

**STATE OF VERMONT**

**SUPERIOR COURT**

Washington Unit

**CIVIL DIVISION**

Case No.

STATE OF VERMONT, AGENCY )  
OF NATURAL RESOURCES, )  
Plaintiff, )  
)  
v. )  
)  
J.C. RENDERING, INC., )  
Defendant. )

**PLEADINGS BY AGREEMENT**

The State of Vermont, Agency of Natural Resources, by and through Vermont Attorney General Susanne R. Young, and Defendant J.C. Rendering, Inc., by and through undersigned counsel, submit these pleadings by agreement pursuant to Vermont Rule of Civil Procedure 8(g).

**I. THE STATE'S ALLEGATIONS**

***The Parties***

1. The Vermont Agency of Natural Resources (ANR or Agency) is a state agency established pursuant to 3 V.S.A. § 2802, with offices in Montpelier, Vermont.
2. J.C. Rendering, Inc. (J.C. Rendering or Defendant) is a foreign for-profit corporation doing business in Vermont and registered with the Vermont Secretary of State, with a principal place of business of 201 Jackson Road in Frankfort, New York.

## ***Legal Framework***

### Title 10, Chapter 47

3. ANR regulates the protection of Vermont's waters, the permitting and management of discharges, maintenance of water quality, and control of water pollution pursuant to 10 V.S.A., Chapter 47.

4. Title 10 section 1259(a) provides, in part, that “[n]o person shall discharge any waste, substance or material into waters of the state ... without first obtaining a permit for that discharge from the Secretary [of ANR].”

5. Title 10, Section 1251(3) defines “discharge” as “the placing, depositing or emission of any wastes, directly or indirectly, into . . . waters of the State.”

6. Title 10, Section 1251(12) defines “waste” as “effluent, sewage or any substance or material, liquid, gaseous, solid or radioactive, including heated liquids, whether or not harmful or deleterious to waters.”

7. Title 10, Section 1251(13) defines “waters” as including “all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are confined within, flow through or border upon the State or any portion of it.”

### Title 10, Chapter 159 and the Solid Waste Management Rules

8. ANR regulates the management of solid and hazardous waste pursuant to 10 V.S.A., Chapter 159 and the Solid Waste Management Rules.

9. Title 10, Section 6607(a) provides, in part, that “A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so

by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title.”

10. “Commercial hauler” is defined, in relevant part, as “any person that transports solid waste for compensation in a vehicle.” 10 V.S.A. § 6607a(b)(1)(B).

11. ANR adopted the Solid Waste Management Rules pursuant to 10 V.S.A. § 6603(1). The current version of the rules was adopted effective October 20, 2020. The version referred to below as the Solid Waste Management Rules was adopted effective March 15, 2012.

12. Section 6-201 of the Solid Waste Management Rules and 10 V.S.A. § 6602(2) define “solid waste” as:

any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act . . . [Chapter 47 of Title 10].

13. Section 6-302(d) of the Solid Waste Management Rules, in relevant part, prohibits the “[t]reatment, storage or disposal of solid waste outside of a certified facility except for the exemptions set forth in § 6-302 of these Rules.”

14. Section 6-302, in relevant part, exempts the “transfer of solid waste by a commercial hauler . . . provided . . . the transfer meets the requirements of § 6-301(b)(7).” Section 6-302(b)(8).

15. Section 6-302(b)(7) requires, in relevant part, that “the vehicles, trailers, or containers used to collect solid wastes, must prevent the release of all solid wastes and related liquids”

#### Civil Enforcement Action

16. Pursuant to Title 10, Section 8221, the State may bring an action in the Civil Division of Superior Court to enforce Vermont’s environmental laws, including Chapters 47 (water pollution control) and 159 (waste management) of Title 10, and the Solid Waste Management Rules. Among other things, the court may grant injunctive relief, order compliance activities, and assess civil penalties up to \$85,000 per violation or, for continuing violations, up to \$42,500 for each day the violation continues.

#### ***Facts***

17. J.C. Rendering provides commercial services in Vermont, including the transportation and disposal of animal wastes such as blood, organs, and other parts of animal carcasses.

18. At all relevant times, J.C. Rendering provided such commercial hauling services for Vermont Packinghouse, a slaughterhouse and meat processing facility in North Springfield, Vermont.

19. On September 21, 2020, ANR issued a Solid Waste Transporter Permit pursuant to 10 V.S.A. § 6607a authorizing J.C. Rendering to use three trucks for commercial waste hauling in Vermont. Prior to this date, J.C. Rendering did not have a Solid Waste Transporter Permit.

20. Upon information and belief, JC Rendering provided commercial waste hauling services to Vermont Packinghouse for approximately two years before it obtained a Solid Waste Transporter Permit to operate as a commercial hauler in the State of Vermont.

21. Wastewater from the slaughter and processing of animals contains biodegradable organic compounds. These compounds may cause a strong reduction in the amount of dissolved oxygen in the surface water due to the increased biochemical oxygen demand, which in turn can have adverse impacts on aquatic life, such as killing fish and other aquatic organisms.

22. This type of wastewater contains macronutrients such as nitrogen and phosphorus, which can cause excessive algal growth in surface waters. This growth can deplete oxygen as the algae decomposes, and can also block waterways, killing fish and other aquatic organisms, and having devastating effects on the entire food chain. In addition, increased nitrogen levels can lead to ammonia toxicity, which is highly toxic to fish and other aquatic biota, even low levels.

