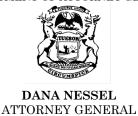
### STATE OF MICHIGAN DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30755 Lansing, Michigan 48909

May 6, 2022

Clerk of the Court 30th Circuit Court—Ingham County 315 S. Jefferson Street Mason, MI 48854

Re: Michigan Department of Environment, Great Lakes, and Energy v

J Brown Environmental Construction Company, Inc., et al.

Case No.: 19-898-CE

### Dear Clerk:

Enclosed for filing is a Proof of Service confirming service of a true copy of the Consent Judgment dated April 29, 2022, on Mr. Hauser in the above-referenced matter.

Thank you for your assistance, and please feel free to contact me if you have any questions.

Sincerely,

/s/ Andrew T. Prins

Andrew T. Prins Assistant Attorney General Environment, Natural Resources, and Agriculture Division (517) 335-7664 prinsa@michigan.gov

ATP/rc

**Enclosures** 

cc: J. Christian Hauser (via First-class and email)
Malcolm Mead-O'Brien, EGLE (via email)
Tammy Bell, EGLE (via email)

LF: Brown Environmental Construction (EGLE v)/AG #2016-0157244-B/Letter - Clerk 2022-05-06

# STATE OF MICHIGAN CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT INGHAM COUNTY

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY,

Plaintiff,

No. 19-898-CE

HON. WANDA M. STOKES

v

J BROWN ENVIRONMENTAL CONSTRUCTION COMPANY, INC., a Michigan corporation, and JESSE BROWN, an individual,

Defendants.

Andrew T. Prins (P70157)
Elizabeth A. Morrisseau (P81899)
Assistant Attorneys General
Attorneys for Plaintiff
Environment, Natural Resources,
and Agriculture Division
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Frasco Caponigro Wineman Scheible
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### CONSENT JUDGMENT

Plaintiff, Michigan Department of Environment, Great Lakes, and Energy (EGLE), and Defendant, J Brown Environmental Construction Company, Inc. (Brown Environmental), hereby stipulate:

- A. On December 10, 2021, this Court granted EGLE's Motion for Summary Disposition pursuant to MCR 2.116(C)(10) against Brown Environmental finding Brown Environmental violated Sections 61.145(b)(3)(iv)(A)(1) and (2), 61.145(c)(1) and 61.150(b)(1) and (2) of 40 CFR Part 61, Subpart M, 40 CFR 61.140–157 (the "Asbestos NESHAP") which has been incorporated by Part 55, Air Pollution Control, of Michigan's Natural Resources and Environmental Protection Act (NREPA), MCL 324.5501 et seq. See MCL 324.5512; Mich Admin Code, R 336.1942.
- B. Pursuant to this Court's January 12, 2022, Order, an evidentiary hearing was set for April 6, 2022, for purposes of imposing any civil fines and awarding any costs of litigation that this Court determined appropriate for which Brown Environmental is liable to pay EGLE pursuant to Section 5530(2) and (4) of Part 55 of the NREPA, MCL 324.5530(2), (4).
- C. EGLE and Brown Environmental agree that resolution of this action through this Consent Judgment, and without further litigation, is in the public interest and the most appropriate means of resolving the issues raised in this action.

Therefore, before the taking of additional testimony, and upon consent of the parties, IT IS HEREBY ORDERED:

Brown Environmental shall pay EGLE \$90,000.00 as a civil fine pursuant to MCL 324.5530(2).

# IT IS SO ORDERED THIS Way of Wal

This Consent Judgment resolves the last pending claim and closes this case.

## HON, WANDA M. STOKES

Honorable Wanda M. Stokes Circuit Court Judge

The parties hereby stipulate to the entry of the foregoing judgment:

Dated: April 28, 2022

Andrew T. Prins (P70157) Elizabeth A. Morrisseau (P81899)

Assistant Attorneys General Environment, Natural Resources,

and Agriculture Division Attorneys for Plaintiff

by ATP
wil permission

O. Christian Hauser (P57990)

Christian Hauser (P57990)

Casco Canonism III.

Frasco, Caponigro, Wineman,

Scheible, Hauser & Luttmann, P.L.L.C.

Attorney for Defendant

LF: Brown Environmental Construction (EGLE v)/AG #2016-0157244-B/Consent Judgment 2022-04-22

### STATE OF MICHIGAN CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT INGHAM COUNTY

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY,

Plaintiff,

No. 19-898-CE

 $\mathbf{v}$ 

HON. WANDA M. STOKES

J BROWN ENVIRONMENTAL CONSTRUCTION COMPANY, INC., a Michigan corporation, and JESSE BROWN, an individual,

Defendants.

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### PROOF OF SERVICE

On May 6, 2022, I sent via First-class mail and email a true copy of the

Consent Judgment dated April 29, 2022, to:

J. Christian Hauser Frasco, Caponigro, Wineman, Scheible, Hauser & Luttmann, P.L.L.C. 1301 W. Long Lake Road, Suite 250 Troy, MI 48098

ch@frascap.com

I declare that the statements above are true to the best of my information, knowledge, and belief.

<u>/s/ Rachel Cissel</u> Rachel Cissel, Legal Secretary

LF: Brown Environmental Construction (EGLE v)/AG #2016-0157244-B/POS 2022-05-06