

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES

ENVIRONMENTAL COURT
Docket No.

SECRETARY, VERMONT
AGENCY OF NATURAL RESOURCES
Plaintiff

v.

MR. LEO J. LEFEVRE
Respondent

VIOLATION:

i. 10 V.S.A. §6606, - failure to obtain certification from the Secretary for the transport and disposal of hazardous waste.

ASSURANCE OF DISCONTINUANCE

Pursuant to the provisions of 10 V.S.A. Section 8007, the Secretary (Secretary) of the Agency of Natural Resources (Agency) and Leo J. Lefevre (Respondent) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATION

1. Respondent owns a piece of property ("property") located on Stagecoach Road in Morrisville, Vermont.
2. On April 10, 1995 approximately 30 drums were loaded onto a truck at the property. The drums were transported to Lower Elmore Mountain Road in Morrisville, Vermont, and deposited.
3. On April 17, 1995 EEOs Herb Conly and Sean McVeigh visited the site. Upon finding drums on the site Maria Stadlmayer, a Hazardous Materials Environmental Technician for the Department of Environmental Conservation (DEC), was contacted to obtain samples from the drums.
4. Seven samples were obtained and transported to the DEC Laboratory for testing.
5. The results of the testing indicated that six of the samples meet the criteria for a VT02 Listed Hazardous Waste.

6. An examination of the records of the Hazardous Waste Management Division indicated that Respondent did not have a certification for the transport or disposal of hazardous waste.
7. Respondent violated 10 V.S.A. §6606 by failing to obtain certification from the Secretary for the transport and disposal of hazardous waste.
8. In a separate proceeding against Clarence Towns, the landowner of the disposal site, the drums that constituted the violation in this matter were removed and the contents were lawfully disposed.

AGREEMENT

Based on the foregoing Statement of Facts and Description of Violations, the parties agree as follows:

- A. The Administrative Order issued by the Secretary against the Respondent, docket number 34-2-98 Vtec, is hereby dissolved and replaced by this Assurance of Discontinuance.
- B. For the violations described above, Respondent shall pay a penalty of \$2,500. Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:

Ms. Becky Buchanan, Administrative Assistant
Environmental Enforcement Division
Agency of Natural Resources
103 South Main Street, 2 South
Waterbury, VT 05671-0401

Respondent shall make five payments of \$500 each by the 15th of the following months: June, July, August, September, and October, 1998.

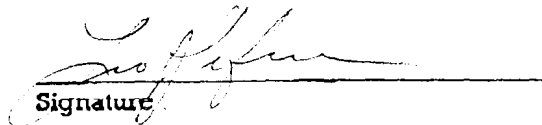
- C. The State of Vermont and the Agency reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth hereinabove.

- D. Nothing in this Assurance shall be construed as having relieved, modified, or in any manner affected the Respondent's on-going obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the Respondent in the operation of their business.
- E. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Environmental Court. When so entered by the Environmental Court, this Assurance shall become a judicial order. In the event that such order is vacated, the Assurance shall be null and void.
- F. The Respondent shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein occurring before the effective date of the Assurance, provided that the Respondent fully complies with the agreements set forth above.
- G. This Assurance 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 hereto or their legal representatives and incorporated in an order issued by the Environmental Court. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.
- H. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. Chapters 201 and/or 211.
- I. This Assurance is subject to the provisions of 10 V.S.A. Section 8007.

RESPONDENT'S SIGNATURE AND NOTARY PAGE

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at STOWE, Vermont, this 4th day of JUNE, 1998.

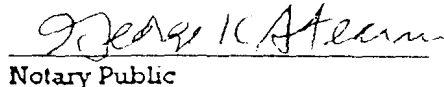

Signature

Printed Name: LÉO J. LEFEVRE

Address: RFD 3, Box 2715
MORRISVILLE, VT. 05661

STATE OF VERMONT
COUNTY OF LAMOILLE, SS.

At STOWE, Vermont this 4th day of JUNE, 1998
the above signatory personally appeared and swore to the truth of the foregoing. Before me,

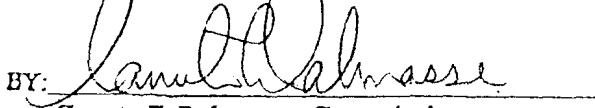

Notary Public

Term Expires: 2-10-99

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Waterbury, Vermont, this 9th day of June, 1998.

SECRETARY, AGENCY OF NATURAL RESOURCES

BY: 
Canute E. Dalmasse, Commissioner
Department of Environmental Conservation