

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.)

CONSENT ORDER and FINAL JUDGMENT ORDER

This action came before the Court pursuant to the parties' filing of Pleadings by Agreement under Vermont Rule of Civil Procedure 8(g). Based upon those Pleadings by Agreement and the parties' Stipulation for the Entry of Consent Order and Final Judgment Order, and pursuant to 10 V.S.A. § 8221, 3 V.S.A. § 157, and the Court's inherent equitable powers, it is hereby ADJUDGED, ORDERED and DECREED as follows:

VIOLATIONS

1. Plaintiff, State of Vermont, Agency of Natural Resources has alleged violations of Unpermitted Discharge to Waters of the State 10 V.S.A. § 1259(a), Unlawful Disposal of Solid Waste Outside of Permitted Facility Section 6-302(d) of the Solid Waste Management Rules, and Unlicensed Hauling 10 V.S.A. § 6607a, as set forth in paragraphs 43 through 47 of the parties' Pleadings by Agreement. Defendant admits the factual allegations set forth in paragraphs 1 through 42 of the Pleadings by Agreement solely for purposes of resolving this case, and neither admits nor denies liability for the alleged violations but agrees to the entry of this

Consent Order and Final Judgment Order to resolve this matter. Defendant agrees that each of the violations alleged in paragraphs 43 through 47 of the Pleadings by Agreement is deemed proven and that this matter is established as a single “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.

PENALTIES

2. For the violations described above, Defendant shall pay a civil penalty of forty-seven thousand dollars (\$47,000) as follows:

- a. Defendant shall pay \$23,250 no later than thirty (30) days after the date this Order is issued.
- b. Defendant shall pay \$23,250 no later than one hundred eighty (180) days after the date this Order is issued.

3. The civil penalty payments required by this Order shall be made online through the Office of the Vermont Attorney General’s payment portal <https://appengine.egov.com/apps/vt/ago/onlinepayment>, or by check to the “State of Vermont” and delivered to Melanie Kehne, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, VT 05609-1001.

4. If Defendant fails to make any payment as set forth in the preceding paragraphs, such failure shall constitute a breach of this Consent Order and Final Judgment Order, full balance shall be due and interest shall accrue on the entire unpaid balance at twelve percent (12%) per annum. Defendant shall also be liable

for costs incurred by the State, including reasonable attorney's fees, to collect any unpaid penalty amount.

OTHER PROVISIONS

5. The parties waive: (a) all rights to contest or appeal this Consent Order and Final Judgment Order; and (b) all rights to contest the obligations imposed upon Defendants under this Consent Order and Final Judgment Order in this or any other administrative or judicial proceeding involving the State of Vermont.

6. This Consent Order and Final Judgment Order is binding upon the parties and all their successors and assigns. Any change in Defendant's ownership, corporate, or other legal status, including but not limited to any transfer of assets, shall in no way alter the responsibilities of Defendant, their successors, or their assigns under this Consent Order and Final Judgment Order.

7. Nothing in this Consent Order and Final Judgment Order shall be construed to create or deny any rights in, or grant or deny any cause of action to, any person not a party to this Consent Order and Final Judgment Order.

8. This Consent Order and Final Judgment Order shall become effective only after it is entered as an order of the Court. When so entered by the Court, this Judgment Order shall become final.

9. Any violation of this Consent Order and Final Judgment Order shall be deemed to be a violation of a judicial order and may result in the imposition of injunctive relief and/or penalties, including penalties for contempt, as set forth in 10 V.S.A. Chapters 201 and 211.

10. The State of Vermont and this Court reserve continuing jurisdiction to ensure compliance with all statutes, rules, and regulations applicable to the specific facts described herein or in the Stipulation for the Entry of Final Judgment Order.

11. Defendant shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein or in the Stipulation for the Entry of Final Judgment Order.

12. Nothing in this Consent Order and Final Judgment Order shall be construed as having relieved, modified, or in any manner affected Defendant's obligations to comply with all other applicable federal, state, or local statutes, regulations, permits or directives.

13. This Consent Order and Final Judgment Order may be altered, amended, or otherwise modified only by subsequent written agreement signed by the parties hereto, or their legal representatives, and approved by this Court. Any representations not set forth in this Consent Order and Final Judgment Order, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.

SO ORDERED, and ENTERED as FINAL JUDGMENT.

DATED: _____, 2022.

The Hon. _____
Superior Court Judge, Civil Division, Washington Unit