

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

*Re: Twin State Sand and Gravel, Inc. Land Use Permits #3W0711,
#3W0711-EB and #3W0711-2
(Revocation)*

CHAIR'S PROPOSED DISMISSAL ORDER

This Chair's Proposed Dismissal Order is issued pursuant to the Findings of Fact, Conclusions of Law, and Order issued on August 27, 2002 (Order), and Environmental Board Rules (EBR) 16(B) and 18(D). The procedural history of this consolidated revocation proceeding is set forth in the Order, and terms defined in the Order are used herein without definition. For the reasons set forth below, the Chair proposes to dismiss this revocation proceeding.

The Order revoked Twin State's permits subject to an opportunity to cure. To cure in accordance with the Order, Twin State was required to file a certain report with the Commission by December 26, 2002. On December 30, 2002, counsel for Twin State filed a letter with the Board certifying that Twin State filed the report with the Commission on December 23, 2002, in accordance with the Order. It appears, therefore, that Twin State has cured the violation and this proceeding is ripe for dismissal.

ORDER

1. This petition for revocation is dismissed.
2. This Order is issued pursuant to Environmental Board Rule 16(B) and is binding on all parties unless a written objection to it, in whole or in part, is filed on or before **Thursday, January 23, 2002 at 4:30 p.m.** Any party who objects to this Order must file a written objection and supporting memorandum with the Board. A request for oral argument, pursuant to EBR 18(D), must be filed with any such objection, or the right to request oral argument shall be deemed to have been waived.
3. Any reply brief to an objection to this Order shall be filed on or before **Thursday, February 6, 2003 at 4:30 p.m.**
4. If an objection to this Order is filed, the Board will deliberate on the objection on Wednesday, February 19, 2003. Also, if oral argument is requested, the Board will hear oral argument (limited to 10 minutes from each party) prior to deliberations, on **Wednesday, February 19, 2003 at 11:00 a.m.** at the Board's office at the National Life Records Center Building, Montpelier, Vermont.

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5. If no objection is filed by January 23, 2003, a dismissal order will be issued.

DATED at Montpelier, Vermont this 10th day of January, 2003.

ENVIRONMENTAL BOARD

/s/Marcy Harding
Marcy Harding, Chair