

Project.

3. Condition No. 7 of the Permit required that commercial extraction from the Project cease no later than October 15, 2010.
4. Condition No. 6 of the Permit required that the northern, southern and western sideslopes of the Project be fully reclaimed no later than October 15, 2010.
5. Condition No. 33 of the Permit required Respondent to seek an extension of the dates for ceasing commercial operation and/or reclaiming mined land on the Project.
6. Respondent continued commercial operations after October 15, 2010, failed to reclaim the Project by October 15, 2010, and failed to seek an extension for either requirement, in violation of Permit Conditions Nos. 6, 7 and 33.
7. Such violations have been continuous since October 16, 2010.
8. Respondent avers that any violations of the Permit were unintentional and inadvertent.

ORDER

Having found that Respondent has committed a violation as defined in 10 V.S.A. § 8002(9), **it is hereby ORDERED:**

A) The Respondent shall pay a total penalty of **EIGHT THOUSAND FIVE HUNDRED AND EIGHT DOLLARS (\$8,508.00.)** of which Two Thousand and Eight Dollars (\$2,008.00) represents the recapture of economic benefit resulting from the violations pursuant to 10 V.S.A. § 8010(c)(2), within thirty (30) calendar days of the receipt of this Order. Payment shall be by check payable to the "Treasurer, State of Vermont" and forwarded to:

Denise Wheeler, Business Manager
Natural Resources Board
National Life Records Center Building
National Life Drive
Montpelier, Vermont 05620-3201

B) Any payment by the Respondent pursuant to this paragraph is made to resolve the violation set forth in this Order and shall not be considered to be a charitable contribution, business expense, or other deductible expense under the federal or state tax codes. Respondent shall not deduct, nor attempt to deduct, any payments, penalties, contributions or other expenditures required by this Order from Respondent's state or federal taxes.

C) Respondent shall comply with Land Use Permit 1R0387-2. **By December 23, 2010** the Respondent shall complete the grading portion of the reclamation procedures found on the following plans:

Site Plan, Casella Construction, Inc., Rowe Gravel Pit
"Proposed Grading and Reclamation Plan", Sheet 2 of 3,
prepared by Sanborn Head and Associates, August 2000.

Site Plan, Casella Construction, Inc., Rowe Gravel Pit
"Miscellaneous Details", Sheet 3 of 3, prepared by Sanborn
Head and Associates, August 2000.

By June 17, 2011 the Respondent shall complete the Remaining portions of the reclamation procedures found on the following plans:

Site Plan, Casella Construction, Inc., Rowe Gravel Pit
"Proposed Grading and Reclamation Plan", Sheet 2 of 3,
prepared by Sanborn Head and Associates, August 2000.

Site Plan, Casella Construction, Inc., Rowe Gravel Pit
"Miscellaneous Details", Sheet 3 of 3, prepared by Sanborn
Head and Associates, August 2000.

D) Respondent shall consult with the Vermont Agency of Natural Resources Department of Environmental Conservation Water Quality Division and obtain any permits required under the federal Clean Water Act and/or Chapter 47 Title 10 of Vermont Statutes.

E) Notwithstanding Paragraph "D" above, this Order pertains only to Respondent's violations of Act 250, 10 V.S.A. Chapter 151, and does not relieve Respondent of its obligations and/or liability with respect to any other applicable laws or regulations, including without limitation any law or regulations administered and/or enforced by the Vermont Agency of Natural Resources.

RESPONDENT'S RIGHT TO A HEARING BEFORE THE SUPERIOR COURT ENVIRONMENTAL DIVISION

Pursuant to 10 V.S.A. § 8012, any Respondent has the right to request a hearing before the Superior Court Environmental Division concerning this Administrative Order, if such Respondent files a Notice of Request for Hearing within **fifteen (15) days** of the date the Respondent receives this Administrative Order. The Notice of Request for Hearing must be filed with both the Land Use Panel and the Superior Court Environmental Division

at the following addresses:

Natural Resources Board, Land Use Panel
c/o Mark Lucas, Associate General Counsel
National Life Records Center Building
National Life Drive
Montpelier, VT 05620-3201

Clerk, Superior Court
Environmental Division
2418 Airport Road
Barre, VT 05641

EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER

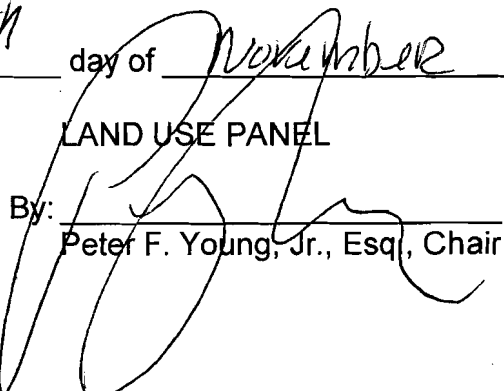
This Administrative Order shall become effective as to a Respondent on the date it is received by such Respondent unless that Respondent files a Notice of Request for Hearing within **fifteen (15) days** of receipt as provided for in the previous section hereof. The timely filing of a Notice of Request for Hearing by such Respondent shall stay the provisions (including any penalty provisions) of this Administrative Order as to that Respondent pending a hearing by the Superior Court Environmental Division. If a Respondent does not timely file a Notice of Request for a Hearing, this Administrative Order shall become a Judicial Order when filed with and signed by the Superior Court Environmental Division. 10 V.S.A. § 8008(d).

COMPLIANCE WITH A JUDICIAL ORDER

If this Administrative Order becomes a Judicial Order and a Respondent fails or refuses to comply with the conditions of that Judicial Order, the Land Use Panel shall have cause to initiate an enforcement action against such Respondent pursuant to the provisions of 10 V.S.A. Chapters 201 and 211 and/or seek an order holding Respondent in contempt of court for violation of a judicial order or such other and further remedies as may be allowable at law or equity.

Dated at Montpelier, Vermont, this 15TH day of November, 2010

LAND USE PANEL

By: 
Peter F. Young, Jr., Esq., Chair

