

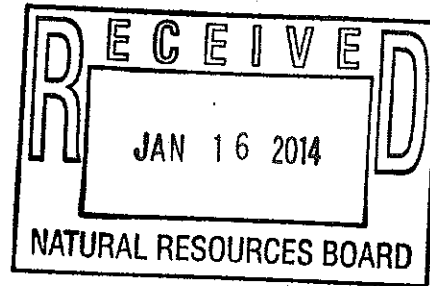
HARRISON CONCRETE CONST. INC.

P.O. Box 2098 • Georgia, Vermont 05468
www.harrisonconcreteinc.com

KEVIN J. HARRISON, President
JAMES A. HARRISON, Vice President
JANET A. HARRISON, Vice President

December 23, 2013

RE: Reissuance of civil citation 13EC00925
TO: Aaron J. Brondyke
From: James A. Harrison



Mr. Brondyke:

Let me introduce myself as the founder and still active member of the Harrison companies located in Georgia, Vermont. As noted by your first and second issuance of the proposed citation. I would like for you to consider my input on this subject.

Violation description – issuance #1 “repeated operating beyond permitted hours of operation” 21 occurrences between 4/30 and 6/21/2013. Issuance #2 – “operating and cleaning mixer trucks and other construction vehicles on the premises outside of permitted hours of operation.

It is our contention that basically there are three distinct and separate procedures that take place with any ready mix concrete plant operation (and actually with most any business that sells and delivers a product).

- 1) First and foremost we have the operation of the plant which entails the loading and shipping of our concrete product. We contend that this is our hours of operation.
- 2) Stocking of the shelves. As in most any business (such as but not limited to the local gas stations, stores at the mall, etc. We all have to take deliveries of products to re-stock and get ready for the next business day. This sounds simple, but it is needed for most any business to operate. These deliveries of incoming supplies come from various parts of the east coast and Canada. We do try and get most all deliveries incoming to happen during our business hours but occasionally with all that can impact on schedules we may have an incoming happen outside the 6:00 to 6:00 operating hours. We feel this is an aspect of most any business that operates.
- 3) Maintenance of equipment and site. From the issuance of the NRB citation it would appear that it is the board’s contention that there can be “no activity” by Harrison personnel outside of the 6:00 a.m. to 6:00 p.m. hours of operation. Really?? Again really? So, it appears no cleaning of trucks, etc. no stocking of shelves after these hours? Really?? So apparently according to your issuance, no re-fueling of trucks to ready for next day’s operation, no shop work to repair mixer trucks, no snow plowing, no garbage pickup by our rubbish contractor outside of the operating hours of operation of 6:00 a.m. to 6:00 p.m. Really?? Really??

It is also our contention that the concrete ready mix operation and delivery of this product is very unique in itself due to the shortness of the “shelf life” that is being delivered and also the fact that concrete placements cannot be stopped and started at will but only according to the engineered plan that is relative to each individual job (please note the enclosed letter from the state of Vermont testing lab personnel alluding to concrete placements and not being able to stop a placement only when a

(802) 849-6688

FAX (802) 849-9768



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KEVIN J. HARRISON, President
JAMES A. HARRISON, Vice President
JANET A. HARRISON, Vice President

certain portion is complete). This pertains to most any concrete placement and not just the state of Vermont projects.

It is our contention that "hours of operation" pertain to the loading and shipping of the concrete product. Jobs that are started need to be finished. The cleaning of trucks, stocking of the shelves, etc. (as in any other type of business) maintaining of the grounds, etc. are not to be construed to be tasks that need to happen during the above mentioned "hours of operation".

Please take my above thoughts and information into advisement regarding your proposed citation going forward.

Thank you,
Jim Harrison

(802) 849-6688

FAX (802) 849-9768



State of Vermont
Materials and Research Lab
2178 Airport Road, Unit B
Berlin, VT 05641-8628
www.aot.state.vt.us

Agency of Transportation

[phone] 802-828-2561
[fax] 802-828-2792
[ttd] 800-253-0191

November 13, 2013

Ben Drury
Harrison Redi-Mix
P.O. Box 2098
Georgia VT 05468

RE: Completion of concrete placement once started

Dear Mr. Drury:

This letter is in response to our phone conversation on November 12, 2013 regarding your inquiry about suspension of concrete placement. You asked if a concrete placement is started for the Vermont Agency of Transportation, must the placement be completed during that operation.

