

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)*

DISMISSAL ORDER

This Dismissal Order is issued pursuant to the Findings of Fact, Conclusions of Law, and Order issued on August 27, 2002 (Revocation Order), and Environmental Board Rule (EBR)18. The procedural history of this consolidated revocation proceeding is set forth in the Revocation Order, and terms defined in the Revocation Order are used herein without definition.

Chair Harding issued a Proposed Dismissal Order on January 10, 2003, based upon the timely certification by Twin State that it had "filed a report with the Commission . . . in accordance with the [Revocation Order]." Twin State also represented that it had filed a joint application with the Greater Upper Valley Solid Waste Management District for a new access road to Route 5. The Town of Hartford objects, arguing that Twin State's amendment application is insufficient to comply with the Board's order.

The Board's Revocation Order required Twin State to "report to the Commission with a proposal to reduce truck traffic in the residential and downtown areas within 90 days of the date that this decision becomes final," and required Twin State to certify to the Board that this report was made. (Revocation Order at 28.) The Revocation Order also provided that the report could take the form of a complete amendment application. (*Id.* at 27-28.)

The Town of Hartford does not dispute that Twin State filed a complete amendment application with the Commission in a timely manner, and that Twin State filed timely certification with the Board. Instead, the Town of Hartford argues that Twin State's amendment application is insufficient because it was filed unilaterally, without consultation with the Town or Neighbors, does not include any time frame or proposal to reduce traffic in the interim and is highly contingent; and does not propose a rail spur or other alternative way to reduce traffic, or improvements to South Main Street and Connecticut River Road.

The Revocation Order allowed Twin State to cure the failure-to-report violation by reporting to the Commission with a proposal to minimize truck traffic on Connecticut River Road and South Main Street. (*Id.* at 27-28.) It did not require that the parties agree to Twin State's proposal, or require that the proposal include the rail spur or road improvements. The Commission shall consider the substance of the amendment application, including the time frame in which the proposed traffic reductions will take effect.

Twin State has complied with the Revocation Order, and dismissal of the revocation petition is appropriate.

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

ORDER

This petition for revocation is DISMISSED.

DATED at Montpelier, Vermont this 28th day of February, 2003.

ENVIRONMENTAL BOARD

/s/Marcy Harding
Marcy Harding, Acting Chair
Jill Broderick
Rebecca Day
John Drake
George Holland
Alice Olenick