

STATE OF VERMONT

SUPERIOR COURT  
Washington Unit

CIVIL DIVISION  
Docket No. Wncv

STATE OF VERMONT,  
Plaintiff,

v.

VERMONT AGENCY OF NATURAL  
RESOURCES, DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION,  
Defendant.

**STIPULATION FOR THE ENTRY OF CONSENT ORDER  
AND FINAL JUDGMENT ORDER**

Plaintiff, the State of Vermont (“State”), by and through Vermont Attorney General William H. Sorrell, and Defendant Vermont Agency of Natural Resources, Department of Environmental Conservation (“Defendant”), stipulate and agree as follows:

WHEREAS, the State alleges in the Pleadings by Agreement filed in this action that Defendant violated Vermont’s Hazardous Waste Management Rules and 10 V.S.A. § 6616;

WHEREAS, Defendant has admitted in the Pleadings by Agreement that it committed those violations of Vermont’s Hazardous Waste Management Rules and 10 V.S.A. § 6616;

WHEREAS, the Attorney General, pursuant to 3 V.S.A. Chapter 5, has the general supervision of matters and actions in favor of the State and may settle such matters as the interests of the State require;

WHEREAS, under 10 V.S.A. § 8221, the Defendant is potentially liable for civil penalties of up to \$85,000 for each violation and \$42,500 per violation for each day the violation continued;

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

WHEREAS, the Attorney General considered the criteria in 10 V.S.A. §§ 8010(b) and (c) in arriving at the proposed penalty amount, including the degree of actual or potential impact on public health, safety, welfare and the environment; the length of time the violations existed; and whether Defendant knew or had reason to know the violations existed;

WHEREAS, the Attorney General believes that this settlement is in the State's interest as it upholds the statutory regime of 10 V.S.A. Chapter 159 in which the violations occurred; and

WHEREAS, the Consent Order has been negotiated by and among the State and Defendant in good faith;

NOW, THEREFORE, the State and Defendant hereby stipulate and agree as follows:

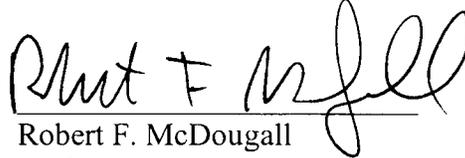
1. The attached Consent Order may be entered by the Court;
2. The State and Defendant hereby waive all rights to contest or appeal the Consent Order and they shall not challenge, in this or any other proceeding, the validity of any of the terms of the Consent Order or of this Court's jurisdiction to enter the Consent Order; and
3. The Consent Order sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties' legal representatives and incorporated in an order issued by the Court.

DATED at Montpelier, Vermont this 9<sup>th</sup> day of November, 2011.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By:

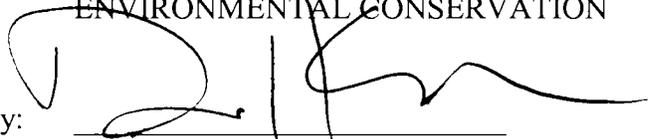


Robert F. McDougall  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, Vermont 05609

DATED at Montpelier, Vermont this 9<sup>th</sup> day of November, 2011.

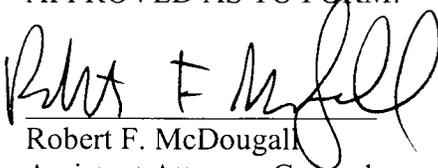
VERMONT AGENCY OF NATURAL  
RESOURCES, DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

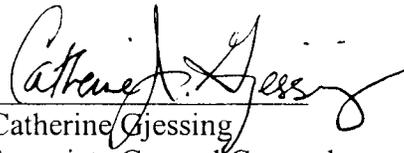


David Mears, Commissioner  
Agency of Natural Resources  
Department of Environmental Conservation  
103 South Main Street  
Waterbury, Vermont 05676

APPROVED AS TO FORM:



Robert F. McDougall  
Assistant Attorney General  
Office of Attorney General  
109 State Street  
Montpelier, VT 05609



Catherine Gjessing  
Associate General Counsel  
Agency of Natural Resources  
Department of Environmental Conservation  
103 South Main Street  
Waterbury Vermont 05676

Office of the  
ATTORNEY  
GENERAL  
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Montpelier, VT  
05609