

STATE OF VERMONT

SUPERIOR COURT
FRANKLIN UNIT

CIVIL DIVISION
Docket No. Frcv

STATE OF VERMONT, AGENCY OF
NATURAL RESOURCES,
 Plaintiff,

v.

PLEASANT VALLEY FARMS OF
BERKSHIRE, LLC,
 Defendant.

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

The parties, State of Vermont, Agency of Natural Resources, by and through Vermont Attorney General Thomas J. Donovan, Jr., and Defendant Pleasant Valley Farms of Berkshire, LLC, hereby stipulate and agree as follows:

WHEREAS, the State alleges in the Pleadings by Agreement filed in this action that Defendant violated Vermont's water pollution law by discharging waste, i.e. silage leachate, into waters of the State, i.e. Godin Brook, without a permit from the Secretary of the Agency of Natural Resources;

WHEREAS, Defendant admits in the Pleadings by Agreement that it is liable for this violation of Vermont's water pollution law;

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, Defendant is potentially liable for civil penalties up to \$85,000 for each violation and \$42,500 per violation for each day the violation continues;

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, the Attorney General believes that this settlement is in the State's interest as it upholds the statutory regime of 10 V.S.A. Chapter 47, under which the violation occurred; and

WHEREAS the Consent Order has been negotiated by and between the State and Defendant in good faith and the State and Defendant agree to execute the Consent Order in settlement of Defendant's liability for the violation described and identified in the Pleadings by Agreement;

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

1. The attached Consent Order may be entered by the Court, though the parties request that the Court withhold entry of the Consent Order for 21 days to allow for public notice with the Attorney General's Office;
2. The State and Defendant 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; and

3. 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.

DATED at Montpelier, Vermont this 13th day of Nov., 2017.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: 

Laura B. Murphy
Robert F. McDougall
Assistant Attorneys General
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Montpelier, VT 05609
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Office of the
ATTORNEY
GENERAL
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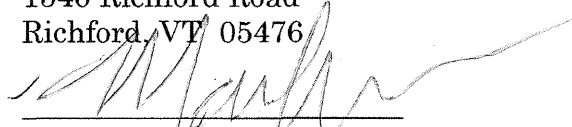
DATED at Berkshire, Vermont this 8 day of November 2017.

PLEASANT VALLEY FARMS OF
BERKSHIRE, LLC

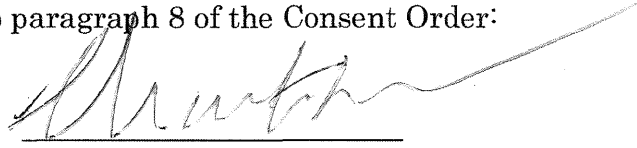
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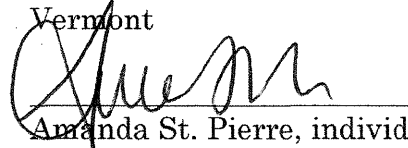
Amanda St. Pierre, on behalf of
Pleasant Valley Farms of
Berkshire, LLC, as its Registered
Agent

1546 Richford Road
Richford, VT 05476


Mark St. Pierre, on behalf of
Pleasant Valley Farms of
Berkshire, LLC, as Principal
1546 Richford Road
Richford, VT 05476

As to paragraph 8 of the Consent Order:


Mark St. Pierre, individually as
owner of real property at 1954
Richford Road, Berkshire,
Vermont


Amanda St. Pierre, individually as
owner of real property at 1954
Richford Road, Berkshire,
Vermont