

FILED
06-18-2021
Ozaukee County, WI
Mary Lou Mueller CoCC
2021CX000001
Honorable Paul V. Malloy
Branch 1

STATE OF WISCONSIN CIRCUIT COURT OZAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 21-CX-____
Complex Forfeiture: 30109

VEOLIA ES TECHNICAL
SOLUTIONS, L.L.C.,

Defendant.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendant Veolia ES Technical Solutions, L.L.C. (Veolia) for alleged violations of the State’s air management and hazardous waste laws. The State of Wisconsin and Veolia now wish to settle this matter by agreement and avoid further litigation, and therefore, enter into this Stipulation for Judgment (Stipulation).

IT IS STIPULATED AND AGREED by the State of Wisconsin and Veolia that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The parties to this Stipulation are the State of Wisconsin and Veolia.
2. The Circuit Court of Ozaukee County, Wisconsin (Court) has jurisdiction over the parties and the subject matter of this action.

3. This Stipulation and the Order for Judgment as approved by the Court shall apply to and be binding on the parties and on the successors and assignees of the parties. No change in ownership or corporate or partnership status shall in any way alter the responsibilities of Veolia under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against Veolia in the total amount of \$95,000.00. This sum is comprised of forfeitures, surcharges, costs, and attorney fees as follows: forfeitures of \$59,437.08 pursuant to Wis. Stat. §§ 285.87(1) and 291.97(1), a 26 percent penalty surcharge of \$15,453.64 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$11,887.41 pursuant to Wis. Stat. § 814.75(12), a 1 percent jail surcharge of \$594.37 pursuant to Wis. Stat. § 814.75(14), \$25.00 in court costs pursuant to Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge pursuant to Wis. Stat. § 814.75(2), a \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15), and attorney fees of \$7,500.00 pursuant to Wis. Stat. § 291.97(3).

5. Veolia will pay a total of \$87,500.00 by check payable to the Ozaukee County Circuit Court and delivered to the Ozaukee County Clerk of Circuit Courts, Ozaukee County Justice Center, 1201 South Spring Street,

Port Washington, Wisconsin 53074, along with a cover letter to the Court identifying this case by name and number. A copy of the cover letter shall be simultaneously mailed as proof of payment to Assistant Attorney General Bradley J. Motl at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made within 30 days after the Court signs the Order for Judgment.

6. Veolia will pay a total of \$7,500.00 in attorney fees by check payable to the Wisconsin Department of Justice and mailed to Assistant Attorney General Bradley J. Motl at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made within 30 days after the Court signs the Order for Judgment.

7. In July 2017, Veolia experienced a disruption to a recycling process causing mercury to be released into the atmosphere. After the incident, Veolia performed an investigation of its facility and voluntarily proposed and undertook various significant improvements, including improved process controls, air emission controls and administrative changes to the recovery operation. On March 15, 2018, Veolia submitted a proposal to the Wisconsin Department of Natural Resources (DNR) for improvements and controls on the process and air emission control equipment. On March 26, 2019, DNR issued a new Air Pollution Control Operation Permit. On April 13, 2018, Veolia submitted proposed changes to the facility's Feasibility and Plan of Operations.

DNR and Veolia worked out the details on the license changes to reflect modifications to the equipment, operation, monitoring, inspection and calibration of equipment, training of personnel, and preparedness and prevention. On June 23, 2020, DNR issued a conditional approval to the operating license. Veolia spent approximately \$880,000 on equipment upgrades and installation of improved air emission control equipment.

8. The parties acknowledge that this Stipulation and the Order for Judgment set forth the entire understanding of the parties with respect to resolution of the violations alleged in the Complaint.

9. Veolia waives the requirement for formal service of an authenticated Summons and Complaint.

10. Compliance by Veolia with its obligations under this Stipulation and the Order for Judgment shall constitute full release of its civil liability for the violations alleged in the Complaint.

11. Nothing contained in this Stipulation shall be construed as an admission of liability by Veolia, or as a concession by the State regarding the veracity of the State's allegations.

12. The Order for Judgment will be a final and appealable Order. However, the parties hereby waive their right to appeal the Order.

13. The Order for Judgment and Judgment may be entered incorporating the terms of this Stipulation without further notice, and the Judgment may be docketed, pursuant to Wis. Stat. § 806.10(1).

Dated this 17th day of June 2021.

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Attorney General of Wisconsin



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Dated this 14th day of June 2021.

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