STATE OF WISCONSIN | CIRCUIT COURT BRANCH _____ | EAU CLAIRE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 12-CX-_____
Complex Forfeiture: 30109

WRR ENVIRONMENTAL SERVICES COMPANY, INC.,

Defendant.

STIPULATION AND ORDER FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against defendant WRR Environmental Services Company, Inc., regarding its solvent recycling and chemical manufacturing facility located at 5200 Ryder Road, Eau Claire, Eau Claire County, Wisconsin. The complaint alleges violations of Wisconsin air pollution laws and hazardous waste laws.

The parties now wish to resolve the litigation and as such enter into this Stipulation and Order for Judgment setting forth the terms and conditions as such settlement. It is hereby stipulated and agreed that:

1. Judgment shall be entered in favor of the plaintiff State of Wisconsin and against the defendant WRR Environmental Services Company, Inc. in the amount of $80,000.00. This sum is comprised of forfeitures, statutory charges, costs, and attorney's

fees as follows: forfeitures of $56,111.32 under Wis. Stat. §§ 285.87(1) and 291.97(1), a 26% penalty surcharge of $14,588.94 under Wis. Stat. § 814.75(18), a 10% environmental surcharge of $5,611.12 under Wis. Stat. § 814.75(12), $25.00 in court costs under Wis. Stat. § 814.63(1), a $13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), a $68.00 court support services surcharge under Wis. Stat. § 814.75(2), a 1% jail surcharge of $561.12 under Wis. Stat. § 814.75(14), a $21.50 justice information system surcharge under Wis. Stat. § 814.75(15), and attorney's fees of $3,000 under Wis. Stat. § 299.97(3).

2. The defendant will pay the $80,000.00 by checks payable to the Eau Claire County Circuit Court and delivered to the Clerk of Court, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, Wisconsin 54703-5481, along with a cover letter to the Court identifying the case by name and number. A copy of each such check and cover letter shall be simultaneously mailed as proof of payment to Assistant Attorney General Cynthia R. Hirsch at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payments will be made in accordance with the following schedule:

a. $20,000.00 on or before October 31, 2012;

b. $20,000.00 on or before January 31, 2013;

c. $20,000.00 on or before April 1, 2013; and

d. $20,000.00 on or before July 31, 2013.

3. The defendant will conduct an Environmental Compliance Audit subject to the following:

a. Scope and timing:

1) The Environmental Compliance Audit will evaluate compliance with the air pollution and hazardous waste regulations, as well as those facility procedures and systems designed to insure future compliance with those regulations, applicable to the WRR Environmental Services Company, Inc. (WRR) facility located 5200 Ryder Road.

2) The initial Environmental Compliance Audit will be conducted by no later than October 31, 2012.

3) The parties anticipate a subsequent Environmental Compliance Audit of the same nature will be conducted; however, based on the results of the initial Environmental Compliance Audit the parties may jointly determine that a subsequent Environmental Compliance Audit is not required. In the event a subsequent Environmental Compliance Audit is determined to be required, it will be conducted by a date or dates to be set by agreement between the Wisconsin Department of Natural Resources (DNR) and WRR.

b. The parties agree that WRR has contracted with a qualified independent environmental consultant whose staff have expertise in the development and conduct of facility environmental compliance audits as that term is defined in Wis. Stat. § 299.85(1), and that the scope and details of the services to be provided by such consultant satisfy the purposes of this Stipulation.

c. Within 30 days of entry of this Stipulation and Order for Judgment, DNR will provide to WRR the name of the DNR Designated Representative.

d. WRR will instruct its consultant to submit the draft Environmental Compliance Audit Report(s) and final Environmental Compliance Audit Report(s) prepared

to comply with this Stipulation to the DNR Designated Representative for review and comment.

e. WRR will correct each violation identified in the final Environmental Compliance Audit Report(s). Implementation of correction of the identified violations will be subject to timetables first discussed with, and ultimately approved by, the DNR Designated Representative. WRR's consultant will conduct a review to determine whether the corrections have been implemented.

f. Other than as provided in paragraph 4 below, neither DNR nor the State of Wisconsin will pursue any administrative or judicial enforcement action against WRR for any violation identified in the draft or final Environmental Compliance Audit Reports.

