

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

and ESCAMBIA COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

CASE NO.: 2006-CA-1207

Plaintiff/Intervenor,

vs.

LOUISIANA INVESTMENT GROUP, L.L.C.,

Defendant.

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CLERK OF COURT

**CONSENT FINAL JUDGMENT**

Plaintiff, State of Florida Department of Environmental Protection ("Department"),  
Plaintiff/Intervenor, Escambia County, Florida (County), and Defendant, Louisiana Investment  
Group, L.L.C. ("LIG"), in order to resolve the issues without the need for further litigation, have  
consented to the entry of this Consent Final Judgment ("Judgment"). This Judgment will not  
apply to or lie against Brennon Vinet individually. The named parties hereby stipulate to the  
following:

1. This Court has jurisdiction over the subject matter and over the parties to this  
action.
2. This Judgment shall constitute the parties' complete settlement of all issues raised  
in this litigation.
3. The Department is an administrative agency of the State of Florida, created by  
§20.255, Florida Statutes ("Fla. Stat."), which is authorized to enforce the environmental laws of

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the State of Florida, including Chapter 403, Fla. Stat., and the rules promulgated thereunder in Title 62 of the Florida Administrative Code ("Fla. Admin. Code"). The Department is headquartered at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399.

4. The County is a political subdivision of the state of Florida and has adopted ordinances regulating landfills and other disposal facilities pursuant to Escambia County Code of Ordinances, §§ 82-191, et seq. In particular, County has specific ordinances concerning the operation and regulation of construction and demolition debris facilities contained in §§ 82-224 through 82-242, Code of County Ordinances.

5. LIG is an active Florida limited liability company, registered with the Secretary of State, that owns the Sausley Landfill Inc., C&D Disposal Facility ("Facility"), located at 5660 Sausley Field Road, Pensacola, Escambia County, Florida.

6. LIG is a "person" within the meaning of §403.031(5), Fla. Stat., and is subject to the provisions of Chapter 403, Fla. Stat., and the rules promulgated thereunder in Title 62, Fla. Admin. Code.

7. On July 3, 2006, the Department filed a Complaint against the Defendant LIG alleging that it was in violation of Florida's rules and statutes regarding solid waste disposal and management as well as in violation of Permit No. 0078449-004 ("Permit").

8. On July 19, 2007, this Court entered an Order Granting Plaintiff's Motion for Partial Summary Judgment on Counts I, II, III, V and VI.

9. Defendant stipulates to liability as to Count IV of the Complaint.

10. The Department issued a Final Closure Order to LIG on February 11, 2008, finding that LIG failed to maintain financial assurance, failed to close the Facility and provide a certification of closure construction completion to the Department, and failed to obtain a permit

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to close the Facility, as required by Department rules. The Final Closure Order required LIG to close the Facility in 21 days.

11. The Department issued a Final Order of Abandonment to LIG on March 4, 2008, finding that LIG has not closed the facility, determining that there is no likelihood that LIG will take the necessary actions to obtain the required permits, to close the Facility, or to perform long-term care of the Facility, and concluding that LIG has abandoned the Facility.

12. The Department issued a Notice of Permit Denial on March 4, 2008, finding that LIG failed to provide information to the Department requested in a timely manner, failed to provide reasonable assurance it would close the Facility in accordance with the law, and failed to provide proper financial assurance documentation.

Based upon the foregoing, it is hereby ORDERED AND ADJUDGED as follows:

13. Judgment is entered in favor of Plaintiff, State of Florida Department of Environmental Protection (3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000) and against Defendant, Louisiana Investment Group, L.L.C. (6023 Chandelle Circle, Pensacola, Florida 32507) in the amount of \$677,397.62, for which let execution issue. This consists of \$661,500.00 in civil penalties and \$15,897.62 in Department costs. Payment shall be made by cashier's check or money order payable to the "State of Florida Department of Environmental Protection" and shall include the notations "Ecosystem Management and Restoration Trust Fund" and "OGC# 06-1157" thereon. Payment shall be sent to the Department of Environmental Protection, Northwest District, 160 Governmental Center, Pensacola, Florida, 32502.

14. The Department and its agents and contractors may enter the Saufley Landfill Inc., C&D Disposal Facility property, located at 5660 Saufley Field Road, Pensacola, Escambia County, Florida and identified by Escambia County Property Appraiser's Office parcel

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identification number 381S1-3303-000-001 ("Property"). This authorization is specifically limited to the activities necessary to complete the closing and conduct the long-term care at the Facility in accordance with the requirements of Chapter 62-701, Florida Administrative Code. Such activities may include, but are not limited to, site work, site maintenance, access control, ground water sampling, and any necessary construction or maintenance of ground water monitoring wells and storm water conveyances on the Property. These activities may be performed by the Department, its agent or contractors. The Department, its agents or contractors, may enter the Property during normal business hours and may also make special arrangements to enter the Property at other times after agreement from the Defendant. Site access is granted for such time as is necessary to complete the closure and long term care of the Facility.

