

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE 44TH JUDICIAL CIRCUIT  
LIVINGSTON COUNTY

MICHIGAN DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Plaintiff,

No. 12-026969-CE

v

HON. MICHAEL P. HATTY

PATRICK JAY CONELY, d/b/a SUPERIOR  
SANITATION,

Defendant.

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Michigan Department of Attorney General  
Environment, Natural Resources, and  
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**STIPULATED ORDER RE-SETTING SCHEDULE OF OBLIGATIONS FOR  
NON-PARTY PATRICK CONELY, JR.**

At a session of said Court held in the City of Howell,  
County of Livingston, State of Michigan,  
on the 8 day of March, 2023.

PRESENT: Honorable Michael P. Hatty  
Judge of the 44th Circuit Court

FILED  
LIVINGSTON COUNTY CLERK  
2023 MAR -8 PM 3:40

This matter having come before the Court upon the stipulation of the parties; the Court having previously entered an Order Setting Schedule of Obligations for Non-Party Patrick Conely, Jr.; and the Court being otherwise fully advised of the premises;

IT IS HEREBY ORDERED that Non-Party Patrick Conely, Jr. shall undertake the following obligations as necessary steps towards compliance with the Order Setting Schedule of Obligations for Non-Party Patrick Conely, Jr. entered by this Court on October 24, 2018:

- Within 14 days after the entry of this Order, Conely, Jr. shall retain a consultant to identify all response activities required at 7350 Rushton Road, Green Oak Township, Michigan (the Rushton Road Site) under Part 201 of the Natural Resources and Environmental Protection Act, MCL 324.20101 *et seq.* (NREPA);
- Within seven days after retaining his consultant, Conely, Jr. shall provide the Department of Environment, Great Lakes, and Energy (EGLE) with the retained consultant's name and contact information;
- Within 90 days after retaining his consultant, Conely, Jr. shall submit to EGLE, for EGLE's review and approval, his consultant's findings and a proposed response activity plan, which shall include a schedule for proposed response activities;
- If EGLE disapproves all or part of the proposed response activity plan, it shall notify Conely, Jr., in writing, of the reasons for such disapproval.

Conely, Jr. shall submit, within 21 days after receiving such notice (unless

the parties agree in writing to extend that deadline), a revised response activity plan that adequately addresses the reasons for EGLE's disapproval;

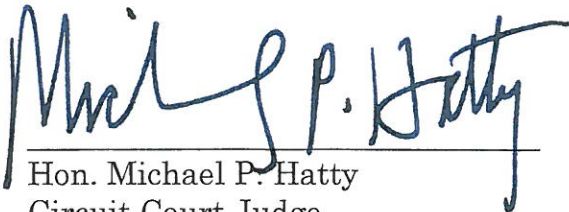
- After EGLE approves a proposed response activity plan, Conely, Jr. shall implement the activities set forth in the response activity plan in accordance with the agreed-upon schedule stated therein;
- Conely, Jr. shall notify EGLE within 10 days of implementing fieldwork and/or collecting environmental samples pursuant to the response activity plan.

IT IS FURTHER ORDERED that, within 14 days after the entry of this Order, Conely, Jr. shall provide documentation to EGLE that the waste materials removed from the Rushton Road Site were properly transported to a licensed transfer facility and/or disposed of in a licensed landfill. This documentation shall include the quantity of waste removed, the name of the transporter(s), the name of the licensed receiving facility/facilities, and receipts from the receiving facility/facilities.

IT IS FURTHER ORDERED that if Conely, Jr. fails to complete any of the requirements of this Order by the deadlines provided herein, upon a showing of such failure, he shall be subject to a civil contempt penalty under MCL 600.1715(1) of \$250.00 per day of non-compliance for each obligation not complied with, and such other civil contempt penalties as this Court may deem appropriate.

IT IS FURTHER ORDERED that nothing in this Order relieves Conely, Jr. from any additional obligations or claims under the NREPA.

IT IS SO ORDERED.

  
Hon. Michael P. Hatty  
Circuit Court Judge

Stipulated as to form pursuant to MCR 2.602(B)(2):

MICHIGAN DEPARTMENT OF  
ATTORNEY GENERAL

MANCUSO & CAMERON, P.C.

/s/ Keith D. Underkoffler  
Keith D. Underkoffler (P84854)  
Attorney for Plaintiff

/s/ Douglas D. Cameron (with permission)  
Douglas D. Cameron (P26818)  
Attorney for Non-Party Patrick Conely, Jr.

Dated: March 6, 2023

Dated: March 6, 2023

LF: Conely, Patrick Jay dba Superior Sanitation/AG #2012-0012050-B/Stipulated Order Re-Setting Schedule of Obligations  
2023-03-06