

From: [Arion Thiboumery](#)
To: [NRB - Comments](#)
Cc: Nate@hcsmlaw.com; [Mark Curran](#)
Subject: Comment on Curran-Birge citation # 16EC01180
Date: Wednesday, November 23, 2016 11:05:23 AM
Attachments: [VP_LOGO-1.png](#)
[NOAV Vermont Packinghouse 10716.pdf](#)

Dear Vermont Natural Resource Board,

This letter is submitted in regards to draft civil citation number 16EC01180 to Curran-Birge Real Estate Partnership. We believe that this citation was incorrectly proposed. On 10/7/16, EEO Tim McNamara of the VT Agency of Natural Resources issued an NOAV that directed us to “Immediately cease storage of offal unrefrigerated and outside of the facility.” Later that same day, I attempted to both call an e-mail Mr. McNamara. His voicemail was full. Per the enclosed e-mail, we sought immediate clarification of the term “storage” in his NOAV, believing that we were not really in violation: The bins were not stored outside, that they were only moved outside because the truck was on its way and we were in the process of getting ready for a pickup to remove the offal from the property for disposal. There is no language in the permit that prohibits this, and the bins do have to be moved outside to enable the pickup. Mr. McNamara never replied to my e-mail.

The following week, while speaking with Mr. Aaron Brondyke about an unrelated matter, we came to discuss the rendering bins. Mr. Brondyke informed me that Mr. McNamara had informed him that Mr. McNamara didn’t wish to handle any Act 250-related matters and deferred them to Mr. Brondyke. Per above, Mr. McNamara never relayed this information to us. Mr. Brondyke then responded to my clarification questions regarding the Act 250 permit and we responded accordingly with complaint actions. Because we responded to all compliance requests in a timely manner, compliance did not respond to our requests in a timely manner, and because we had a good faith belief that our actions were allowed under the permit, we request that this proposed citation be withdrawn.

Please confirm receipt of this comment via e-mail.

Respectfully submitted,

Arion Thiboumery


Arion Thiboumery Ph.D.



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From: Arion Thiboumery arion@vermontpackinghouse.com 
Subject: NOAV - Vermont Packinghouse 10/7/16
Date: October 7, 2016 at 3:48 PM
To: tim.mcnamara@state.vt.us
Cc: Mark Curran MCurran@blackriverproduce.com

AT

Hi Tim,

I tried to call but your voicemail is full.

During our discussion, you mentioned that your agency has definitions for things like "solid waste." Does your agency or the District Environmental Commission have a regulatory definition for "storage"?

Our position is that the bins outside are "arranged for pickup" as all of them will be picked up yet today, much as one sets one's home trash out on the curb for pickup. Certainly one cannot be cited for leaving one's trash out on the curb for pickup, nor would such an arrangement be considered "storage."

If you have any regulatory definition that contradicts this position, please let us know. Otherwise, we ask that you amend the NOAV to reflect no violation of our Act 250 permit.

Thank you,
Arion

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