



**Agency of Natural Resources**  
Department of Environmental Conservation  
Environmental Compliance Division  
**Environmental Citation**  
**Civil Complaint - 10 V.S.A. §8019**

18EC

VC:

Respondent or Organization Name:

Respondent Address:

City/Town:

State:

Zip Code:

Phone:

Business Phone:

Date of Birth:

M

F

Respondent did commit the following acts in violation of Vermont Law, Statute, Rule, or Permit:

**Violation Citation:**

Description:

Town:

SPAN #:

Date(s) :

**Penalties:** If you plead ADMITTED or NO CONTEST, you may pay the waiver amount instead of appearing in court. If you plead DENIED and the State proves the violation, the penalty must be within the penalty range plus any court costs.

**Penalty Range:** Minimum \$

Maximum \$

Waiver Amount \$

Mailed to:

Recipient Mailing Address:

City/Town:

Zip Code:

Date Mailed/Served:

State:

U.S. Mail

In Hand

Signature: \_\_\_\_\_

**Public Notice & Opportunity to Comment:**

I certify that a draft of this civil complaint has been posted for public notice and written comment for a period of 30 days.

Comments were received and are attached

No comments were received

**Service Members Civil Relief Act Affidavit:** Under oath, I state Respondent is NOT on active duty in the U.S. armed forces because:

Respondent is under 17 years of age

Respondent is a Business

Respondent said he/she is not on active duty in the U.S. armed forces  Other

Signature: \_\_\_\_\_

Subscribed and sworn before me, Notary: \_\_\_\_\_ Date: \_\_\_\_\_

State of Vermont, County: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

**Respondent's Plea to this Civil Complaint**

Mark ("X") your plea:

Admitted

No Contest

Denied

Respondent or Corporate Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Business Phone: \_\_\_\_\_

Deliver your plea by mail to the Vermont Superior Court, Environmental Division  
at: 32 Cherry St. 2nd. Floor, Suite 303

Burlington, VT 05401



## GENERAL INFORMATION KEEP THIS PAGE FOR REFERENCE

### **BACKGROUND**

You are charged with a civil violation within the jurisdiction of the Superior Court Environmental Division of Vermont *pursuant to 10 V.S.A. Section 8019*. The Environmental Division is designed to allow you to speak for yourself without an attorney, but you may hire an attorney at your own expense. The Environmental Division will not provide an attorney to you, and its staff will not provide legal advice to you.

If you plead ADMITTED or NO CONTEST to the alleged violation, then you may waive your right to appear in Court and pay the waiver amount.

If you plead DENIED to the alleged violation, then you will be scheduled to appear in court at least once. A corporation must have an attorney or corporate officer (i.e. president, vice president) appear in court. A minor should be accompanied by a parent or legal guardian.

The trial is a summary hearing without a jury. You and the State may offer testimony and exhibits into evidence. All witnesses must appear in person and testify truthfully under oath. Written statements usually are excluded from the evidence.

The issuer of the complaint will serve as the prosecutor unless an attorney for the state is present to prosecute the case. The judge will not discuss the case with you or the prosecutor, except in Court at a hearing. The judge does not have authority to issue a 'warning,' even when leniency is appropriate. The decision to issue a warning, rather than file a complaint, rests with the prosecutor.

The burden of proof is on the State to prove the violation by a preponderance of the evidence, which is defined as the violation is more likely to have occurred than not. If the State satisfies the burden of proof, then judgment will be entered against you. If the State fails to meet the burden of proof, the case will be dismissed.

Most decisions are delivered orally in Court at the end of the hearing, but some decisions are issued in writing and mailed to the parties. Occasionally, more than one hearing is required for the judge to reach a decision.

### **PLEADING**

If you plead "ADMITTED" or "NO CONTEST": Mark your plea and sign at the bottom of the Complaint. Deliver your plea to the Environmental Division within 15 days of the date mailed/served with payment of the WAIVER AMOUNT shown on the Complaint. Pay by check or money order in U.S. funds (make checks payable to SUPERIOR COURT ENVIRONMENTAL DIVISION). Judgment will then be entered against you.

If you plead "DENIED": Mark your plea and sign at the bottom of the Complaint. Deliver your plea to the Environmental Division within 15 days. You will then be scheduled to appear in court.

**YOU MUST DELIVER A PLEA WITHIN 15 DAYS:** otherwise, judgment will be entered against you by default, and you will be liable for the ASSESSED AMOUNT.

### **COPYING ALL PARTIES**

Any other pleading, letter, motion, or other correspondence sent to the Environmental Division related to a civil complaint must also be sent to the Environmental Compliance Division. The Environmental Division intends to digitally scan all written correspondence. Thus, letters and motions should be typed on white letter-size paper (8 1/2 in. by 11 in.) and signed in black or dark blue ink.

### **FAILURE TO PAY AND/OR CORRECT THE VIOLATION**

If judgment is entered against you and you fail to pay the penalty amount, and/or fail to correct the subject violation, your ability to obtain or operate under any Agency of Natural Resources permit may be affected.

### **PAYMENT**

Payments should be made payable to the Vermont Superior Court, Environmental Division and mailed with your plea to the following address:

Vermont Superior Court Environmental Division:  
32 Cherry St. 2nd. Floor, Suite 303  
Burlington, VT 05401  
(802) 951-1740

### **APPEARANCE BY THIRD PARTIES**

Under state law (*10 V.S.A. Section 8020*), a third party may file a request with the Environmental Division to be heard on the sufficiency of the civil complaint. If a request is filed, and the Environmental Division decides to allow the third party to appear, you will be notified and given the opportunity to respond.

### **ADDITIONAL ENFORCEMENT ACTION**

By issuing a civil complaint, the issuing entity will not be able to seek an additional penalty for the violation specified in the complaint if the waiver penalty is paid, judgment is entered after trial or appeal, or a default judgment is entered. However, the issuing entity may issue additional civil complaints or take other enforcement action authorized by law when a violation is continuing or is repeated. It may also bring an enforcement action to obtain injunctive relief or remediation, and may recover the costs of bringing that action and any economic benefit obtained as a result of the underlying violation as authorized by law.

### **Vermont Superior Court, Environmental Division**

The Vermont Superior Court, Environmental Division is open Monday through Friday, except holidays, between 8:00 a.m. and 4:30 p.m.

Vermont Superior Court Environmental Division:  
32 Cherry St. 2nd. Floor, Suite 303  
Burlington, VT 05401  
(802) 951-1740  
[www.vermontjudiciary.org](http://www.vermontjudiciary.org)

### **Environmental Compliance Division**

The Environmental Compliance Division is open Monday through Friday, except holidays, between 8:00 a.m. and 4:30 p.m.

Agency of Natural Resources  
Environmental Compliance Division  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3803 (802) 828-1254  
<http://dec.vermont.gov/enforcement>