4. The parties agree that if WRR fails to correct an identified violation by the deadline approved by the DNR Designated Representative pursuant to paragraph 3.e. above, WRR may be subject to additional forfeitures and penalties up to the amount of $60,000 as follows:

a. In the event DNR believes that WRR has failed to correct an identified violation by the approved deadline, the DNR Designated Representative shall promptly notify WRR and WRR shall have 60 days from receipt of that notification to either complete the correction, demonstrate that it has been completed, or request an extension of time for completion of the correction. Any such request for an extension of time shall explain the steps WRR has taken to comply and the reasons for the additional time requested to complete the correction.

b. Either party may request review by the Court of the circumstances of any such alleged failure to timely correct and the appropriate remedy, including the timing and amount of any portion of the additional forfeitures and penalties that may be deemed applicable.

5. This Stipulation, as approved by the Court, shall apply to and be binding on the parties and their successors and assigns.

6. Compliance by WRR with the Stipulation and Order for Judgment shall constitute full satisfaction and release of the defendant's liability, and the liability of the defendant's employees and agents, for all violations described in or arising out of facts alleged in the complaint.

7. Except as between the parties to this action, nothing contained in this Stipulation and Order for Judgment shall be construed as an admission of liability by the defendant in any proceeding now pending or hereafter commenced.

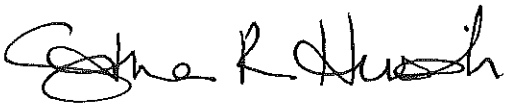
8. The parties acknowledge that this Stipulation and Order for Judgment sets forth the entire understanding of the parties with the respect to the subject matter hereto.

9. This Court will retain jurisdiction of this case for purposes of enforcing this Judgment.

10. The Order for Judgment accompanying this Stipulation will be a final and appealable order. 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 10 day of July 2012.

J.B. VAN HOLLEN
Attorney General



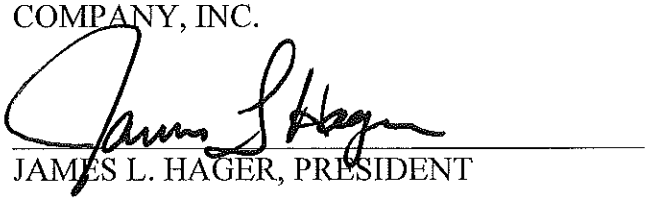
CYNTHIA R. HIRSCH
Assistant Attorney General
State Bar #1012870

Attorneys for Plaintiff State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-3861
(608) 266-2250 (fax)
hirschcr@doj.state.wi.us

Dated this 6th day of July 2012.

WRR ENVIRONMENTAL SERVICES
COMPANY, INC.



JAMES L. HAGER, PRESIDENT

5200 Ryder Road
Eau Claire, WI 54701
(715) 834-9624

Dated this 9TH day of July 2012.

LINDA H. BOCHERT
State Bar #1015962

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ORDER FOR JUDGMENT

The Court approves the terms of the foregoing settlement stipulation in *State of Wisconsin v. WRR Environmental Services Company, Inc.*, Eau Claire County Case No. 12-CX-_____, pursuant to which the defendant will pay $80,000.00 in forfeitures, surcharges, and costs, and comply with the Stipulation regarding an Environmental Compliance Audit. The Court therefore directs the clerk to enter and docket the Judgment accordingly.

This is a final order that disposes of the entire matter in litigation between the State of Wisconsin and WRR Environmental Services Company, Inc., and is intended by the Court to be an appealable order within the meaning of Wis. Stat. § 808.03(1).

Dated this _____ day of July 2012.

BY THE COURT:

_____

Eau Claire County Circuit Court