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Supreme Court, U. S.
FILED

JUN 19 1972

MICHAEL BODAK, JR., CLERK

IN THE
Supreme Court of the United States

OCTOBER TERM, 1971

No. 50, Original

STATE OF VERMONT, a sovereign state,
Montpelier, Vermont,

Plaintiff,

against

STATE OF NEW YORK, a sovereign state,
Albany, New York,

and

INTERNATIONAL PAPER COMPANY, a sovereign corporation
existing under the laws of the State of New York, located
at New York, New York,

Defendants.

EXHIBIT "A" TO ANSWER

LOUIS J. LEFKOWITZ
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State of New York
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EXHIBIT "A"

Consent Judgment

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Schenectady, at the Court House at Schenectady, New York, on the 11th day of March, 1971.

Present: Honorable

D. VINCENT CERRITO,

Justice.

Index No. 11972

HENRY L. DIAMOND, Commissioner of Environmental
Conservation of the State of New York,
Plaintiff,
—against—

INTERNATIONAL PAPER COMPANY,
Defendant.

This action having been duly instituted by the plaintiff Commissioner of Environmental Conservation of the State of New York, by a summons and complaint, verified on the 28th day of August, 1970, seeking injunctive relief and statutory penalties against the defendant pursuant to Public Health Law, Article 12; and

The said summons and verified complaint having been personally served upon the defendant on August 31, 1970, by the delivery of a true copy thereof to Perry A. Harding, Mill Manager for said defendant; and

Exhibit "A"—Consent Judgment

The defendant's answer, verified on the 16th day of September, 1970 having been duly served on or about September 16, 1970, by Frank J. Feron, Jr., Esq., attorney for the said defendant:

Now, upon the consent of the attorneys for the parties hereto, such consent by the attorney for defendant being for the purpose of disposition of this action only and without any admission of wrongdoing or liability, it is hereby

ORDERED, ADJUDGED AND DECREED that the defendant International Paper Company shall, on or before April 24, 1971, completely terminate all paper making operations at defendant's paper mill plant located in the Village of Ticonderoga, County of Essex, State of New York, and cease all discharges of industrial wastes into Lake George Outlet from said plant and shall not thereafter discharge any industrial wastes into said stream without express permission granted by plaintiff herein, and it is further

ORDERED, ADJUDGED AND DECREED that any and all permits heretofore issued to the defendant or to any of its predecessors in interest for the discharge of industrial and other wastes into the waters of Lake George Outlet near its confluence with Lake Champlain by or on behalf of the New York State Department of Health or the Commissioner of Health, or the Water Pollution Control Board, be and they hereby are modified to the extent required by the terms and conditions of this judgment, and it is further

ORDERED, ADJUDGED AND DECREED that judgment is hereby granted for the following relief, which judgment is to become absolute only in the event the defendant fails to perform the act specified under the first decretal paragraph of this judgment above set forth:

Exhibit "A"—Consent Judgment

"I. Directing that the defendant on and after April 25, 1971, discontinue the discharge of industrial and other wastes from its aforementioned plant in the Village of Ticonderoga, into the classified waters of the State through any and all outlets, owned, maintained or under its control.

"II. Directing that the defendant forthwith, on April 25, 1971, undertake and execute a program for the construction of facilities to effectively treat all industrial and other wastes in accordance with plans and specifications approved by the New York State Department of Environmental Conservation, and upon completion of the same, to place the industrial treatment system in operation in an efficient manner so as to prevent a condition in the waters of Lake George Outlet, at and in the vicinity of the waste disposal outlets of defendant, in contravention of standards adopted therefor and to prevent the impairment of the best usage of the waters of Lake Champlain at and in the vicinity of its confluence with Lake George Outlet.

"III. Enjoining and restraining the defendant, its officers, agents, servants and employees from, on and after April 25, 1971, causing or permitting the discharge into the waters of Lake George Outlet at and in the vicinity of said defendant's waste disposal outlets of untreated and inadequately treated industrial and other wastes causing or contributing to a condition in contravention of standards adopted therefor and impairing the best usage of the waters of Lake Champlain at and in the vicinity of its confluence with Lake George Outlet and in violation of the provisions of Article 12 of the Public Health Law," and it is further

Exhibit "A"—Consent Judgment

ORDERED, ADJUDGED AND DECREED that the civil penalties requested in Paragraph "IV" of the prayer for relief contained in the complaint herein may be assessed by the Court in a separate judgment upon ten days' written notice to the defendant's attorney upon any violation by the defendant of the terms and conditions of this judgment, and it is further

ORDERED, ADJUDGED AND DECREED that in the event of the violation by the defendant of the terms and conditions of this judgment, the plaintiff may apply to the Court for such other, further or different relief as may be just and proper, together with the costs and disbursements of this action.

Signed this 11th day of March, 1971, at Schenectady, New York.

P. VINCENT CERRITO
Justice of the Supreme Court

Exhibit "A"—Consent Judgment

We hereby consent to entry of the above judgment.

Dated at Albany, New York,
on the 10th day of March, 1971.

LOUIS J. LEFKOWITZ
Attorney General of the
State of New York
Attorney for the Plaintiff

By: /s/ STANLEY FISHMAN
Assistant Attorney General

/s/ FRANK J. FERONY, JR., Esq.
Attorney for Defendant

Dated at New York City, New York,
on the 4th day of March, 1971.

STATE OF NEW YORK }
COUNTY OF ESSEX } ss.:

CLERK'S OFFICE

A true copy of the original filed in this office on March 12,
1971.

Witness my hand and the seal of my office this 12th day
of March, 1971.

/s/ ALICE WOOD GOUGH
Essex County Clerk

[SEAL]

(51830)