the State of Vermont, Agency of Transportation and Agency of Natural Resources ("State"), the Court's March 9, 2010 Decision on Motion for Summary Judgment in favor of the State against Defendant John F. Hennessey, Jr. ("Defendant"), the Court's April 9, 2010 Partial Judgment Order in favor of the State against Defendant, the evidence introduced into the record at a hearing on civil penalties before this Court on May 20, 2010, including the Environmental Administrative Penalty Forms prepared by the State, and the Court's application of the criteria set forth in 10 V.S.A. § 8010(b) and (c), it is ORDERED and ADJUDGED that:

1. Defendant is liable for civil penalties totaling \$ 10,000.00 for violations of the State of Vermont's environmental statutes and regulations at his property at 138 Cummings Road in Chester, Vermont (hereinafter "the site") as follows:
 - a. Defendant operated a junkyard at the site without a license in violation of 24 V.S.A. §§ 2242 and 2251 for 841 days from July 21, 2006 through November 7, 2008, and Defendant is liable to the State for a penalty of \$5.00 per day for a civil penalty of \$4,205.00 pursuant to 24 V.S.A. § 2282;
 - b. Defendant stored and/or disposed of solid waste at the site outside of a certified solid waste management facility in violation of Vermont Solid Waste Management Rules § 6-302(d) for 841 days from July 21, 2006

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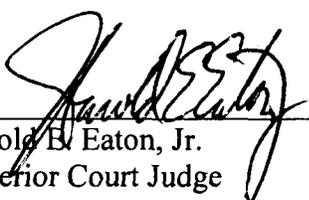
WINDSOR COUNTY CLERK

CONFORMED COPY

through November 7, 2008 and Defendant is liable to the State for a civil penalty of \$1,795.00 pursuant to 10 V.S.A. § 8221;

- c. Defendant illegally stored hazardous waste at the site in violation of Vermont's Hazardous Waste Management Regulations §§ 7-103 and 7-306(c), for 42 days from July 24, 2006 through August 24, 2006, and Defendant is liable to the State for a civil penalty of \$2,000.00 pursuant to 10 V.S.A. § 8221; and
 - d. Defendant released hazardous materials, such as waste oil, diesel fuel, hydraulic oil and gear oil, at the site in violation of 10 V.S.A. § 6616 for 1,150 days from July 24, 2006 through September 12, 2009, and Defendant is liable to the State for a civil penalty of \$2,000.00 pursuant to 10 V.S.A. § 8221.
2. The cost of collection of the penalties assessed in this Judgment Order shall be assessed against and added to such penalties pursuant to 10 V.S.A. § 8221(6).
 3. The Court directs entry of this order as a judgment in favor of the State and against Defendant.

Date: 5/20/10

By: 
Harold B. Eaton, Jr.
Superior Court Judge

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