

VT SUPERIOR COURT  
WASHINGTON UNIT  
CIVIL DIVISION  
STATE OF VERMONT

SUPERIOR COURT  
WASHINGTON UNIT

*AW*  
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CIVIL DIVISION  
Docket No. Wncv

*380-6-17 Wncv*

STATE OF VERMONT, )  
AGENCY OF NATURAL )  
RESOURCES, )  
Plaintiff, )  
v. )  
SAFETY-KLEEN SYSTEMS, INC. )  
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, it is hereby ADJUDGED, ORDERED and DECREED as follows:

**ADJUDICATION OF HAZARDOUS WASTE MANAGEMENT VIOLATIONS**

1. Defendant Safety-Kleen Systems, Inc., (Defendant) is adjudged liable for violating the following regulations and conditions of the Hazardous Waste Facility Permit (Permit) issued to it on September 26, 2007:

- Vermont Hazardous Waste Management Regulation (VHWMR) 7-404(a)(3) and Permit conditions 5.10 and 5.11 (storage of hazardous

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ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

waste (approximately 3,000 lbs. of waste petroleum) for more than 10 days at its Barre Facility (Facility));

- VHWMR 7-311(b)(1) (storing incompatible wastes in a manner that failed to prevent wastes from coming into contact with one another);
- VHWMR 7-311(d)(1) and Permit condition 4.11(b) (failure to maintain an accurate inventory of hazardous waste);
- VHWMR 7-311(d)(2) and Permit condition 4.11 (failure to perform or record a complete a daily hazardous waste inspection on November 21, 2014);
- VHWMR 7-504(e)(1), 40 CFR 264.193(c) and Permit conditions 5.6 and 5.7 (failure to inspect and maintain the facility for malfunction and deterioration);
- VHWMR 7-702(b)(4) (failing to properly execute a manifest (no generator signature or date on manifest 00561550SKS));
- VHWMR 7-504(e)(1) and 40 CFR 264.1059(d) (failure to properly affix a correct identification tag to a required piece of equipment);  
and
- 40 CFR 270.25(a)(1) (failure to place the location of an equipment identification tag on the facility's schematic diagram).

## PENALTIES

2. For the violations described above, Defendant shall pay a civil penalty of twenty-five thousand dollars (\$25,000.00).
3. Payment of the twenty-five thousand dollars (\$25,000.00) civil penalty shall be made to the "State of Vermont" and shall be sent to: Keith W. Flynn, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, VT 05609.
4. Payment of the twenty-five thousand dollars (\$25,000.00) penalty shall be received by the State within 10 days of the issuance of this ORDER.

## OTHER PROVISIONS

5. 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.
6. This Consent Order is binding upon Defendant and its successors and assigns.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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 3rd day of August, 2017.

*Mary Miles Teachout*

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Hon. Mary Miles Teachout  
Superior Court Judge