

FILED
01-22-2021
John Barrett
Clerk of Circuit Court
2021CX000001

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857,

Plaintiff,

v.

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

ALTER TRADING CORPORATION
700 Office Parkway
St. Louis, MO 63141,

and

MILLER COMPRESSING COMPANY
1640 W. Bruce Street
Milwaukee, WI 53204,

Defendants.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendants Alter Trading Corporation and Miller Compressing Company for alleged violations of the State's air pollution control laws. The State of Wisconsin and Defendants (collectively, the "Parties") 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 the Defendants 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 the Defendants.

2. The Circuit Court of Milwaukee 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 the Defendants under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against the Defendants in the total amount of \$65,000. This sum is comprised of forfeitures, surcharges, and costs as follows: forfeitures of \$44,128.57 pursuant to Wis. Stat. § 285.87, a 26 percent penalty surcharge of \$11,473.43 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$8,825.71 pursuant to Wis. Stat. § 814.75(12), \$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 1 percent jail surcharge of \$441.29 pursuant to Wis. Stat. § 814.75(14), and a \$21.50 justice information system surcharge pursuant to Wis. Stat.

§ 814.75(15), and a \$3.50 special prosecution clerks surcharge under Wis. Stat. § 814.75(22).

5. The Defendants will pay \$65,000 by check payable to the Milwaukee County Circuit Court and delivered to the Milwaukee County Clerk of Court, 901 N. 9th Street, Room 104, Milwaukee, Wisconsin, 53233, along with a cover letter identifying the case by name and number. A copy of the cover letter shall be simultaneously mailed as proof of payment to Assistant Attorney General Sarah C. Geers at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made within 60 days after the Court signs the Order for Judgment.

6. The Defendants shall be jointly and severally liable for full compliance with all requirements of the Stipulation.

7. The Defendants agree to install a shredder air hood emission capture system at the facility located at 1640 West Bruce Street, Milwaukee, Wisconsin 53204 (Miller Facility).

8. In accordance with air pollution control permit number 241213720-P20 (Permit), attached hereto as Exhibit A, the Defendants shall design, install, and operate the shredder air hood emission capture system pursuant to the Compliance Plan and Schedule set forth in condition I.ZZZ.5 of the Permit.

9. The Defendants shall comply with the Compliance Plan and Schedule set forth in condition I.ZZZ.5 of the Permit.

10. The Defendants agree not to seek judicial or administrative review of the Permit.

11. The Defendants agree to comply with all terms and conditions of the Permit.

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

13. The Defendants waive the requirement for formal service of an authenticated Summons and Complaint.

14. 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.

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

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

17. 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 14th day of January, 2021.

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by Sarah C. Geers

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Dated this 31 day of July, 2020.



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