

Vermont Superior Court  
Environmental Division  
32 Cherry Street Suite 303  
Burlington VT 05401  
802-951-1740  
[www.vermontjudiciary.org](http://www.vermontjudiciary.org)

120-10-19 Vtec



ANR v Leduc & Many, Inc.

### Order

Based on the agreement of the parties in Paragraph J of the Assurance of Discontinuance filed on 12/18/2020 the Administrative Order in the above captioned matter issued by the Secretary on 10/10/2019 is hereby vacated.

The Assurance of Discontinuance signed by the Respondent on 11/05/2020, and filed with the Superior Court, Environmental Division, on 12/18/2020 is hereby entered as an Order of this Court, pursuant to 10 V.S.A. 8007(c), concluding this case.

Electronically Signed: 12/23/2020 9:50 AM pursuant to V.R.E.F. 9(d).

A handwritten signature in black ink that reads "Tom Walsh" with a stylized flourish at the end.

Thomas G. Walsh, Judge  
Superior Court, Environmental Division

**STATE OF VERMONT**

**SUPERIOR COURT**

**ENVIRONMENTAL DIVISION**

**Docket No. 120-10-19 Vtec**

**SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff**

**v.**

**LEDUC & MANY, INCORPORATED,  
Respondent**

**VIOLATIONS**

1. 10 V.S.A. §554 and Air Pollution Control Regulations (APCR) §5-201: Prohibited open burning.
2. Solid Waste Management Rules (SWMR) §6-302(a): Prohibited open burning of solid waste.
3. Land Use Permit (LUP) #6F0394-A, Condition #23: Burning and burial of solid waste onsite.
4. 10 V.S.A. §6605(a) and SWMR §6-302(c): Construction, substantial alteration, or operation of a solid waste management facility without a certification.
5. SWMR §6-302(d): Treatment, storage, or disposal of solid waste outside of a certified facility.
6. 10 V.S.A. §6025 and Vermont Wetland Rules (VWR) §9: Filling a wetland without a permit.

**ASSURANCE OF DISCONTINUANCE**

Pursuant to the provisions of 10 V.S.A. §8007, the Secretary (Secretary) of the Agency of Natural Resources (Agency) and Leduc & Many, Incorporated (Respondent) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

**STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS**

1. Respondent owns property located at 835 VT RT 78 in Highgate, Vermont, SPAN # 29109211012. Respondent operates a mechanical garage at 835 VT RT 78, Highgate, Vermont (the RT 78 Property).
2. On May 20, 2014, Agency personnel conducted a site visit on the RT 78 Property in response to a complaint of illegal dumping, wetlands encroachment, and gravel extraction.
3. During the site visit, Agency personnel observed fill in a Class II Wetland. Respondent was directed to cease filling the wetland and to stabilize the bank with seed and mulch.
4. Respondent did not have a permit to place fill in the Class II wetland located on the RT 78

Property.

5. On June 9, 2014, the Agency issued a letter notifying Respondent of the VWR violations and providing specific compliance directives.
6. By placing fill in a Class II wetland without a permit, Respondent violated 10 V.S.A. §6025 and VWR §9.
7. During the site visit, Agency personnel observed vinyl siding, plastic buckets, and plastic bags of leaves that had been deposited with the fill in the wetland.
8. By disposing of solid waste outside of a certified facility, Respondent violated SWMR §6-302(d).
9. Respondent owns and operates a gravel pit located on Excavation Drive off RT 207 in Highgate, Vermont, SPAN # 29109211015 (the RT 207 Property).
10. The RT 207 Property is subject to LUP #6F0394-A, issued on May 5, 2005 by the District 6 Environmental Commission.
11. The RT 207 Property contains a wetland that is contiguous to a mapped wetland on the Vermont Significant Wetland Inventory Map and is therefore a Class II Wetland under the VWR.
12. On May 20, 2014, personnel with the Agency and the Natural Resources Board (NRB) conducted a joint site visit on the RT 207 Property in response to a complaint of illegal dumping.
13. During the site visit, Agency personnel observed a small amount of fill, a large culvert, and guardrails in a Class II Wetland. Respondent was directed to remove the culvert and guardrails from the Class II Wetland.
14. Respondent did not have a permit to place fill in the Class II wetland located on the RT 207 Property.
15. On June 9, 2014, the Agency issued a letter notifying Respondent of the VWR violations and providing specific compliance directives.
16. By placing fill in a Class II wetland without a permit, Respondent violated 10 V.S.A. §6025 and VWR §9.
17. On August 21, 2014, the Agency advised the Respondent that all wetland restoration efforts had been confirmed to be complete at both Properties and in compliance with the VWR.
18. During the site visit, Respondent was directed to dig several test pits on the RT 207 Property.



