

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. §§ 6001-6092

RE: Roger and Erma Rowe and Casella Construction, Inc.
Land Use Permit #1R0387-EB (Revocation)
Docket # 807

MEMORANDUM OF DECISION

This matter comes before the Vermont Environmental Board (Board) on a Motion for Stay (Motion) filed pursuant to 10 V.S.A. § 6086(f) and Environmental Board Rule 42 by the Petitioners. The Board deliberated on the Motion on April 17 and May 1, 2002. The Board grants the parties joint request for additional time for filing additional information. This Memorandum of Decision modifies the Board's April 19, 2002 Memorandum of Decision and the terms defined in the April 19, 2002 Memorandum of Decision are used herein without definition.

I. DISCUSSION

In an April 19, 2002 Memorandum of Decision, the Board ordered the following:

1. **On or before Thursday, May 2, 2002**, Applicants shall file with the Board a certification that Applicants are in compliance with the Original Permit, the Board's 1988 Revocation Order, and the Amended Permit. If Applicants can not certify that they are in full compliance with the Original Permit, the Board's 1988 Revocation Order, and the Amended Permit, then Applicants' shall certify the extent to which they are in compliance with the Original Permit, the Board's 1988 Revocation Order, and the Amended Permit and shall also certify and provide details of all requirements or conditions for which they are not in compliance, including a schedule for when compliance will be achieved.

Applicants' certification shall also include the extent of reclamation performed to date, the extent of reclamation yet to be completed, the extent of continuing extraction and whether or not extraction activities are in compliance with the permits and the Board's 1988 Revocation Order.

2. **On or before Thursday, May 9, 2002**, Petitioners may file a reply

to Applicants' certification of compliance.

3. The Board will again deliberate on the Motion for Stay on Wednesday, May 15, 2002.

On April 29, 2002, the Petitioners and Applicants filed a joint request for extensions of time to file the certification of compliance and reply thereto. The parties request that the certification of compliance be filed on or before Monday, May 13 and that the reply be filed on or before Monday, May 27, 2002. The basis for the extensions are in part to allow the parties to mediate the issues in this proceeding.

The Board deliberated on the extension request on May 1, 2002 and concluded that the extensions were warranted.

II. ORDER

1. The parties joint request for extensions is GRANTED.
2. The Board's April 19, 2002 Memorandum of Decision is revised as follows:

1. **On or before Monday, May 13, 2002**, Applicants shall file with the Board a certification that Applicants are in compliance with the Original Permit, the Board's 1988 Revocation Order, and the Amended Permit. If Applicants can not certify that they are in full compliance with the Original Permit, the Board's 1988 Revocation Order, and the Amended Permit, then Applicants' shall certify the extent to which they are in compliance with the Original Permit, the Board's 1988 Revocation Order, and the Amended Permit and shall also certify and provide details of all requirements or conditions for which they are not in compliance, including a schedule for when compliance will be achieved.

Applicants' certification shall also include the extent of reclamation performed to date, the extent of reclamation yet to be completed, the extent of continuing extraction and whether or not extraction

activities are in compliance with the permits and the Board's 1988 Revocation Order.

2. **On or before Monday, May 27, 2002**, Petitioners may file a reply to Applicants' certification of compliance.
3. The Board will deliberate again on the Motion for Stay on Wednesday, June 19, 2002.

Dated at Montpelier, Vermont this 3rd day of May, 2002.

ENVIRONMENTAL BOARD

_____/s/Marcy Harding_____
Marcy Harding, Chair
John Drake
Samuel Lloyd
Alice Olenick
Jean Richardson
Donald Sargent