

STATE OF VERMONT
SUPERIOR COURT
ENVIRONMENTAL DIVISION

Agency of Natural Resources,)
Petitioner,)
)
v.)
)
Meadowcrest Campground, LLC,)
Respondent.)

Docket # 63-7-16 Vtec

FINDINGS

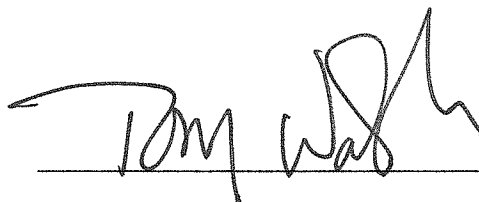
PURSUANT TO 10 V.S.A. §8008(d) THE COURT FINDS AS FOLLOWS:

1. The Administrative Order in this matter has been properly served on the Respondent(s) in accordance with 10 V.S.A. §8008(a).
2. The Respondent(s) has/have not timely requested a hearing in this matter in accordance with 10 V.S.A. §8008(b).
3. The order otherwise meets the requirements of 10 V.S.A. Chapter 201.

ORDER

By the Court's signature below, the Administrative Order in this matter, filed with the Superior Court, Environmental Division, on July 10, 2016, has become a final Judicial Order pursuant to 10 V.S.A. §8008(d)(2).

Dated this 21st day of July 2016.



Thomas G. Walsh
Environmental Judge

STATE OF VERMONT

SUPERIOR COURT

**ENVIRONMENTAL DIVISION
Docket No.**

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

v.

**MEADOWCREST CAMPGROUND, L.L.C.,
Respondent**

ADMINISTRATIVE ORDER

Having found that Meadowcrest Campground, L.L.C. (Respondent) has committed violations 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. Vermont Water Supply Rule (VWSR) Subchapter 21-6, §6.6 and 40 CFR §141.21: Failure to conduct water quality monitoring for coliform
2. VWSR Subchapter 21-6, §6.8 and 40 CFR §141.23: Failure to conduct water quality monitoring for nitrate
3. VWSR Subchapter 21-9, §9.1.1: Failure to submit results of water quality monitoring

STATEMENT OF FACTS

1. Respondent owns and operates the Meadowcrest Campground public Transient Non-Community (TNC) water supply system (the system) located in Marshfield, Vermont, SPAN #38111810391 (the property). The system serves approximately fifty-six (56) people through a one-bedroom house, twelve (12) travel-trailer sites and two (2) tent sites.
2. The system consists of a drilled well (Well 001) located in front of the one-bedroom house.
3. On March 15, 2011, Respondent received authorization from the Agency to operate the system under the General Operating Permit for Class 1A TNC Public Drinking Water Systems (the Permit).

4. VWSR Subchapter 21-6 and 40 CFR §141 requires a TNC to collect coliform samples for each calendar quarter. VWSR Subchapter 21-9 requires a TNC to submit the results of any test measurements or analysis required by 40 CFR §141.
5. The system is in operation from May through October and therefore is required to sample for total coliform during the second, third, and fourth calendar quarters.
6. Respondent failed to submit the results of coliform sampling for the second, third and fourth quarters of 2012.
7. The Agency issued Notice of Alleged Violations (NOAVs) on August 20, October 19, 2012 and January 28, 2013, notifying Respondent that the system had failed to submit the results of coliform sampling for the second, third and fourth quarters of 2012, respectively.
8. Respondent failed to submit the results of coliform sampling for the second and third quarters of 2013.
9. The Agency issued NOAVs on August 15 and November 26, 2013 notifying Respondent that the system had failed to submit the results of coliform sampling for the second and third quarters of 2013, respectively.
10. Respondent failed to submit the results of coliform sampling for the second, third and fourth quarters of 2014.
11. The Agency issued NOAVs on July 31, November 20, 2014 and February 19, 2015, notifying Respondent that the system had failed to submit the results of coliform sampling for the second, third and fourth quarters of 2014, respectively.
12. Respondent failed to submit the results of coliform sampling for the second, third and fourth quarters of 2015.
13. The Agency issued NOAVs on July 23, November 25, 2015 and February 24, 2016 notifying Respondent that the system had failed to submit the results of coliform sampling for the second, third and fourth quarters of 2015, respectively.
14. By failing to submit coliform sampling results for: the second, third and fourth quarters of 2012; the second and third quarters of 2013; the second, third and fourth quarters of 2014; and the second, third and fourth quarters of 2015, the Respondent violated VWSR Subchapter 21-6, §6.6.2, VWSR Subchapter 21-9, §9.1.1, and 40 CFR §141.21.