19. Site #1 was located off Excavation Drive near the area where Harrison Concrete operated a concrete batch plant in the 1990s. No signs of contamination or solid waste were observed.
20. Site #2 was located off Excavation Drive and described as the stump dump area of the gravel pit. The dig was conducted approximately twenty (20) feet northerly of the toe of the slope of the stump dump's embankment. Agency personnel observed painted wood siding, two rusted 55-gallon steel barrels, one steel barrel top, stumps, pieces of garden hoses, and miscellaneous construction and demolition (C&D) debris. Agency personnel observed evidence that some of the painted wood had been burned.
21. By open burning solid waste and prohibited items, Respondent violated APCR, Subchapter II §5-201 and SWMR §6-302(a). By disposing of solid waste outside of a certified facility, Respondent violated SWMR §6-302(d).
22. Site #3 was located closer to the toe of the slope of the embankment. Agency personnel observed carpeting, piping, vinyl siding, and C&D debris.
23. Near the toe of the slope, Agency personnel observed a large pile of broken concrete and asphalt.
24. By disposing of solid waste outside of a certified facility, Respondent violated SWMR §6-302(d).
25. Site #4 was located at the top edge of the stump dump. Agency personnel observed household wiring, metal waste, a green 55-gallon drum, wood, vinyl, and a piece of fiberglass.
26. By disposing of solid waste outside of a certified facility, Respondent violated SWMR §6-302(d).
27. Site #5 was a burn pile located near the center of the top of the stump dump. Agency personnel observed a seat belt buckle, a painted door frame, glass, and various debris that appeared to have been burnt recently.
28. By open burning solid waste and prohibited items, Respondent violated APCR, Subchapter II §5-201 and SWMR §6-302(a).
29. Site #6 was located at the top of the stump dump toward the easterly edge. No signs of contamination or solid waste were observed.
30. During the site visit, Agency personnel observed a stockpile of waste concrete located on the RT 207 Property. The waste concrete stockpile contained approximately fifty (50) cubic yards of material.

31. Respondent did not have an Insignificant Waste Management Event Approval (IWMEA) or a categorical disposal or recycling certification for the waste concrete.
32. By operating a solid waste management facility without a permit, Respondent violated 10 V.S.A. §6605(c) and SWMR §6-302(c).
33. Condition #23 of LUP #6F0394-A states “No material shall be buried or burned on-site. Construction material shall be disposed of in a State approved landfill.”
34. By burning and burying materials on the RT 207 Property, Respondent violated Condition #23 of LUP #6F0394-A.
35. On May 22, 2019, Agency personnel conducted a follow-up site inspection of the RT 207 Property.
36. During the site inspection, Agency personnel observed additional waste concrete had been added to the stockpile previously observed in 2014. The waste concrete stockpile contained approximately sixty (60) cubic yards of material, much of it painted. Respondent indicated that this stockpile is going to be reused as aggregate in future construction projects and was not being disposed of onsite; they have since been moved to the RT 78 Property for such reuse. Agency personnel also observed plastic culvert scraps and other stray waste located on the RT 207 Property.
37. Respondent admits the factual findings described above, solely for purposes of resolving this case.
38. The Agency alleges that the above conduct constitutes violations of 10 V.S.A. §554; APCR §5-201; SWMR §6-302(a); LUP #6F0394-A, Condition #23; 10 V.S.A. §6605(a); SWMR §6-302(c); SWMR §6-302(d); and 10 V.S.A. §6025 and VWR §9.

