

ORDERED, that within thirty (30) days of the Effective Date as that term is defined in Section XII of the Consent Decree, Defendant shall have retained two (2) Certified Operators per the terms set forth in the Consent Decree; and it is further

ORDERED, that Defendant shall maintain at least two (2) feet of freeboard in the two (2) wastewater lagoons per the terms set forth in the Consent Decree; and it is further

ORDERED, that Defendant shall ensure that a board-certified operator is at the Valley Proteins Linkwood facility (“Facility”) overseeing the operations at all times when the Facility is discharging from Outfall 001 per the terms set forth in the Consent Decree; and it is further

ORDERED, that Defendant shall perform visual inspections of the Facility as necessary to ensure compliance with permit discharging limitations per the terms set forth in the Consent Decree; and it is further

ORDERED, that Defendant shall maintain receipts and manifests for all Removed Substances per the terms set forth in the Consent Decree; and it is further

ORDERED, that within thirty (30) days of the Effective Date, Defendant shall submit to NetDMR the revised DMRs to correct the monitoring results for TRC from July 2018 through July 2021 collected at Outfall 001; and it is further

ORDERED, that within one hundred and twenty (120) days of the Effective Date, Defendant must complete the poured concrete wall designed to protect against material reaching the adjacent soil areas; and it is further

ORDERED, that within ninety (90) days of the Effective Date, Defendant shall develop and submit to the Department of the Environment (“Department”) and Chesapeake Bay Foundation, Inc., Dorchester Citizens for Planned Growth, and ShoreRivers (collectively “Citizens”) an updated Stormwater Pollution Prevention Plan per the terms set forth in the Consent Decree; and it is further

ORDERED, that Defendant shall apply for coverage under one of the following permits, whichever is finalized earlier: the final and effective 20-SW General Permit for Discharges of Stormwater Associated with Industrial Activity or under the 12-SW General Permit for Discharges pursuant to a new NPDES discharge permit; and it is further

ORDERED, that pending issuance of the final and effective 20-SW General Permit or 12-SW General Permit pursuant to a new NPDES discharge permit, Defendant shall conduct benchmark monitoring from Outfalls 003 and 004 quarterly for four (4) full calendar quarters, starting the first full calendar quarter of 2023 which begins in January 2023 per the terms set forth in the Consent Decree; and it is further

ORDERED, that Defendant shall implement and complete the Engineering Plan and Compliance Plan for the engineering upgrades per the terms set forth in the Consent Decree; and it is further

ORDERED, that Defendant shall simultaneously submit to Citizens items due under the Special Condition regarding a Compliance Schedule for WWTP Upgrades in the final Permit Number 04-DP-0024 per the terms set forth in the Consent Decree; and it is further

ORDERED, that within ninety (90) days of the Effective Date, Defendant shall submit to the Department for review and approval, in consultation and coordination with Citizens, a Groundwater Study per the terms set forth in the Consent Decree; and it is further

ORDERED, that within thirty (30) days of the Department's approval of the Groundwater Study, Defendant shall implement the Groundwater Study and complete the Groundwater Study in accordance with the approved schedule; and it is further

ORDERED, that within sixty (60) days of completion of the Groundwater Study, Defendant shall submit a report ("Groundwater Report") to the Department and Citizens per the terms set forth in the Consent Decree; and it is further

ORDERED, that within thirty (30) days of the Department's approval, in consultation and coordination with the Citizens, of the Groundwater Monitoring Plan and the Corrective Action Plan ("CAP") if applicable, Defendant shall implement the Groundwater Monitoring Plan and CAP if applicable, and complete the Groundwater Monitoring Plan and CAP if applicable in accordance with the approved schedule; and it is further

ORDERED, that within thirty (30) days of the Effective Date, Defendant shall contract with a consultant/contractor ("Air Consultant") with expertise in odor and related control systems for rendering operations to evaluate and prepare a single report ("Air Consultant Report") on the performance of certain odor control systems and opportunities to reduce the Facility's odor profile from certain activities per the terms set forth in the Consent Decree; and it is further

ORDERED, that within one hundred and twenty (120) days of the Effective Date, Defendant shall submit to the Department the Air Consultant Report per the terms set forth in the Consent Decree; and it is further

ORDERED, that within thirty (30) days of the Department's approval of the implementation schedule, Defendant shall begin implementation per the terms set forth in the Consent Decree; and it is further

ORDERED, that Defendant shall submit quarterly progress reports from the Effective Date detailing the implementation of any corrective actions and work performed under the Consent Decree; and it is further

ORDERED, that within ninety (90) days of completion of activities identified in the Work to be Performed section of the Consent Decree, Defendant shall submit a Final Confirmation Report per the terms set forth in the Consent Decree; and it is further

ORDERED, that a Judgment for a civil penalty is hereby entered against Defendant in favor of the Department in the amount of five hundred forty thousand dollars (\$540,000) to be paid within thirty (30) days of the entry of the Consent Decree; and it is further

ORDERED, that a Judgment for reimbursement for attorneys' fees, costs, and expert fees and expenses is hereby entered against Defendant in favor of Citizens in the amount of two hundred fifty-five thousand dollars (\$255,000) to be paid within thirty (30) days of receipt of the invoice or invoices from Citizens; and it is further

ORDERED, that a Judgment for reimbursement of past response costs is hereby entered against Defendant in favor of the Department in the amount of two thousand four

hundred thirty-eight dollars and sixty cents (\$2,438.60) to be paid within thirty (30) days of receipt of the invoice from the Department; and it is further

ORDERED, that a Judgment for reimbursement of past response costs is hereby entered against Defendant in favor of Citizens in the amount of fifteen thousand dollars (\$15,000) to be paid within thirty (30) days of receipt of the invoice from Citizens; and it is further

ORDERED, that a Judgment for reimbursement of future response costs is hereby entered against Defendant in favor of the Department up to a maximum of five thousand dollars (\$5,000) for the first year after the Effective Date and two thousand five hundred dollars (\$2,500) per year thereafter until the termination of the Consent Decree to be paid within thirty (30) days of receipt of the invoice from the Department; and it is further

ORDERED, that a Judgment for reimbursement of future oversight costs is hereby entered against Defendant in favor of Citizens in the amount of twenty-five thousand dollars (\$25,000) to be paid within thirty (30) days of receipt of the invoice from Citizens; and it is further

ORDERED, that a Judgment for future costs for the Transquaking River Watershed Fund is hereby entered against Defendant in favor of Citizens in the amount of one hundred thirty-five thousand dollars (\$135,000) to be paid within thirty (30) days of receipt of the invoice from Citizens.

10/20/2022 11:44:15 AM



JUDGE

William H. Jones

Circuit Court for Dorchester County