



# PROPOSED VOLUNTARY CONSENT ORDER

DATE: 9-3-2008 COMPLAINT NUMBER#: 300-00-00-64490

TO: Mista L. Turner, Staff Attorney

FROM: Kenny Ground & Town of Buffalo (Joe McVicker, City Manager)  
(Environmental Specialist) (Responsible Party)

RE: Request for  Initial Voluntary Consent Order  Amended Consent Order

The above-listed Environmental Specialist and Responsible Party (together known as "parties") have discussed the above-stated complaint that was filed with the Department of Environmental Quality (DEQ). The following terms reflect the agreement reached between both parties concerning the resolution of this complaint. This document will be forwarded to the Staff Attorney listed above for the drafting and completion of the formal Consent Order. The Responsible Party will receive the formal Consent Order via certified mail. In order for the formal Consent Order to be valid, the Responsible Party must sign and return it to the Staff Attorney.

## TERMS OF PROPOSED VOLUNTARY CONSENT ORDER:

1. The Responsible Party (RP) agrees to pay DEQ a fine in the amount of \$7080. DEQ agrees to WAIVE this fine if the RP complies with the terms of the Consent Order.
2. The RP agrees to pay a fine of \$50 for each month that the RP fails to comply with the terms of the Consent Order.
- ★ 3. The RP shall remove the approximately 472 cubic yards of refuse (attempting 30 cubic yards per month and submitting the receipts to the local Environmental Specialist every time a load is removed) by February 17, 2010.
4. The RP shall call local Environmental Specialist to schedule a final inspection by February 22, 2010.

THE ABOVE TERMS WERE AGREED TO ON THE 03 DAY OF September, 2008, BY:

Kenny Ground  
(Environmental Specialist's Signature)

Joe McVicker  
(Responsible Party's Signature)

BY SIGNING THIS, I AM AFFIRMING THAT I HAVE THOROUGHLY DISCUSSED ALL OF THE TERMS IN THIS REQUEST FOR A VCO WITH THE RESPONSIBLE PARTY.

OR

Responsible Party agreed to the terms via phone.