### AGREEMENT

Based on the foregoing Statements of Facts and Description of Violations, the parties agree as follows:

- A. Respondent shall pay a penalty of \$9,000.00 no later than thirty (30) consecutive days following the effective date of this Assurance. Payment shall be made by either:
  1. Check made payable to “Treasurer, State of Vermont” and forwarded to:

Administrative Services Coordinator  
Environmental Compliance Division - Enforcement  
Agency of Natural Resources  
1 National Life Drive, Davis 3  
Montpelier, VT 05620-3803

Or

2. Credit card or electronic check payment through the Agency's online system at:

[https://anronline.vermont.gov/?formtag=ANR\\_EnforcementPenaltyPayment](https://anronline.vermont.gov/?formtag=ANR_EnforcementPenaltyPayment)

- B. Pursuant to 10 V.S.A. §8010(e)(2), no later than thirty (30) consecutive calendar days following the effective date of this Assurance, Respondent shall pay the amount of \$772.87, to reimburse the Natural Resources Board for the costs of this enforcement action, by good check made payable to the "State of Vermont." This payment shall be sent to the following address:

Natural Resources Board  
Attn: Legal Technicians  
10 Baldwin Street  
Montpelier, VT 05633-3201

- C. Respondent shall immediately cease all burning and disposal of solid waste at the Properties.  
D. Respondent shall comply with the terms and conditions of the Clean-Up Plan (the Plan) signed by Respondent on October 10, 2020 and approved with conditions by the Agency on October 13, 2020.  
E. Pursuant to the terms and conditions of the Plan, Respondent shall provide the Agency with proof of proper disposal and recycling of all waste identified during the clean-up. No later than thirty (30) consecutive calendar days following delivery to the certified facilities, documents establishing proper disposal and recycling shall be forwarded to:

Barb Schwendtner - Solid Waste Compliance Chief  
Agency of Natural Resources  
Waste Management & Prevention Division  
1 National Life Drive, Davis 1  
Montpelier, VT 05620-3704

- F. Upon request, Respondent shall allow Agency and NRB personnel access to the subject property during execution of the Plan.  
G. Upon completion of the Plan, Respondent shall notify the Agency and allow Agency and NRB personnel access to inspect the subject property to confirm compliance with the terms and conditions of the Plan.  
H. Without formally admitting or denying wrongdoing or liability, Respondent agrees to this



settlement of the violations alleged above in order to resolve all outstanding disputes.

- I. Respondent agrees that the violations alleged are deemed proved and established as a “prior violation” in any future state proceeding that requires consideration of Respondent’s past record of compliance, such as permit review proceedings and calculating civil penalties under 10 V.S.A. §8010.
- J. The parties intend that this agreement, upon being accepted by the Court, shall fully resolve and result in the dismissal of the pending Administrative Order filed in the Superior Court, Environmental Division, in Docket Number 120-10-19 Vtec, for this matter.
- K. The State of Vermont and the Agency reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth herein above.
- L. Nothing in this Assurance shall be construed as having relieved, modified, or in any manner affected the Respondent’s on-going obligation to comply with all other federal, state, or local statutes, regulations, or directives applicable to Respondent in the operation of its business.
- M. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Superior Court, Environmental Division. When so entered by the Superior Court, Environmental Division, this Assurance shall become a judicial order. In the event that such order is vacated, this Assurance shall be null and void.
- N. Respondent shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein occurring before the effective date of the Assurance, provided that Respondent fully complies with the agreements set forth above.
- O. This Assurance 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 hereto or their legal representatives and incorporated in an order issued by the Superior Court, Environmental Division. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.
- P. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. Chapters 201 and/or 211.
- Q. This Assurance is subject to the provisions of 10 V.S.A. §§8007 and 8020.