15. The County may enter the real property described in Paragraph 14 of this Judgment in order to abate or to assist the Department to abate any nuisance as described in §82-225(cc), Code of County Ordinances.

16. Defendant shall remain liable for any closure or long-term care costs that exceed the amounts provided by Evanston Insurance Company Policy Number 07EIL00279.

17. Defendant shall allow all authorized representatives of the Department access to the Property at reasonable times to verify compliance with Department rules and statutes governing solid waste management.

18. Defendant shall not sell or convey the Property without first notifying the Department and the County in writing and providing the Department with a site access agreement from the new owner that is consistent with the provisions of Paragraph 14 of this Judgment.

19. Entry of this Judgment does not relieve Defendant of the need to comply with all applicable federal, state, or local laws, regulations, or County ordinances.

20. This Judgment is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Judgment is not a settlement of any criminal liabilities which may arise under Florida law.

21. The provisions of this Judgment are only binding upon the Department, the County, and Defendant LIG, and should not be construed to affect any rights the Department or the County may have against any other responsible parties for the violations or contamination addressed herein.

22. No modifications of the terms of this Judgment shall be effective until reduced to writing, executed by the Department, the County, and Defendant, and approved by the Court.

23. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit the violation of Department statutes or rules that are not specifically addressed by the terms of this Judgment. The County reserves the same right as to its ordinances.

24. Except as provided in Paragraph 13, each party shall bear its own costs, expenses, and attorney's fees in this matter.

25. The Court retains jurisdiction of this case to enter further orders that are proper, and to enforce this Judgment by contempt or other appropriate sanctions.


26. If the penalties and costs identified in Paragraph 13 are not paid according to the timeframe set out therein, then Defendant LIG shall complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the Department's attorney within thirty (30) days after the date such penalties and costs are

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due. Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtor to complete form 1.977, including all required attachments, and serve it on the judgment creditor's attorney.

ORDERED AND ADJUDGED in Escambia County, Florida this <sup>7<sup>th</sup></sup> ~~23~~ day of March,

2008.

  
CIRCUIT COURT JUDGE

"CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE WITNESS MY HAND AND OFFICIAL SEAL ERNIE LEE MAGAHA, CLERK CIRCUIT COURT AND COUNTY COURT ESCAMBIA COUNTY, FLORIDA"  
BY Ernie Lee Magaha D.C.

  
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**CONSENT TO ENTRY WITHOUT FURTHER NOTICE OR HEARING AND TO BE BOUND BY TERMS AND CONDITIONS**

The undersigned, after consultation with their respective attorneys, hereby agree and consent to the Court's entry of the above Consent Final Judgment without further notice or hearing and stipulate to the terms and conditions thereof. The parties acknowledge that they have read, understand, and agree to be bound by the conditions set forth in the Consent Final Judgment. The Consent Final Judgment is six pages in total. In the event that the Court does not enter the above, Defendant nevertheless agrees to perform as set forth above. Without limitation, the Consent Final Judgment shall be in full force and effect and binding upon Defendant notwithstanding the delay or failure of the Court to enter the above.

FOR THE PLAINTIFF:

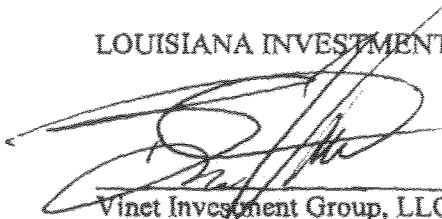
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



W. Richard Fancher  
District Director  
Northwest District Office  
160 Governmental Center  
Pensacola, Florida 32501

FOR THE DEFENDANT:

LOUISIANA INVESTMENT GROUP, L.L.C.



Vinet Investment Group, LLC  
Brennon Vincet, Managing Member  
6023 Chandelle Circle  
Pensacola, Florida 32507

FOR THE PLAINTIFF/INTERVENOR:

ESCAMBIA COUNTY, FLORIDA



Sandra Prince Jennings/EI  
Director, Department of Solid Waste Management  
13009 Beulah Road  
Cantonment, FL 32533

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Copies furnished to:

- Karen Bishop, Senior Assistant General Counsel, for the Plaintiff
- Charles V. Peppler, Chief Litigation Attorney, for the Plaintiff/Intervenor
- Steven W. Bowden, Esq., for the Defendant