23. This type of wastewater can also contain high levels of bacteria, such as total coliform, E. coli, and Salmonella, which can lead to an increase in pathogens and public health risks.

24. The presence of these substances presents a threat of substantial harm to the environment and aquatic life, as well as to public health.

February 10, 2020

25. On February 10, 2020, J.C. Rendering hauled animal waste from Vermont Packinghouse for disposal. The J.C. Rendering truck was loaded with offal and blood, which leaked onto the ground in the yard at the Vermont Packinghouse site.

26. Upon information and belief, J.C. Rendering spilled approximately fifty to sixty gallons of blood on the ground at the Vermont Packinghouse site.

27. The J.C. Rendering truck was uncovered and still leaking when it left the Vermont Packinghouse site. The truck then spilled blood and animal parts onto the roadway, covering the intersection of Fairbanks Road and Main Street with blood.

28. The blood flowed from the intersection into a storm drain, through a culvert, and into the Great Brook.

29. On February 11, 2020, the Vermont Department of Environmental Conservation (DEC) received a complaint about the spill, and a DEC Environmental Enforcement Officer (EEO) responded to the scene at the intersection.

30. At the scene, the EEO observed blood on the pavement on the west side of Fairbanks Road and the south edge of Main Street and noticed an odor of animal decay.

31. The EEO observed a culvert on the north side of Main Street, which discharges to the bank of the Great Brook.

32. The EEO then poured approximately five gallons of dyed water into the storm drain and shortly thereafter observed the dyed water exiting the culvert into the Great Brook. The EEO observed dye in the stream after approximately one minute and twenty seconds into the test.

April 17, 2020

33. On April 17, 2020, J.C. Rendering transported animal waste from Vermont Packinghouse and spilled animal parts including bones, hair, skin, organs, blood and liquids onto Route 11 between Chester and Peru.

34. On that date, Vermont State Police responded to a complaint that there were animal parts in the roadway on Route 11 near Andover.

35. The J.C. Rendering truck spilled animal parts in front of a motel at 936 Vermont Route 11 in Chester, up to the Chester Town Line, at a corner east of Weston Andover Road in Reedville, and along Route 11 as it traveled west from Vermont Packinghouse.

36. The Vermont Agency of Transportation supervisor responded to the spill and removed numerous animal pieces and parts from the roadway from Chester to Londonderry, near the Agency of Transportation district line.

37. A Vermont State trooper caught up with the J.C. Rendering truck, pulled over near the Bromley Mountain access road, and pulled in behind the truck.

38. The trooper observed that there was blood on the side of the truck and animal parts hanging out over the side of the truck.

39. The trooper observed the driver using a branch to push the contents back into the trailer and put some pieces of animal waste into a hydraulic lift bucket on the truck. Some of the contents spilled onto the roadside.

40. The trooper allowed the truck to leave after the animal parts were no longer hanging from the sides of the truck, and it proceeded due west on Route 11.

41. The truck pulled over again in Manchester, where the driver repeated the processes of pushing animal parts back into the truck. Manchester police observed animal parts spilling out of the top of the truck and fluids covering the side of the truck. The police gave the driver a warning and the truck continued traveling west on Route 11.

42. The J.C. Rendering truck was overloaded and had animal parts sticking out over the truck sides, with streaks of blood on the outside of the truck, when it departed the packinghouse on April 17, 2020.

## **II. ALLEGED VIOLATIONS**

Based upon the above facts, the State of Vermont alleges the following violations of Vermont's environmental laws and regulations by Defendant. The preceding paragraphs are realleged and incorporated by reference into each claim below.

43. By discharging blood and offal into the Great Brook on February 10, 2020 without a permit from the Secretary of ANR, Defendant violated 10 V.S.A. § 1259(a).

44. By disposing of blood, offal, and animal parts on February 10, 2020 outside of a certified facility, Defendant violated Section 6-302(d) of the Solid Waste Management Rules.

45. By disposing of blood, offal, and animal parts outside of a certified facility on April 17, 2020, Defendant violated Section 6-302(d) of the Solid Waste Management Rules.

46. By operating as a commercial hauler on February 10, 2020 without a permit, Defendant violated 10 V.S.A. § 6607a.

47. By operating as a commercial hauler on April 17, 2020 without a permit, Defendant violated 10 V.S.A. § 6607a.

### III. DEFENDANT'S RESPONSE TO THE ALLEGED VIOLATIONS

Defendant answers the preceding allegations as follows:

1. Defendant admits the factual allegations set forth in paragraphs 1 through 42 solely for purposes of resolving this case.

2. Without formally admitting or denying liability, Defendant agrees to this settlement of the above violations alleged in paragraphs 43 through 47 to resolve this case.

3. Defendant agrees that the violation alleged in paragraphs 43 through 47 above is deemed proven and established as a "prior violation" in any future State proceeding considering Defendant's compliance record, including but not limited to administrative or judicial enforcement actions for civil penalties calculated pursuant to 10 V.S.A. § 8010, and permit proceedings.

DATED August 12, 2022 at Montpelier, Vermont.

STATE OF VERMONT

SUSANNE R. YOUNG  
ATTORNEY GENERAL

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DATED ~~August~~ <sup>Sept.</sup> 9, 2022 at Burlington, Vermont.

J.C. RENDERING, INC.

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