

NOTIFY

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 24-2714-A

COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

v.

FEEDBACK EARTH, INC.,

Defendant.

JOINT STIPULATION AND
ORDER

NOW COME the Parties, the Commonwealth of Massachusetts ("Plaintiff") and
Feedback Earth, Inc. ("Defendant") (collectively referred to as the "parties") who hereby
Stipulate and agree to the following:

1. Defendant shall immediately cease and desist from bringing onto the
Feedback Earth facility at 109 Creeper Hill Road, Grafton, Massachusetts
("Facility") any solid waste or any other unauthorized materials for
recycling or conversion. For the purposes of this Stipulation, this ban shall
include lobster shells without prejudice to Defendant's ability to dispute
the legality of its acceptance and processing of lobster shells in this matter;
2. Notwithstanding Paragraph 1 of this Stipulation, the Defendant may
receive and process a final load of lobster shells arriving at the Facility on
or about October 24, 2024, so long as the Defendant completes processing
of this final load within twenty-four (24) hours of receipt. The Defendant
shall immediately stop all operations if the Plaintiff notifies the Defendant

SUFFOLK, ss. 10/23/24
(date)
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Assistant Clerk

of a nuisance odor from the Facility. In such case, the Defendant shall legally dispose of all remaining lobster shells at the Facility consistent with Paragraph 4 of this Stipulation. The Defendant shall notify the Plaintiff immediately upon receipt of the final load of lobster shells and shall immediately notify the Plaintiff upon completion of the processing of the final load of lobster shells;

3. Defendant shall immediately clean up and legally dispose of all unprocessed food materials that do not meet the definition of Fresh Unwanted Food inside and outside of the Facility, as well as any such unprocessed food materials owned by the Defendant and stored at or around 103 Creeper Hill Road, Grafton, Massachusetts;
4. Defendant shall immediately seek to identify Massachusetts composting facilities or other disposal operations that can accept all remaining lobster shells at the Facility and shall legally dispose of all lobster shells within seven (7) days;
5. Defendant shall immediately cease and desist from creating a public nuisance condition;
6. If Plaintiff determines that Defendant's operations are causing a public nuisance condition and notifies Defendant of this fact in writing, Defendant shall promptly terminate food material dehydrating operations or other nuisance-causing operations until such time as operations may continue without nuisance;
7. Defendant shall immediately take all actions to ensure that the hotline

required by the 2022 Administrative Consent Order with Penalty ("Hotline") operates consistent with the terms of the Order and cease all actions that discourage Hotline reports, including by publicizing alternative reporting methods and changing Hotline phone numbers without Department authorization;

8. Defendant shall immediately cease site visits by Feedback Earth officers or employees to the residences of callers to the Hotline without written permission from the caller for such visit;
9. Defendant shall comply with the following regulatory documents governing operations at the Facility approved by the Department, including in particular all provisions requiring Feedback Earth to notify the Department before cessation of operations and modification of operations or equipment: (a) the Non-Major Comprehensive Plan Approval; (b) the Recycling, Composting, or Conversion Permit; (c) the 2022 Administrative Consent Order with Penalty; and (d) the Interim Operations and Management Plan;
10. The Defendant enters into this Stipulation without admitting liability of any kind, and without prejudice, reserving all rights and defenses in the underlying action; and

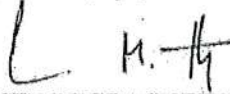
11. This Stipulation and Order may be amended by written agreement of the parties and Order of the Court.

Date: October 23, 2024

Respectfully submitted.

FEEDBACK EARTH, INC.

By its attorneys,



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Respectfully submitted.

COMMONWEALTH OF MASSACHUSETTS

By its attorneys,



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By the Court:



Justice, Superior Court

10/24/24

Date