To answer your question, yes. Once a concrete placement is started, it shall be completed unless impossible to do so because of some sort of emergency or mechanical breakdown. The Vermont Agency of Transportation 2011 Standard Specifications for Construction, section 501.10 (c) page 5-41 states:

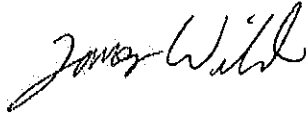
"The rate of placing the concrete shall be so regulated that no excessive stresses are placed on the forms. Concrete in all slabs, decks, girders, or ribs of arches shall be placed in one continuous operation, unless otherwise specified.

Concrete shall be placed in continuous horizontal layers, the thickness of which shall not exceed 450 mm (18 inches), unless otherwise directed by the Engineer. Each succeeding layer shall be placed before the underlying layer has taken initial set and shall be consolidated in a manner that will eliminate any line of separation between the layers. When it is necessary, by reason of any emergency, to place less than a complete horizontal layer at one operation, such layer shall terminate in a vertical bulkhead."

The contingent language unless otherwise specified is not intended to authorize suspension of work and creation of a "cold" joint. It is targeted to addressing very large pours or special circumstances in design. Hopefully this answers your question satisfactorily. If you have any further questions or require additional information, please feel free to contact me, Jim Wild, at (802) 828-6931. Thank you.



Sincerely,



James Wild, E.I.
Composite Materials Engineer

Enclosures

C: Jim Wild, Composite Materials Engineer
Jeremy Reed, Construction Structures Engineer



NATURAL RESOURCES BOARD
Dewey Building
National Life Drive
Montpelier, Vermont 05620-3201

November 5, 2013

Harrison Concrete
PO Box 2090
Georgia, VT 05468

#1

Re: Issuance of Civil Citation

To whom it may concern:

This letter is to notify you that pursuant to 10 V.S.A. §8019, the Natural Resources Board (Board) intends to issue you a Civil Citation. A proposed citation is attached and requires no action at this time.

In accordance with 10 V.S.A. §8020, a copy of the proposed citation will be posted on the Board's website for the 30-day public notice and comment period. At the conclusion of the 30-day period, the Board will evaluate the proposed citation pursuant to any written comments received, and either issue, modify, or withdraw it. If a citation is issued, it will include the instructions for pleading and information about the citation process that are provided on page 2 of the attached proposed citation.

The Board's Public enforcement comment webpage can be found at:
<http://www.nrb.state.vt.us/lup/proposedorders.htm>.

Sincerely,

Aaron J. Brondyke
Act 250 Permit Compliance Officer

Enclosure

cc (via email):
Peter Gill, Associate General Counsel
Natural Resources Board

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

Respondent Full Name or Organization Name: Harrison Concrete Citation Number: 13EC00925
Respondent Current Mailing Address: PO Box 2098 VC: NR116
City/Town: Georgia State: VT Zip Code: 05468
Home Phone: Business Phone: 802-849-6688 Date of Birth: / / M F

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

Violation Citation: De minimis violation of an Act 250 Land Use Permit
Violation Description: Respondent failed to abide by condition 10 of Land Use Permit 6F0533-2 by repeatedly operating beyond permitted hours of operation
Location of Violation: Georgia Date Violation Observed/Occurred: 21 occurrences between 4/30 and 6/21/2013

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 \$300 Maximum \$ 1500
Assessed \$1200 Waiver Amount \$900

Delivered to (Resp., Reg. Agent, or Corp. Officer):
Date Served: 0/0/2013 By Hand U.S. Mail Investigator's Dept.: ANR NRB

Issuing Investigator Printed Name: Aaron J. Brondyke Investigator's 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:

