

STATE OF VERMONT

SUPERIOR COURT  
FRANKLIN UNIT

CIVIL DIVISION  
Docket No.

STATE OF VERMONT, AGENCY OF  
NATURAL RESOURCES,  
Plaintiff,

v.

DAVID HOWRIGAN, PEGGY HOWRIGAN,  
RONALD PARADIS, and LYNN PARADIS.  
Defendants.

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

The parties hereby stipulate and agree as follows:

WHEREAS, the State alleges in the Pleadings by Agreement filed in this action that Defendants violated Vermont water quality laws on May 3, 2018, April 5, 2019, April 25, 2019, April 29, 2019, by discharging agricultural waste into waters of the State of Vermont from the farm at 1553 State Park Road in Franklin, Vermont, without a permit from the Secretary of the Agency of Natural Resources;

WHEREAS, the Attorney General pursuant to 3 V.S.A. Chapter 7 has the general supervision of matters and actions in favor of the State, and may settle such matters as the interests of the State require;

WHEREAS, under 10 V.S.A. § 8221, Defendants are potentially liable for civil penalties up to \$85,000 for each violation and \$42,500 per violation for each day the violation continued;

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WHEREAS, the Attorney General pursuant to 3 V.S.A. Chapter 7 has the general supervision of matters and actions in favor of the State, and may settle such matters as the interests of the State require;

WHEREAS, under 10 V.S.A. § 8221, Defendants are potentially liable for civil penalties up to \$85,000 for each violation and \$42,500 per violation for each day the violation continued;

WHEREAS, the State considered the factors in 10 V.S.A. § 8010(b) in arriving at the proposed penalty amount, including the degree of the violation's actual or potential impact on public health, safety, welfare, and the environment;

WHEREAS, Christopher and Anthony Howrigan, employees of David and Peggy Howrigan, entered into an agreement on May 29, 2018, to lease land that included the farm at 1553 State Park Road in Franklin, from Ronald and Lynn Paradis,

WHEREAS, Christopher and Anthony Howrigan assigned to David and Peggy Howrigan on August 31, 2018, the agreement with Ronald and Lynn Paradis for lease of the land that included the farm at 1553 State Park Road in Franklin;

WHEREAS, Defendants David and Peggy Howrigan ceased operating the farm at 1553 State Park Road in Franklin on or before July, 2019,

WHEREAS, Defendants Ronald and Lynn Paradis on or after July, 2019, have continued to own and lease farm operations at their land that includes the 1553 State Park Road facility in Franklin;

WHEREAS, the Attorney General believes that this settlement is in the State's interest as it upholds the statutory regimes of 10 V.S.A. Chapter, under which the violation occurred; and

WHEREAS, the Consent Order has been negotiated by and between the State and Defendants in good faith, and the State and Defendants agree to execute the Consent Order in settlement of the State's allegations described and identified in the Pleadings by Agreement;

NOW, THEREFORE, the State and Defendants hereby stipulate and agree as follows:

1. Without formally admitting or denying wrongdoing or liability, Defendants agree to this settlement of the violation alleged above in order to resolve this dispute;
2. Defendants agree that the violation alleged is deemed proven and established as a “prior violation” in any future State proceeding considering Defendants’ compliance record, including but not limited to permit proceedings and enforcement actions for penalties calculated pursuant to 10 V.S.A. § 8010;
3. The parties agree to the State’s assessed civil penalty of \$25,500.00.
4. Based on Defendants’ lease agreement and assignment, and the underlying facts and circumstances of the violations, Defendants agree to the following terms in the interest of settlement:
  - a. Defendants as set forth below agree to responsibility for and payment of the civil penalty. The Paradis Defendants agree to responsibility for and payment of the corrective action.
  - b. Based on Defendants’ demonstrated inability to pay the assessed civil penalty, the State agrees to suspend \$20,000.00, with \$5,500.00 remaining to be paid by Defendants in full within 90 days of Court approval of the Consent Order. The Howrigan


Defendants agree to pay \$500.00 and the Paradis Defendants agree to pay \$5,000.00 of the payable penalty.

- c. In the event of noncompliance with paragraphs 4a through 4c of this Stipulation, Defendants agree to joint and several responsibility for complete payment of the civil penalty and for complete performance of the corrective actions as required of the Consent Order.
5. The State and Defendants hereby waive all rights to contest or appeal the Consent Order and they shall not challenge, in this or any other proceeding, the validity of any of the terms of the Consent Order or of this Court's jurisdiction to enter the Consent Order;
6. The Consent Order sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreement signed by the parties and approved by the Court;
7. The Court should hold this Stipulation and the Consent Order for twenty-one (21) calendar days following their submission to the Court for the State to post them on its website to facilitate possible public participation in consideration of this settlement; and
8. Following expiration of the twenty-one (21) day period, the attached Consent Order may be entered as a final Judgment in this matter by the Court.

DATED at Montpelier, Vermont, this 22nd day of August, 2023.

STATE OF VERMONT

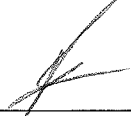
CHARITY R. CLARK  
ATTORNEY GENERAL

By:   
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DATED at Middlebury, Vermont, this 11<sup>th</sup> day of August, 2023.

DAVID HOWRIGAN, PEGGY HOWRIGAN

By: \_\_\_\_\_

  
Peter Langrock  
Langrock Sperry & Wool, LLP  
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plangrock@langrock.com

DATED at \_\_\_\_\_, Vermont, this \_\_\_\_ day of \_\_\_\_\_, 2023.

RONALD PARADIS, LYNN PARADIS

By: \_\_\_\_\_

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rhemley@gravelshea.com  
jpolubinski@gravelshea.com

DATED at \_\_\_\_\_, Vermont, this \_\_\_\_ day of \_\_\_\_\_, 2023.

DAVID HOWRIGAN, PEGGY HOWRIGAN

By: \_\_\_\_\_

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DATED at Burlington, Vermont, this 3<sup>rd</sup> day of August, 2023.

RONALD PARADIS, LYNN PARADIS

By:  \_\_\_\_\_

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