

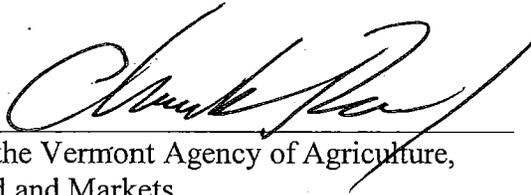
**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS
AND
THE VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AND
THE VERMONT ATTORNEY GENERAL
CONCERNING
AGRICULTURAL WATER QUALITY ENFORCEMENT
REFERRALS TO THE VERMONT ATTORNEY GENERAL**

The Vermont Agency of Agriculture, Food and Markets (AAFM), the Vermont Agency of Natural Resources Department of Environmental Conservation (ANR), and the Vermont Office of the Attorney General (AGO) agree as follows:

1. AAFM, ANR, and AGO will meet or communicate on all alleged water quality violations found at farms where the estimated administrative penalty is greater than \$10,000 prior to formal enforcement action being taken by AAFM or ANR. The parties shall consider whether a particular enforcement matter should be referred to the AGO based on the existing Memoranda of Understanding (MOUs) between AAFM and ANR, ANR and AGO, and the attached list of referral criteria.
2. The lead program Agency shall be determined pursuant to the memorandum of understanding entered between the ANR and AAFM pursuant to 6 V.S.A. § 4810.
3. For any matter referred to the AGO, ANR and AAFM will provide the name of a primary legal and program contact to the AGO to support their agency's claims referred to the AGO and to assist in the coordination of pursuing those claims. ANR and AAFM also will provide the necessary technical and evidentiary support to the AGO for full prosecution of the violations.
4. The AGO will consult with ANR and AAFM regarding major decisions, strategy and events in the prosecution of the violations. For example, the AGO shall consult with ANR and AAFM prior to making decisions regarding violations to be included in a complaint, major policy issues, penalties and other remedies and compliance directives.
5. AAFM will provide a monthly report of all new water quality matters ready for enforcement to the AGO and ANR. The report shall contain the name of the

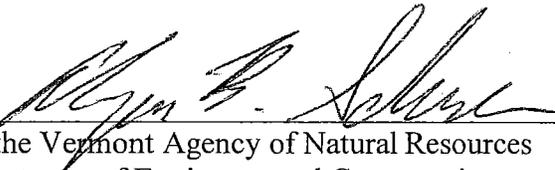
respondent and a brief description of the alleged violation(s), including the statutory or regulatory provision(s) allegedly violated. ANR provides a similar periodic report under the terms of the ANR-AGO MOU.

6. AAFM, ANR and AGO will meet on a quarterly basis to discuss pending matters, new initiatives and priorities for agriculture related water quality enforcement matters.
7. This agreement shall be effective upon signing.
8. AAFM, ANR and the AGO shall evaluate the effectiveness of this agreement on an annual basis, no later than December 31 each year.
9. This agreement may be modified or terminated by mutual consent of the parties.



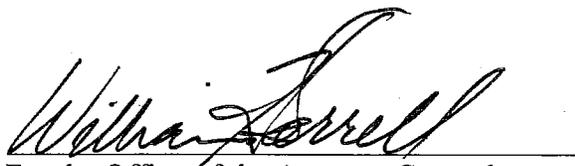
For the Vermont Agency of Agriculture,
Food and Markets
Secretary Chuck Ross

7-28-16
Date



For the Vermont Agency of Natural Resources
Department of Environmental Conservation
Commissioner Alyssa Schuren

8-4-16
Date



For the Office of the Attorney General
Attorney General William H. Sorrell

8-9-16
Date

Criteria for Referral of Agricultural Water Quality Enforcement Matters to the Attorney General's Office

The following are factors that should be considered in determining whether an agricultural water quality civil enforcement matter should be referred to the Attorney General's Office:

1. The magnitude of the estimated monetary penalty;
2. Associated violations of both AAFM and ANR laws and regulations, or other non-environmental violations (*e.g.*, Vermont Department of Health laws or regulations);
3. History of past violations by the defendant and past referrals to the Attorney General concerning the defendant;
4. The scope and nature of discovery that may be necessary in the enforcement case;
5. Issues that call for Attorney General expertise, such as constitutional challenges or the need for out-of-state witnesses;
6. Complex or novel legal issues, important legal issues of statewide impact, cases with multiple defendants, and cases where a judicial appeal is likely;
7. Issues that require extraordinary legal relief that may not be available under AAFM's or ANR's statutes and regulations;
8. Program integrity considerations, including history of the defendant in interactions with ANR or AAFM and the degree of cooperativeness of the defendant to remedy the current violation; and
9. Any other consideration that indicates that involvement of the Attorney General may be warranted in the particular matter.