Subscribed and sworn before me, Notary: Date: / /

State of Vermont, County: My Commission Expires: / /

Respondent's Plea to this Civil Citation

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

Respondent or Corporate Officer Signature: Date:

Current Mailing Address:

City/Town: State: Zip Code:

Home Phone 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



GENERAL INFORMATION
KEEP THIS PAGE FOR REFERENCE

BACKGROUND

You are charged with a civil violation within the jurisdiction of the Superior Court Environmental Division of Vermont pursuant to 10 V.S.A. Section 8019. The Environmental Division is designed to allow you to speak for yourself without an attorney, but you may hire an attorney at your own expense. The Environmental Division will not provide an attorney to you, and its staff will not provide legal advice to you.

If you plead "ADMITTED" or "NO CONTEST" to the alleged violation, then you may waive your right to appear in Court and pay the waiver amount.

If you plead "DENIED" to the alleged violation, then you will be scheduled to appear in court at least once. A corporation must have an attorney or corporate officer (i.e. president, vice president) appear in court. A minor should be accompanied by a parent or legal guardian.

The trial is a summary hearing without a jury. You and the State may offer testimony and exhibits into evidence. All witnesses must appear in person and testify truthfully under oath. Written statements usually are excluded from evidence.

The issuer of the citation will serve as the prosecutor unless an attorney for the state is present to prosecute the case. The judge will not discuss the case with you or the prosecutor, except in Court at a hearing. The judge does not have authority to issue a 'warning,' even when leniency is appropriate. The decision to issue a warning, rather than file a citation, rests with the prosecutor.

The burden of proof is on the State to prove the violation by a preponderance of the evidence, which is defined as the violation is more likely to have occurred than not. If the State satisfies the burden of proof, then judgment will be entered against you. If the State fails to meet the burden of proof, the case will be dismissed.

Most decisions are delivered orally in Court at the end of the hearing, but some decisions are issued in writing and mailed to the parties. Occasionally, more than one hearing is required for the judge to reach a decision.

PLEADING

If you plead "ADMITTED" or "NO CONTEST": Mark your plea and sign at the bottom of the Citation. Deliver your plea to the Environmental Division within 15 days with payment of the WAIVER AMOUNT shown on the citation. Pay by check or money order in U.S. funds (make checks payable to SUPERIOR COURT ENVIRONMENTAL DIVISION). Judgment will then be entered against you.

If you plead "DENIED": Mark your plea and sign at the bottom of the citation. Deliver your plea to the Environmental Division within 15 days. You will then be scheduled to appear in court.

YOU MUST DELIVER A PLEA WITHIN 15 DAYS: otherwise, judgment will be entered against you by default, and you will be liable for the ASSESSED AMOUNT.

COPYING ALL PARTIES

Any other pleading, letter, motion, or other correspondence sent to the Environmental Division related to a civil citation must also be sent to the Natural Resources Board. The Environmental Division intends to digitally scan all written correspondence. Thus, letters and motions should

be typed on white letter-size paper (8 1/2 in. by 11 in.) and signed in black or dark blue ink.

FAILURE TO PAY AND/OR CORRECT THE VIOLATION

If judgment is entered against you and you fail to pay the penalty amount, and/or fail to correct the subject violation, your ability to obtain or operate under any Agency of Natural Resources or Natural Resources Board permit may be affected.

APPEARANCE BY THIRD PARTIES

Under state law (10 V.S.A. Section 8020), a third party may file a request with the Environmental Division to be heard on the sufficiency of the civil citation. If a request is filed, and the Environmental Division decides to allow the third party to appear, you will be notified and given the opportunity to respond.

ADDITIONAL ENFORCEMENT ACTION

By issuing a civil citation, the issuing entity will not be able to seek an additional penalty for the violation specified in the citation if the waiver penalty is paid, judgment is entered after trial or appeal, or a default judgment is entered. However, the issuing entity may issue additional civil citations or take other enforcement action authorized by law when a violation is continuing or is repeated. It may also bring an enforcement action to obtain injunctive relief or remediation, and may recover the costs of bringing that action and any economic benefit obtained as a result of the underlying violation as authorized by law.

