

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.)

STIPULATION FOR THE ENTRY OF CONSENT ORDER

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, stipulate and agree as follows:

WHEREAS, the State alleges in the Complaint that Defendant committed violations of 10 V.S.A. § 1259(a); 10 V.S.A. Chapter 159 and Section 6-302(d) of the Solid Waste Management 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 violation shall qualify as a single “prior violation” for purposes of any future State action considering Defendant’s compliance records;

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 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 Attorney General believes that this settlement is fair, reasonable, and in the State's interest as it upholds the statutory regimes of 10 V.S.A. Chapters 151 and 47, 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. Without formally admitting or denying liability, Defendant agrees to this settlement of the violations alleged in the Complaint in order to resolve this dispute;
2. Defendant agrees that the violations alleged are deemed proved and established as a single "prior violation" in any future state proceeding that requires consideration of Defendant's past record of compliance, such as

permit proceedings and calculating civil penalties under Title 6 or Title 10;

3. 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;
4. 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 and approved by the Court;
5. 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 provide public notice and facilitate possible public participation in consideration of this settlement; and
6. After the twenty-one (21) day period, the attached Consent Order may be entered as a final Judgment in this matter by the Court.

DATED August 12, 2022 at Montpelier, Vermont.

STATE OF VERMONT
SUSANNE R. YOUNG
ATTORNEY GENERAL

By: 

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DATED ^{SERT} August 8, 2022 at Frankfort, New York.

J.C. RENDERING, INC.

By: Jason Curuso
President
[name and title of authorized agent]

APPROVED AS TO FORM:

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