

**STATE OF VERMONT
AGENCY OF NATURAL RESOURCES**

**ENVIRONMENTAL COURT
DOCKET NO.**

**SECRETARY, VERMONT AGENCY
OF NATURAL RESOURCES,
Plaintiff**

v.

**BRUCE HAINES,
Respondent**

ADMINISTRATIVE ORDER

Having found that Bruce Haines (Respondent) has committed a violation as defined in 10 V.S.A. §8002(9), the Secretary (Secretary) of the Agency of Natural Resources (Agency), pursuant to the authority set forth in 10 V.S.A. §8008, hereby issues the following Administrative Order:

VIOLATIONS

1. 10 V.S.A. § 1259(a): Discharge to waters of the State without a permit.

STATEMENT OF FACTS

1. Respondent owns property located on Graniteville Road and Baptist Street in Williamstown, Vermont (the property). Cold Spring Brook runs through the property and is a water of the State.
2. On April 12, 2004, Environmental Enforcement Officer (EEO) Patrick Nevers responded to a discharge complaint at the property.
3. During the visit, EEO Nevers observed that Respondent had directed his contractor to excavate a ditch across the brook in order to install a septic force main (the force main excavation).
4. No erosion controls were in place and the force main excavation activity was causing a discharge of sediment into the brook.
5. Upon further investigation, EEO Nevers observed turbid water and siltation from the force main excavation activity approximately 500 feet downstream.

6. On May 3, 2004, EEO Nevers revisited the property and observed that Respondent installed some erosion controls however these controls were inadequate and improperly installed.
7. By discharging sediment to Cold Spring Brook without a permit, Respondent violated 10 V.S.A. §1259(a).
8. Respondent has since stabilized the area and no additional work is necessary to prevent future violations.

ORDER

Upon receipt of this Administrative Order, the Respondent shall:

- A. Pay a penalty of \$3,500 within thirty (30) consecutive calendar days. Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:

Becky Buchanan, Administrative Assistant
Environmental Enforcement Division
Agency of Natural Resources
103 South Main Street, 2 South
Waterbury, VT 05671-0401

The above penalty amount may not necessarily include all the costs incurred by the Secretary for the enforcement of the above described violation(s) or the full amount of economic benefit gained by the Respondent from the violation(s). The Secretary reserves the right to augment the above stated penalty through evidence presented at hearing. In accordance with 10 V.S.A. §8010, the penalty may be increased by the total costs incurred by the Secretary for the enforcement of this matter and by the total amount of economic benefit gained by the Respondent from the violation(s), each according to proof at the hearing.

RESPONDENT'S RIGHT TO A HEARING

BEFORE THE ENVIRONMENTAL COURT

The Respondent has the right to request a hearing on this Administrative Order before the Environmental Court under 10 V.S.A. §8012 by filing a Notice of Request for Hearing within fifteen (15) days of the date the Respondent receives this

Administrative Order. The Respondent must timely file a Notice of Request for Hearing with both the Secretary and the Environmental Court at the following addresses:

1. Secretary, Agency of Natural Resources
c/o: Enforcement Division, 2 South
103 South Main Street
Waterbury, Vermont 05671-0411
2. Clerk, Environmental Court
2418 Airport Road, Suite 1
Barre, VT 05641-8701

EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER

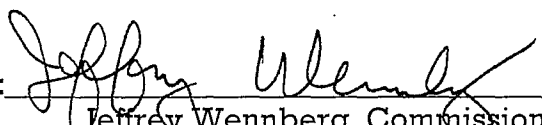
This Administrative Order shall become effective on the date it is received by the Respondent unless the Respondent files a Notice of Request for Hearing within fifteen (15) days of receipt as provided for in the previous section hereof. The timely filing of a Notice of Request for Hearing by the Respondent shall stay the provisions (including any penalty provisions) of this Administrative Order pending a hearing by the Environmental Court. If the Respondent does not make a timely filing of a Notice of Request for Hearing, this Administrative Order shall become a final Administrative Order.

COMPLIANCE WITH THIS ADMINISTRATIVE ORDER

If the Respondent fails or refuses to comply with the conditions of a final Administrative Order, the Secretary shall have cause to initiate an enforcement action against the Respondent pursuant to the provisions of 10 V.S.A. Chapters 201 and 211.

Dated at Waterbury, Vermont this 18th day of November, 2005.

SECRETARY, VERMONT AGENCY OF NATURAL RESOURCES

By: 
Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

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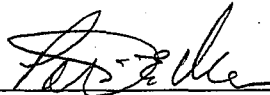
BRUCE HAINES,
Respondent

Affidavit of Patrick Nevers

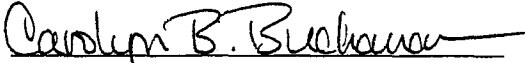
I, Patrick Nevers, being duly sworn do attest:

1. I am of legal age and a resident of the State of Vermont.
2. I am employed as an Environmental Enforcement Officer in the Enforcement Division of the Agency of Natural Resources.
3. Based upon personal observations and conversations with witnesses, the violations described in the Statement of Facts section of the above-entitled Administrative Order occurred during the time periods set forth therein.

Dated at Waterbury, Vermont this 15th day of November, 2005.


Patrick Nevers - Affiant

Subscribed and sworn before me on the 15th of November, 2005.


Notary Public

My Commission Expires: 2-10-07