

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

MERITS ORDER

Natural Resources Board,
Petitioner

v.

Fuster Trucking, Inc.,
Respondent

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Citation # 1300923

FILED

FEB - 5 2014

VERMONT
SUPERIOR COURT
ENVIRONMENTAL DIVISION

FINDINGS

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
- Judgment for the Respondent based upon the evidence.
- Judgment for the Petitioner
 - Based upon the evidence that Respondent has failed to complete improvements to an access road (Diablo Lane) in conformance with Condition 6 of Act 250 Permit No..
 - 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, provided that if road work completed in conformance with Condition 6 by April 30, 2014 (or any extension granted prior to that date), fine reduced to \$500.00. In any event fine to be paid by April 30, 2014.


Thomas S. Durkin, Environmental Judge

February 5, 2014

FILED



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

Respondent Name of Organization Name: Fuster Trucking, Inc.

Citation Number: 13EC00923

Respondent Current Mailing Address: 4477 Route 100 North

VC: NR 117

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

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

Violation Description: Violation of Permit condition 6, which required Respondent to complete any required modifications to the access road prior to October 1, 2013.

Location of Violation: 39 Diablo Lane, Pittsfield, VT 05762 Date Violation Observed/Occurred: October 17, 2013

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 \$ 2000 Waiver Amount \$ 1500

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

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

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: [Signature] Date: 12/18/13

State of Vermont, County: Washington My Commission Expires: 02/10/15

Respondent's Plea to this Civil Citation

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

Respondent or Corporate Officer Signature: [Signature] Date: 1-4-14

Current Mailing Address: P.O. Box 7651

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

Home Phone Business Phone 802-746-8085

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

