

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

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiff,

Case No. 12-26969-CE

v

HON. MICHAEL P. HATTY

PATRICK JAY CONELY d/b/a
SUPERIOR SANITATION,

Defendant.

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Zachary C. Larsen (P72189)
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General
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**STIPULATION REGARDING ORDER SETTING SCHEDULE OF
OBLIGATIONS FOR NON-PARTY PATRICK CONELY, JR.**

At a session of said Court held in the Circuit
Courtrooms, Livingston County, Howell,
Michigan, on the 24 day of October, 2018.

PRESENT: Hon. Michael P. Hatty, Circuit Court Judge

The parties, by and through their respective attorneys, state as follows in
support of their Stipulation Regarding Order Setting Schedule of Obligations for
Non-Party Patrick Conely, Jr.:

1. On April 28, 2017, this Court entered an order against Non-Party Patrick Conely, Jr. compelling him to cease operations in violation of the Natural Resources and Environmental Protection Act, MCL 324.101, *et seq.* ("NREPA").

2. On September 11, 2018, Plaintiff the Michigan Department of Environmental Quality ("DEQ") filed an *Ex Parte* Motion for an Order Requiring Non-Party Patrick Conely, Jr. to Show Cause Why He Should Not Be Held in Contempt of Court.

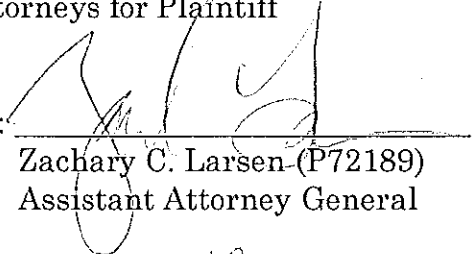
3. The same day, this Court entered an order setting a show cause hearing for October 11, 2018.

4. In lieu of requiring a decision from this Court, the parties have met and worked through a proposed schedule of activities to be undertaken by Conely, Jr., as indicated in the attached order.

5. Accordingly, the parties stipulate to the entry of the attached order as a resolution of DEQ's motion for an order of contempt and this Court's show cause hearing on the same.

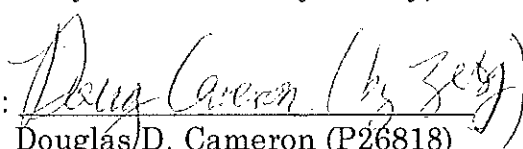
Respectfully submitted,

MICHIGAN ATTORNEY GENERAL
Attorneys for Plaintiff

By: 
Zachary C. Larsen (P72189)
Assistant Attorney General

Dated: October 19, 2018

MANCUSO & CAMERON, PC
Attorneys for Non-Party Conely, Jr.

By: 
Douglas D. Cameron (P26818)

Dated: October 19, 2018

L-1/permission

ORDER SETTING SCHEDULE OF OBLIGATIONS
FOR NON-PARTY PATRICK CONELY, JR.

IT IS HEREBY ORDERED that Patrick Conely, Jr. shall undertake the following obligations as necessary steps towards compliance with this Court's April 28, 2017 order addressed to his operations:

- On or before December 10, 2018, Conely, Jr. shall meet with Livingston County officials in charge of the County's solid waste management plan for the purpose of preparing a proposal for Superior Sanitation II to be included within the County's plan;
- On or before January 31, 2019, Conely, Jr. shall prepare and submit to Livingston County a proposal for Superior Sanitation II's inclusion within the plan;
- Within 30 days of the County's issuance of a decision regarding whether to amend the solid waste management plan to include Superior Sanitation II, Conely, Jr. shall notify DEQ of that decision and provide any documentation issued by the County concerning that decision along with Conely, Jr.'s proposal (referenced in the prior paragraph) to DEQ's Waste Management and Radiological Protection Division;
- On or before December 10, 2018, Conely, Jr. shall retain a consultant to identify all response activities required under Part 201 of NREPA, MCL 324.20101, *et seq.*, concerning the existing contamination on the Rushton Road Site;

- On or before February 10, 2019, Conely, Jr. shall provide to DEQ his consultant's findings and proposed response activity plan, which shall include a schedule for proposed response activities;
- Subject to DEQ's determination of the adequacy of his proposed response activity plan, Conely, Jr. shall implement those activities on an agreed-upon schedule;
- On or before December 31, 2018, Conely, Jr. shall submit a stormwater pollution prevention plan to MDEQ;
- On or before December 31, 2018, Conely, Jr. or a person under the employment of his business enterprise shall become certified as a stormwater operator for supervision and control of discharges from the Rushton Road Site per MCL 324.3110; and
- On or before January 15, 2019, Conely, Jr. shall submit a notice of intent to obtain coverage under the State's general National Pollutant Discharge Elimination System permit;

IT IS FURTHER ORDERED that if Conely, Jr. does not complete any such requirement by the deadlines provided, then upon a showing of such failure he shall be subject to a civil contempt penalty of \$250 per day of non-compliance for each obligation per MCL 600.1715(1) 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 such additional obligations as may be imposed upon him by the Natural

Resources and Environmental Protection Act, MCL 324.101, *et seq.*, including additional injunctive relief, civil fines, or response activity costs that may be owed or ordered under NREPA, nor does this order resolve any claims that Plaintiff DEQ may have against Conely, Jr. under that Act.

IT IS SO ORDERED.

MICHAEL P. HATTY P-30990

Hon. Michael P. Hatty
Circuit Court Judge

LF: Conely, Patrick Jay dba Superior Sanitation, DEQ; AG# 2012-0012050-B/Stipulation Regarding Order Setting Schedule of Obligations for Non-Party Patrick Conely, Jr – 2018-10-19