**SIGNATURES**

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted. Further, I, Andre Leduc, the undersigned, hereby state under oath that I am the President of Leduc & Many, Incorporated and an authorized representative of the Leduc & Many, Incorporated, that I have the power to contract on behalf of that entity, and that I have been duly authorized to enter into the foregoing Assurance of Discontinuance on behalf of that entity.

Dated at Swanton, Vermont, this 5<sup>th</sup> day of November, 2020.

Andre Leduc  
Andre Leduc, President  
Leduc & Many, Incorporated

Printed Name: ANDRE LEDUC

Address: 111 CANADA ST.  
SWANTON, VT 05488

STATE OF VERMONT  
COUNTY OF FRANKLIN, SS.

At SWANTON, Vermont, this 5<sup>th</sup> day of NOVEMBER, 2020, the above signatory personally appeared, signed, and swore to the foregoing, before me,

Linda Dupre  
Notary Public State of Vermont

Printed Name LINDA Dupre

Commission No. 15 T. 980-9583

My Commission Expires 1-31-21

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Montpelier, Vermont, this 17<sup>th</sup> day of November, 2020.

SECRETARY, AGENCY OF NATURAL RESOURCES

BY: Peter Walke  
Peter Walke, Commissioner  
Department of Environmental Conservation



**STATE OF VERMONT**

**SUPERIOR COURT**

**ENVIRONMENTAL DIVISION  
Docket No.**

**SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff**

**v.**

**LEDUC & MANY, INCORPORATED,  
Respondent**

**ADMINISTRATIVE ORDER**

Having found that Leduc & Many, Incorporated (“Respondent”) has committed violations as defined in 10 V.S.A. §8002(9), the Secretary (“Secretary”) of the Agency of Natural Resources (“Agency”), pursuant to the authority set forth in 10 V.S.A. §8008, hereby issues the following Administrative Order:

**VIOLATIONS**

1. 10 V.S.A. §554 and Air Pollution Control Regulations (“APCR”) §5-201: Prohibited open burning.
2. Solid Waste Management Rules (“SWMR”) §6-302(a): Prohibited open burning of solid waste.
3. Land Use Permit (“LUP”) #6F0394-A, Condition #23: Burning and burial of solid waste onsite.
4. 10 V.S.A. §6605(a) and SWMR §6-302(c): Construction, substantial alteration, or operation of a solid waste management facility without a certification.
5. SWMR §6-302(d): Treatment, storage, or disposal of solid waste outside of a certified facility.
6. 10 V.S.A. §6025 and Vermont Wetland Rules (“VWR”) §9: Filling a wetland without a permit.

**STATEMENTS OF FACTS**

1. Respondent owns property located at 835 VT RT 78 in Highgate, Vermont, SPAN # 29109211012 (the “RT 78 Property”). Respondent operates a mechanical garage on the RT 78 Property.
2. On May 20, 2014, personnel with the Agency conducted a site visit on the RT 78 Property in response to a complaint of illegal dumping, wetlands encroachment, and gravel extraction.
3. During the site visit, Agency personnel with the Wetlands program observed fill in a Class II Wetland. Respondent was directed to cease filling the wetland and to stabilize the bank with

seed and mulch.

