

STATE OF VERMONT
WASHINGTON COUNTY, SS.

STATE OF VERMONT)
AGENCY OF NATURAL RESOURCES)
Plaintiff,)
)
)
)
SLIMAIN HANDY'S CONVENIENCE)
STORES, INC.)
Defendant)

Washington Superior Court
Docket No. 378-5-09 Wncv

FILED
DW
2010 MAY 11 A 10:30
Stipulation

FILED
ORDER
2010 MAY 18 P 12:03
DW

STIPULATION OF SETTLEMENT
AND
CONSENT DECREE

In order to resolve the allegations made in the complaint filed in the above-captioned matter the plaintiff State of Vermont and the defendant Slimain Handy's Convenience Stores, Inc. stipulate and agree as follows:

1. The defendant owns and operates a gasoline station and convenience store known as "Gracey's Store" at 1333 Williston Road in South Burlington, Vermont;
2. Gasoline is a petroleum product and a hazardous material as defined at 10 V.S.A. §6602(16)(A).
3. On October 22 and 23, 2006 there was a release of gasoline into the environment from the underground storage tank and piping system at the Gracey's Store gasoline station. The release from the Gracey's Store gasoline station underground storage tank and piping system was prohibited pursuant to 10 V.S.A. §6616.

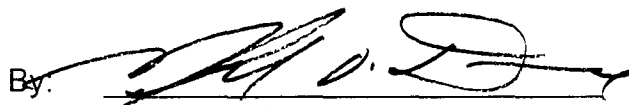
4. To resolve the State of Vermont's allegations in its complaint the defendant agrees to pay a civil penalty to the State of Vermont in the amount of \$35,000.00. The defendant shall pay \$10,000.00 of the penalty to the State of Vermont within seven days of the entry of this Order. The remaining \$25,000.00 of the penalty shall be paid to the State of Vermont in nine monthly installments to be paid on the tenth day of each month commencing on June 10, 2010. If the remaining \$25,000.00 of the penalty has not been paid in full on February 10, 2011, any unpaid balance of the remaining \$25,000.00 of the penalty not paid to the State of Vermont on February 10, 2011 shall accrue at an interest rate of 12% per annum simple interest until the unpaid balance is paid in full.
5. The payment of the civil penalty in paragraph 4 above by the defendant fully resolves any and all legal and equitable claims that State of Vermont has or may have against the defendant its agents, officers and employees related to any release of hazardous materials from the underground storage tank and piping system at the Gracey's Store gasoline station on October 22 and 23, 2006, and includes the resolution of any and all legal and equitable claims that State of Vermont has or may have related to the allegations that the defendant its agents, officers and employees failed to report a suspected release of hazardous materials at the Gracey's Store gasoline station on September 5 and 6, 2006 as set forth in the plaintiff's complaint.

6. Nothing in this Stipulation of Settlement and Consent Decree modifies the defendant's obligations to comply with Vermont state laws and rules regarding the installation, operation, maintenance, monitoring and closure of underground storage tanks.
7. The terms of this stipulation may be entered by consent of the parties as an order of the court, to which each party hereby waives its right to appeal.
8. Each party shall be responsible for its own costs.

Dated at Montpelier, Vermont this 10 day of May, 2010.

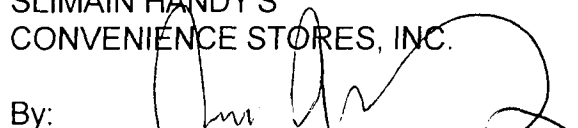
STATE OF VERMONT

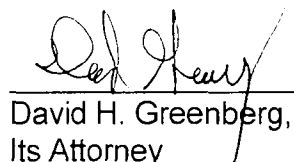
WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 
Michael O. Duane
Assistant Attorney General

Dated at Burlington, Vermont this 6th day of May, 2010.

SLIMAIN HANDY'S
CONVENIENCE STORES, INC.

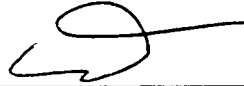
By: 
Joseph Handy, President
Slimain Handy's
Convenience Stores, Inc.

Approved: 
David H. Greenberg, Esq.
Its Attorney

CONSENT DECREE

Upon the stipulation and consent of the parties, through counsel, the terms of the Stipulation of Settlement is hereby entered as an Order and Decree of the court in the above-captioned matter.

SO ORDERED:



Hon. Geoffrey W. Crawford
Superior Court Judge

DATE 5/17/10