

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

MERITS ORDER

Natural Resources Board,
Petitioner

v.

Fuster Trucking, Inc.,
Respondent

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Citation # 1300920

FILED

FEB - 5 2014

FINDINGS

VERMONT
SUPERIOR COURT
ENVIRONMENTAL DIVISION

A civil citation was filed with the Environmental Division on: 1/10/2014

- The Investigating Officer amended the citation
- Respondent filed a response of admitted or no contest
- Due to the Respondent's timely request, a hearing was held in the Environmental Division on 1/27/2014

The following persons were present:

- Investigating Officer for Petitioner with attorneys, Peter Gill and Ron Shems.
- Respondent, through its officers, Joseph R. Fuster (president) and Patricia A. Fuster (treasurer). No attorney appeared on the Respondent's behalf.

ORDER

- Complaint dismissed
 - Investigating Officer failed to appear
 - Investigating Officer's motion to dismiss is granted
- Judgment for the Respondent based upon the evidence.
- Judgment for the Petitioner
 - Based upon the evidence that Respondent completed improvements to an access road (Diablo Lane) without first applying for or receiving a necessary Act 250 permit.
 - Based on Respondent's plea
 - Admitted No Contest
 - Respondent failed to appear

The Court assessed the following penalty against the Respondent: total of \$1,250.00, payable immediately.


Thomas S. Durkin, Environmental Judge

February 5 2014



Natural Resources Board
Civil Citation - 10 V.S.A. §8019

Respondent Full Name of Organization Name: Fuster Trucking, Inc. Citation Number: 13EC00920
Respondent Current Mailing Address: 4477 Route 100 North VC: NR 117
City/Town: Pittsfield State: VT Zip Code: 5762
Home Phone: 802-746-8085 Business Phone: Date of Birth: / / M F

Respondent did commit the following acts in violation of Vermont Law, Statute, Rule, or Permit:

Violation Citation: Minor violation of Act 250 or Act 250 Rule (Failure to obtain permit under 10 V.S.A. §6081(a) and Act 250 Rule 34(B))

Violation Description: Commencement of development without a Land Use Permit because Respondent operated a commercial water hauling transfer station on greater than ten acres of land, and replaced wooden posts at the corners of an existing driveway with "breakaway" metal posts, extended a culvert under the driveway, and placed approximately 0.5 yards of gravel on the driveway prior to obtaining a Land Use Permit.

Location of Violation: 39 Diablo Lane, Pittsfield, VT 05762 Date Violation Observed/Occurred: June 2012

Penalties: If you plead ADMITTED or NO CONTEST, you may pay the waiver amount instead of appearing in court. If you plead DENIED and the State proves the violation, the penalty must be within the penalty range plus any court costs.

Penalty Amounts: Minimum \$ 450 Maximum \$ 2000
Assessed \$ 1500 Waiver Amount \$ 1050

Delivered to (Resp., Reg. Agent, or Corp. Officer):

Date Serve: 12/19/13 By Hand U.S. Mail Investigator's Dept: ANR NBB

Issuing Investigator Printed Name: Aaron J. Brondyke Investigator's Signature: [Signature]

Public Notice & Opportunity to Comment:

I certify that a draft of this civil citation has been posted for public notice and written comment for a period of 30 days

Comments were received and are attached No comments were received

Service Members Civil Relief Act Affidavit: Under oath, I state Respondent is NOT on active duty in the U.S. armed forces because: Respondent is under 17 years of age Respondent is a Business

Respondent said he/she is not on active duty in the U.S. armed forces Other

Issuing Investigator Printed Name: Aaron J. Brondyke Investigator's Signature: [Signature]

Subscribed and sworn before me, Notary: Karen G. Dupont Date: 12/18/13

State of Vermont, County: Washington My Commission Expires: 04/10/15

Respondent's Plea to this Civil Citation

Mark ("X") your plea: Admitted No Contest Denied

Respondent or Corporate Officer Signature: Joseph Fuster Date: 1-21-14

Current Mailing Address: P.O. Box 764

City/Town: PITTSFIELD State: VT Zip Code: 05762

Home Phone: 802-746-8085 Business Phone

Deliver your plea in person or by mail to: Vermont Superior Court Environmental Division 2418 Airport Road, Suite 1 Berlin, VT 05641-8701