Vermont Superior Court Environmental Division

Vermont Superior Court, Environmental Division is open Monday through Friday, except holidays, between 8:00 a.m. and 4:30 p.m.

Vermont Superior Court Environmental Division
2418 Airport Road Suite 1
Berlin, VT 05641-8701
(802) 828-1660
www.vermontjudiciary.org

Natural Resources Board

The Natural Resources Board is open Monday through Friday, except holidays, between 8:00 a.m. and 4:30 p.m.

Natural Resources Board
1 National Life Drive, Dewey Building
Montpelier, VT 05620-3201
(802) 828-3309
<http://www.nrb.state.vt.us/lup/enforcement.htm>





NATURAL RESOURCES BOARD
Dewey Building
National Life Drive
Montpelier, Vermont 05620-3201

December 19, 2013

Harrison Concrete
PO Box 2090
Georgia, VT 05468

#2

Re: Reissuance of Civil Citation 13EC00925

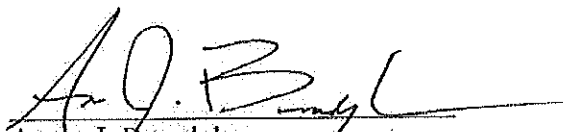
To whom it may concern:

This letter is to notify you that pursuant to 10 V.S.A. §8019, the Natural Resources Board (Board) intends to reissue this Civil Citation. A proposed citation is attached and requires no action at this time.

In accordance with 10 V.S.A. §8020, a copy of the proposed citation will be posted on the Board's website for the 30-day public notice and comment period. At the conclusion of the 30-day period, the Board will evaluate the proposed citation pursuant to any written comments received, and either issue, modify, or withdraw it. If a citation is issued, it will include the instructions for pleading and information about the citation process that are provided on page 2 of the attached proposed citation.

The Board's Public enforcement comment webpage can be found at:
<http://www.nrb.state.vt.us/lup/proposedorders.htm>.

Sincerely,


Aaron J. Brondyke
Act 250 Permit Compliance Officer

Enclosure

cc (via email):
Peter Gill, Associate General Counsel
Natural Resources Board

y:\nrb\nrb - shared\enforcement\cases\open cases\harrison concrete - georgia\abhc 121813 reissue citation ltr.docx





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

Respondent Full Name or Organization Name: Harrison Concrete

Citation Number: 13EC00925

Respondent Current Mailing Address: PO Box 2098

VC: NR116

City/Town: Georgia State: VT Zip Code: 05468

Home Phone: Business Phone: 802-849-6688 Date of Birth: M F

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

Violation Citation: De minimis violation of an Act 250 Land Use Permit

Violation Description: Respondent failed to abide by condition 10 of Land Use Permit 6F0533-2 by operating and cleaning mixer trucks and other construction vehicles on the premises outside of permitted hours of operation.

Location of Violation: Georgia Date Violation Observed/Occurred: Numerous occurrences between 4/30 & 9/14/2013

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 \$300 Maximum \$1500
Assessed \$1200 Waiver Amount \$900

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

Date Served: 12/19/2013 By Hand U.S. Mail Investigator's Dept.: ANR NRB

Issuing Investigator Printed Name: Aaron J. Brondyke

Investigator's 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:

Subscribed and sworn before me, Notary: Date: / /

State of Vermont, County: My Commission Expires: / /

Respondent's Plea to this Civil Citation

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

Respondent or Corporate Officer Signature: Date:

Current Mailing Address:

City/Town: State: Zip Code:

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2418 Airport Road Suite 1
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(802) 828-1660
www.vermontjudiciary.org

Natural Resources Board

The Natural Resources Board is open Monday through Friday, except holidays, between 8:00 a.m. and 4:30 p.m.

Natural Resources Board
1 National Life Drive, Dewey Building
Montpelier, VT 05620-3201
(802) 828-3309
<http://www.nrb.state.vt.us/lup/enforcement.htm>