4. The Respondent did not have a permit to place fill in the Class II wetland located on the RT 78 Property.
5. On June 9, 2014, the Agency issued a letter notifying the Respondent of the VWR violations and providing specific compliance directives.
6. By placing fill in a Class II wetland without a permit, Respondent violated 10 V.S.A. §6025 and VWR, §9.
7. During the site visit, Agency personnel with the Waste Management and Prevention Division (WMPD) observed vinyl siding, plastic buckets, and plastic bags of leaves that had been deposited with the fill in the wetland.
8. By disposing of solid waste outside of a certified facility, Respondent violated SWMR §6-302(d).
9. Respondent owns and operates a gravel pit located on Excavation Drive off RT 207 in Highgate, Vermont, SPAN # 29109211015 (the "RT 207 Property").
10. The RT 207 Property is subject to LUP #6F0394-A, issued on May 5, 2005 by the District 6 Environmental Commission.
11. The RT 207 Property contains a wetland that is contiguous to a mapped wetland on the Vermont Significant Wetland Inventory Map and is therefore a Class II Wetland under the VWR.
12. On May 20, 2014, personnel with the Agency and the Natural Resources Board ("NRB") conducted a joint site visit on the RT 207 Property in response to a complaint of illegal dumping.
13. During the site visit, Agency personnel with the Wetlands program observed a small amount of fill, a large culvert, and guardrails in a Class II Wetland. Respondent was directed to remove the culvert and guardrails from the Class II Wetland.
14. The Respondent did not have permit to place fill in the Class II wetland located on the RT 207 Property.
15. On June 9, 2014, the Agency issued a letter notifying the Respondent of the VWR violations and providing specific compliance directives.
16. By placing fill in a Class II wetland without a permit, Respondent violated 10 V.S.A. §6025 and VWR, §9.

17. During the site visit, the Respondent was directed to dig several test pits on the RT 207 Property.
18. Site #1 was located off Excavation Drive near the area where Harrison Concrete operated a concrete batch plant in the 1990s. No signs of contamination or solid waste were observed.
19. Site #2 was located off Excavation Drive and described as the stump dump area of the gravel pit. The dig was conducted approximately twenty (20) feet northerly of the toe of slope of the stump dump's embankment. Agency personnel observed painted wood siding, two rusted 55-gallon steel barrels, one steel barrel top, stumps, pieces of garden hoses, and miscellaneous construction and demolition ("C&D") debris. Agency personnel observed evidence that some of the painted wood had been burned. Respondent Andy Leduc stated that the spot was where he had burned and buried the American Legion building and parts of the Cadillac Motel from St. Albans.
20. By open burning solid waste and prohibited items, Respondent violated APCR, Subchapter II §5-201 and SWMR §6-302(a).
21. By disposing of solid waste outside of a certified facility, Respondent violated SWMR §6-302(d).
22. Site #3 was located closer to the toe of the slope of the embankment. Agency personnel observed carpeting, piping, vinyl siding, and C&D debris.
23. Near the toe of the slope, Agency personnel observed a large pile of broken concrete and asphalt.
24. By disposing of solid waste outside of a certified facility, Respondent violated SWMR §6-302(d).
25. Dig Site #4 was located at the top edge of the stump dump. Agency personnel observed household wiring, metal waste, a green 55-gallon drum, wood, vinyl, and a piece of fiberglass.
26. By disposing of solid waste outside of a certified facility, Respondent violated SWMR §6-302(d).
27. Site #5 was a burn pile located near the center of the top of the stump dump. Agency personnel observed a seat belt buckle, a painted door frame, glass, and various debris that appeared to have been burnt recently.
28. By open burning solid waste and prohibited items, Respondent violated APCR, Subchapter II



§5-201 and SWMR §6-302(a).

29. Site #6 located at the top of the stump dump toward the easterly edge. No signs of contamination or solid waste were observed.
30. During the site visit, Agency personnel observed a stockpile of waste concrete located on the RT 207 Property. The waste concrete stockpile contained approximately fifty (50) cubic yards of material.
31. Respondent did not have an Insignificant Waste Management Event Approval (“IWMEA”) or a categorical disposal or recycling certification for the waste concrete.
32. By operating a solid waste management facility without a permit, Respondent violated 10 V.S.A. §6605(c) and SWMR §6-302(c).
33. Condition #23 of LUP #6F0394-A states “No material shall be buried or burned on-site. Construction material shall be disposed of in a State approved landfill.”
34. By burning and burying materials on the RT 207 Property, Respondent violated Condition #23 of LUP #6F0394-A.
35. On May 22, 2019, Agency personnel conducted a follow-up site inspection of the RT 207 Property.
36. During the site inspection, Agency personnel observed additional waste concrete had been added to the stockpile previously observed in 2014. The waste concrete stockpile contained approximately sixty (60) cubic yards of material, much of it painted. Agency personnel also observed plastic culvert scraps and other stray waste located on the RT 207 Property.

