

STATE OF VERMONT

SUPERIOR COURT
Chittenden Unit

CIVIL DIVISION
Docket No. -20 Cncv

STATE OF VERMONT,
AGENCY OF NATURAL RESOURCES
and NATURAL RESOURCES BOARD,
Plaintiffs,

v.

CHITTENDEN SOLID WASTE DISTRICT,
Defendant.

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

The State of Vermont, by and through Attorney General Thomas J. Donovan, Jr., and Defendant Chittenden Solid Waste District, by and through its undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, the State alleges in the Pleadings by Agreement filed in this action that Defendant committed violations of 10 V.S.A. Chapter 159; the Vermont Solid Waste Management Rules; Act 250 (10 V.S.A. § Chapter 151); the Act 250 Rules; and permits issued pursuant to those statutes and rules;

WHEREAS, Defendant solely for purposes of resolving this case has admitted the factual allegations of the Pleadings by Agreement and, without formally admitting or denying liability, has agreed to the settlement of these violations of Vermont law, which violations shall qualify as "prior violations" for purposes of any future State action considering Defendant's compliance record;

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 of up to \$85,000.00 for each violation and \$42,500.00 per violation for each day the violation continued;

WHEREAS, 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 violations existed;

WHEREAS, the State believes that this settlement is fair, reasonable, and in the State's interest as it upholds the statutory purpose and intent of 10 V.S.A. Chapters 151 and 159, in which the violations occurred; and

WHEREAS, the Consent Order has been negotiated by the State and Defendant in good faith and that the implementation of this Consent Order will avoid prolonged and complicated litigation between the parties;

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

1. The attached Consent Order may be entered by the Court;
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 agreements signed by the parties' legal representatives and approved by the Court.

DATED December 29, 2020 at Montpelier, Vermont.


STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

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DATED December 24, 2020 at Burlington, Vermont.

CHITTENDEN SOLID WASTE
DISTRICT

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