

STATE OF VERMONT

SUPERIOR COURT  
WASHINGTON UNIT

2014 AUG - 1 CIVIL DIVISION  
Docket No.

Wncv

STATE OF VERMONT,  
Plaintiff,

v.

SISTERS AND BROTHERS  
INVESTMENT GROUP, LLP,  
Defendant.

FILED

**CONSENT ORDER AND FINAL JUDGMENT ORDER**

This action came before the Court pursuant to the parties filing of Pleadings by Agreement under Vermont Rule of Civil Procedure 8(g). Based upon those Pleadings by Agreement and the Stipulation for the Entry of Consent Order and Final Judgment Order, and pursuant to 10 V.S.A. § 8221 and the Court's inherent equitable powers, it is hereby ADJUDGED, ORDERED and DECREED as follows:

**ADJUDICATION OF HAZARDOUS WASTE MANAGEMENT VIOLATIONS**

1. Defendant Sisters and Brothers Investment Group, LLP (Defendant) is adjudged liable for violating the following Vermont Hazardous Waste Management Rules (HWMR):

- Section 7-303 – failure to make hazardous waste determinations;
- Section 7-304(a) – improper shipment of hazardous waste without an accurate permanent EPA identification number;
- Section 7-311(a)(1), (2) and (3) – failure to follow storage area design standards;

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- Section 7-311(f)(2) – failure to properly manage condition of containers;
  - Section 7-311(f)(4)(A) – use of improper containers;
  - Section 7-311(f)(1) – failure to properly mark hazardous waste containers;
  - Section 7-311(g)(1) – failure to properly mark storage tank;
  - Section 7-912(b)(2) – improper breaking or crushing of mercury-containing lamps;
  - Section 7-912(d)(5)(A)(i) and (2) – improper universal waste lamp storage;
  - Section 7-912(f)(1) and (3) – failure to follow universal waste lamp time limit requirements; and
  - Section 7-912(e)(6) – failure to properly label containers containing universal waste lamps.
2. Defendant is also adjudged liable for (i) violating 10 V.S.A. § 6616 by releasing hazardous waste (waste oil) onto the land of the state at a facility owned by Defendant at 110 Riverside Avenue in Burlington and (ii) violating 10 V.S.A. § 6617 by failing to immediately notify ANR about the release at 110 Riverside Avenue.

#### **PENALTIES**

3. For the violations described above, Defendant shall pay a penalty of seventy thousand dollars (\$70,000.00).
4. Payment of the seventy thousand dollar (\$70,000.00) penalty shall be made to the “State of Vermont” and shall be sent to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, VT 05609.
- Payment of the seventy thousand dollar (\$70,000.00) penalty shall be due as follows:

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(a) ten thousand dollars (\$10,000.00) shall be paid no later than 14 days after the Court has approved this Consent Order and Final Judgment Order; (b) on the first of the month for six months, and starting with the first full month after the Court has approved this Consent Order and Final Judgment Order, Defendant shall pay ten thousand dollars (\$10,000.00) until the total penalty of seventy thousand dollars (\$70,000) has been paid in full.

5. Failure to pay the penalty on a timely basis as provided in paragraph 4 shall constitute grounds for the State to accelerate all payments then unpaid and all such payments shall be due immediately.

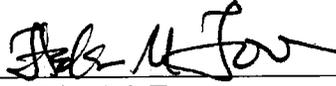
#### **OTHER PROVISIONS**

6. Defendant waives: (a) all rights to contest or appeal this Consent Order; and (b) all rights to contest the obligations imposed upon Defendant under this Consent Order in this or any other administrative or judicial proceeding involving the State of Vermont.
7. This Consent Order is binding upon Defendant and its successors and assigns.
8. Nothing in this Consent Order shall be construed to create or deny any rights in, or grant or deny any cause of action to, any person not a party to this Consent Order.
9. This Consent Order shall become effective only after it is entered as an order of the Court. When so entered by the Court, this Consent Order shall become a Final Judgment Order.

10. Any violation of this Consent Order shall be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties for contempt, as set forth in 10 V.S.A. Chapters 201 and 211.
11. The State of Vermont and the Court reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and circumstances set forth herein.
12. Nothing in this Consent Order shall be construed as having relieved, modified, or in any manner affected Defendant's obligations to comply with all other federal, state, or local statutes, regulations, permits or directives applicable to Defendant. The State reserves all rights, claims and interests not expressly waived herein.
13. This Consent Order may only be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto or their legal representatives and approved by this. Alleged representations not set forth in this Consent Order, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.
14. Defendant shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein or in the Pleadings by Agreement occurring before the effective date of the Order, provided that the Defendant fully complies with the terms of the Consent Order set forth above.

SO ORDERED, and ENTERED as FINAL JUDGMENT.

DATED at Montpelier, Vermont this 1st day of August, 2014.



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Hon. Helen M. Toor  
Washington Superior Court Judge

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