### **ORDER**

Upon receipt of this Administrative Order, the Respondent shall:

- A. Pay a penalty of \$37,138.25 no later than thirty (30) consecutive calendar days following the effective date of this Order. Payment shall be by check made payable to the “Treasurer, State of Vermont” and forwarded to:

Administrative Services Coordinator  
Agency of Natural Resources  
Environmental Compliance Division  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3803

The Secretary reserves the right to augment the above stated penalty based upon the evidence adduced at the hearing in this matter. The penalty may be increased by the total costs incurred by the Secretary for the enforcement of this matter, by the total amount of economic benefit gained by the Respondent from the violation(s), and by further consideration of any other component of penalty found in 10 V.S.A. §8010, each according to proof at hearing.

- B. Pursuant to 10 V.S.A. §8010(e)(2), by no later than thirty (30) consecutive calendar days following the effective date of this Assurance, the Respondent shall pay the amount of \$772.87, to reimburse the Natural Resources Board for the costs of this enforcement action, by good check made payable to the "State of Vermont." This payment shall be sent to the following address:

Natural Resources Board  
Attn: Legal Technicians  
10 Baldwin Street  
Montpelier, VT 05633-3201

- C. Respondent shall immediately cease all burning and disposal of solid waste at the Properties.
- D. No later than thirty (30) consecutive calendar days following the effective date of this Order, Respondent shall submit to the Agency, for review and approval, a solid waste removal/clean-up plan (the Plan) using the form provided by the Agency. Following approval of the Plan, Respondent shall notify the Agency upon initiation of the cleanup and allow Agency personnel access to inspect the Properties.
- E. No later than ninety (90) consecutive calendar days following the effective date of this Order, Respondent shall provide the Agency with proof that all wastes on the Properties has been properly disposed of at a certified solid waste facility. Proof of proper disposal shall be forwarded to:

Barb Schwendtner - Solid Waste Compliance Specialist  
Agency of Natural Resources  
Waste Management & Prevention Division  
1 National Life Drive, Davis 1  
Montpelier, VT 05620-3704

- F. No later than one hundred and twenty (120) consecutive calendar days following the effective date of this Order, Respondent shall schedule an inspection of the Properties with the Agency and NRB to confirm compliance with the terms and conditions of the approved Plan.

**RESPONDENT'S RIGHT TO A HEARING  
BEFORE THE ENVIRONMENTAL COURT**

The Respondent has the right to request a hearing on this Administrative Order before the Superior Court, Environmental Division, under 10 V.S.A. §8012 by filing a Notice of Request for Hearing within fifteen (15) days of the date the Respondent receives this Administrative Order. The Respondent must timely file a Notice of Request for Hearing with both the Secretary and the Environmental Division at the following addresses:

1. Secretary, Agency of Natural Resources  
c/o: Enforcement and Litigation Section  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901
  
2. Clerk, Superior Court, Environmental Division  
32 Cherry St. 2<sup>nd</sup> Floor, Suite 303  
Burlington, VT 05401

**EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER**

This Administrative Order shall become effective on the date it is received by the Respondent unless the Respondent files a Notice of Request for Hearing within fifteen (15) days of receipt as provided for in the previous section hereof. The timely filing of a Notice of Request for Hearing by the Respondent shall stay the provisions (including any penalty provisions) of this Administrative Order pending a hearing by the Environmental Division. If the Respondent does not make a timely filing of a Notice of Request for Hearing, this Administrative Order shall become a final Judicial Order when filed with and signed by the Environmental Division.