15. VWSR Subchapter 21-6 and 40 CFR §141 requires a TNC to collect a nitrate sample once per year. VWSR Subchapter 21-9 requires a TNC to submit the results of any test measurements or analysis required by 40 CFR §141.
16. Respondent failed to submit results for the 2013, 2014 and 2015 nitrate monitoring periods.
17. The Agency issued NOAVs on March 10, 2014, March 23, 2015 and March 2, 2016 notifying Respondent that the system had failed to submit results for the 2013, 2014 and 2015 nitrate monitoring periods, respectively.
18. By failing to submit results for the 2013, 2014, and 2015 nitrate monitoring periods, Respondent violated VWSR Subchapter 21-6, §6.8.1, VWSR Subchapter 21-9, §9.1.1, and 40 CFR §141.23.

ORDER

Upon receipt of this Administrative Order, the Respondent shall:

- A. Pay a penalty of \$9,000.00 no later than thirty (30) consecutive calendar days following the effective date of this Order. Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:

Administrative Assistant
Agency of Natural Resources
Environmental Compliance Division
1 National Life Drive, Davis 2
Montpelier, VT 05620-3803

The Secretary reserves the right to augment the above stated penalty based upon the evidence adduced at the hearing in this matter. The penalty may be increased by the total costs incurred by the Secretary for the enforcement of this matter, by the total amount of economic benefit gained by the Respondent from the violations(s) and by further consideration of any other component of penalty found in 10 V.S.A. §8010, each according to proof at hearing.

- B. No later than ten (10) consecutive calendar days following the effective date of this Order, Respondent shall perform the required coliform and nitrate monitoring.

- C. No later than fifteen (15) consecutive calendar days following the effective date of this Order, Respondent shall submit a copy of the coliform and nitrate monitoring results to the Drinking Water and Groundwater Protection Division (DWGPD).
- D. No later than thirty (30) consecutive calendar days following the effective date of this Order, Respondent shall issue the required public notice, with a copy to the DWGPD, informing users of the systems failure and Respondent's failure to monitor for chemical contaminants at the required intervals.
- E. No later than thirty (30) consecutive calendar days following the effective date of this Order, Respondent must submit a complete application to approve a Class 1A/1B Vermont Water System Operator to monitor the system.
- F. Respondent shall promptly respond to the directive and requests for information of DWGPD personnel within the timelines specified. Respondent shall comply with the VWSRs in the operation of its Water Supply System.

RESPONDENTS' 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 & Litigation Section,
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901
2. Clerk, Superior Court, Environmental Division
32 Cherry Street, 2nd Floor, Suite 303
Burlington, VT 05401

EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER

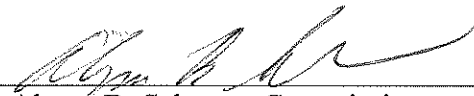
This Administrative Order shall become effective on the date it is received by the Respondent unless the Respondent files a Notice of Request for Hearing within fifteen (15) days of receipt as provided for in the previous section hereof. The timely filing of a Notice of Request for Hearing by the Respondent 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 Judicial Order when filed with and signed by the Environmental Court.

COMPLIANCE WITH THIS ADMINISTRATIVE ORDER

If the Respondent fails or refuses to comply with the conditions of a final Judicial Order, the Secretary shall have cause to initiate any further legal action against the Respondent including but not necessarily limited to, those available to the Secretary pursuant to the provisions of 10 V.S.A. Chapters 201 and 211.

Dated at Montpelier, Vermont this 11th day of May, 2016.

SECRETARY, VERMONT AGENCY OF NATURAL RESOURCES

By: 
Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

Docket No.

SECRETARY, VERMONT
AGENCY OF NATURAL RESOURCES,
Plaintiff

v.

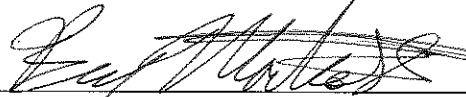
MEADOWCREST CAMPGROUND, L.L.C.,
Respondent

Affidavit of Benjamin Montross

I, Benjamin Montross, 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 Program Manager in the Drinking Water and Groundwater Protection 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 Montpelier, Vermont this 29th day of April, 2016.


Benjamin Montross - Affiant

Subscribed and sworn before me on the 29th of April, 2016.


Notary Public

My Commission Expires: 2/10/19