**COMPLIANCE WITH THIS ADMINISTRATIVE ORDER**

If the Respondent fails or refuses to comply with the conditions of a final Judicial Order, the Secretary shall have cause to initiate any further legal action against the Respondent including but not necessarily limited to, those available to the Secretary pursuant to the provisions of 10 V.S.A. Chapters 201 and 211.



Dated at Montpelier, Vermont this 8 day of August, 2019.

SECRETARY, VERMONT AGENCY OF NATURAL RESOURCES

By:   
Emily Boedecker, Commissioner  
Department of Environmental Conservation

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION  
Docket No.

SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff

v.

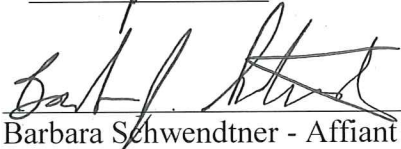
LEDUC & MANY, INCORPORATED,  
Respondent

Affidavit of Barbara Schwendtner

I, Barbara Schwendtner, being duly sworn do attest:

1. I am of legal age and a resident of the State of Vermont.
2. I am employed as the Solid Waste Management Compliance Section Chief in the Waste Management and Prevention Division of the Agency of Natural Resources.
3. Based upon my personal knowledge, review of the relevant Waste Management and Prevention Division program file, and conversations with witnesses, the violations described in the Statement of Facts section of the above-entitled Administrative Order occurred during the time periods set forth therein.

DATED at Montpelier, Vermont this 18<sup>th</sup> day of July, 2019.

  
Barbara Schwendtner - Affiant

State of Vermont ) SS:  
County of Washington )

In Montpelier, on the 18<sup>th</sup> day of July 2019, before me personally appeared Barbara Schwendtner, to me known to be the person who executed the foregoing instrument, and who thereupon duly acknowledged to me that she executed the same as her free act and deed.

Notary Public

STATE OF VERMONT

SEAN KEVELAHT

My commission expires: 1-31-21

157.0009374 - 



STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION  
Docket No.

SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff

v.

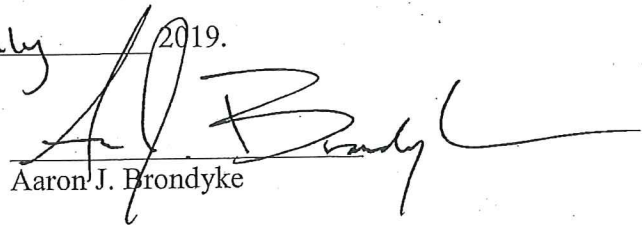
LEDUC & MANY, INCORPORATED,  
Respondent

Affidavit of Aaron J. Brondyke

I, Aaron J. Brondyke, being duly sworn, hereby state the following:

1. I am of legal age and a resident of the State of Vermont.
2. I am currently employed by the Vermont Natural Resources Board as its State Coordinator.
3. At the time of the events described in the Administrative Order in the above-captioned matter, I was employed by the Vermont Natural Resources Board as its Compliance and Enforcement Officer.
4. Based upon my personal knowledge, review of the related Land Use Permit materials, and conversations with witnesses, the Act 250 violations described in said Administrative Order occurred during the time periods set forth therein.

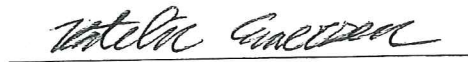
DATED at Montpelier, Vermont, this 19<sup>th</sup> day of July 2019.



Aaron J. Brondyke

State of Vermont ) SS:  
County of Washington )

In Montpelier, on the 19 day of July 2019, before me personally appeared Aaron J. Brondyke, to me known to be the person who executed the foregoing instrument, and who thereupon duly acknowledged to me that he executed the same as his free act and deed.



Notary Public

My commission expires: 1/31/21