

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

Docket No. 33-3-16 Vtec.

SECRETARY, VERMONT AGENCY
OF NATURAL RESOURCES,
Plaintiff

v.

SOUTH VILLAGE OWNERS ASSOCIATION, INC.,
Respondent.

AMENDED JUDGMENT ORDER

This Court issued its original Judgment Order on October 17, 2016, after conducting a merits hearing on October 11, 2016. Respondent South Village Owners Association, Inc. ("SVOA"). Thereafter, SVOA filed its Motion for relief from Judgment, asserting as the principal reason for its requested relief that its registered agent had failed to notify SVOA of these proceedings.

Both the Vermont Agency of Natural Resources ("ANR") and SVOA have submitted supplemental filings that appear to memorialize that the parties have come to an agreement on the terms by which this Court should amend its Original Judgment Order. Based upon those filings, the Court does hereby **GRANT** SVOA's pending motion and issues this Amended Judgment Order to modify the injunctive and monetary relief granted to ANR in its original Judgment Order. The revised provisions are detailed below; all other provisions of the original Judgment Order of October 17, 2016 that are not specifically revised by this Amended Judgment Order shall remain in full force and effect.

- a. Respondent shall pay a penalty of **\$30,000.00** (Thirty Thousand Dollars) within ninety (90) consecutive calendar days from the date of this Amended Judgment Order. Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:

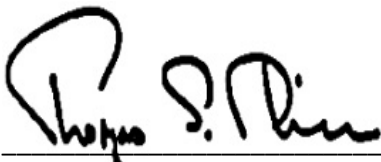
Administrative Assistant
Environmental Compliance Division
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3803

- b. SVOA shall complete all improvements to its public water supply systems directed by both its July 29, 2013 Public Community Water System Permit to Operate (“Permit”) and the applicable provisions of the Vermont Water Supply Rule (the “Rules”) no later than **Thursday, December 1, 2016**, as originally directed by ANR in Paragraph C on page 6 of the Administrative Order (“AO”) issued by the ANR Secretary on February 1, 2016.
- c. SVOA shall submit to ANR, no later than **Friday, December 16, 2016**, (i) a report verifying that all improvements authorized by the Permit have been completed and constructed pursuant to the Permit; and (ii) an O&M Manual for its public water supply systems.
- d. Paragraph 6(b), located on page 7 of the original Judgment Order, and the disclosure obligation thereunder, is hereby eliminated.

Rights of Appeal (10 V.S.A. §§8012(c)(4) and (5)):

WARNING: This Decision will become final if no appeal is requested **within 10 days of the date this Decision is received**. All parties to this proceeding have a right to appeal this Decision. The procedures for requesting an appeal are found in the Vermont Rules of Appellate Procedure (V.R.A.P.) subject to the Vermont Rules for Environmental Court Proceedings (V.R.E.C.P.) 4(d)(6). Within 10 days of receipt of this Order, any party seeking to file an appeal must file the notice of appeal with the Clerk of this Court, together with the applicable filing fee. Questions may be addressed to the Clerk of the Vermont Supreme Court, 111 State Street, Montpelier, VT 05609-0801, (802) 828-3276. An appeal to the Supreme Court operates as a stay of payment of a penalty, but does not stay any other aspect of an order issued by this Court. 10 V.S.A. §8013(d). A party may petition the Supreme Court for a stay under the provisions of V.R.C.P. 62 and V.R.A.P. 8.

Electronically signed on November 14, 2016 at Burlington, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Judge
Environmental Division

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

Docket No. 33-3-16 Vtec.

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

v.

**SOUTH VILLAGE OWNERS ASSOCIATION, INC.,
Respondent.**

JUDGMENT ORDER

The above-captioned matter concerns the prosecution of an Administrative Order issued by the Vermont Agency of Natural Resources (“Agency”) on February 1, 2016 against South Village Owners Association, Inc. (“Respondent”) based upon allegations that Respondent violated various provisions of both its July 29, 2013 Public Community Water System Permit to Operate (“Permit”) and Vermont’s Water Supply Rule (the “Rules”). On April 6, 2016, Respondent requested a hearing on the Administrative Order. The Court conducted the requested merits hearing on October 11, 2016. Respondent failed to appear and the Agency presented evidence during the one day of trial. At the conclusion of the Agency’s case, the Court rendered its Findings of Fact and Conclusions of Law on the record. This Judgment Order is issued to memorialize this Court’s order and decree. The court finds as follows:

1. Pursuant to 10 V.S.A. §8012(b), the Court hereby AFFIRMS the February 1, 2016 Administrative Order, with the modifications set forth herein, and concludes that Respondent violated:
 - a. Condition II.B.1 of the Permit by failing to timely submit an Operation and Maintenance (“O&M”) Manual to the Agency.
 - b. Conditions II.B.3 and IV.B of the Permit by failing to submit monthly operations reports as required.
 - c. Conditions II.B.4 and II.C of the Permit by failing to submit the required report identifying the status of the installation of a flow-paced disinfectant system.

- d. Conditions II.B.5 and II.C of the Permit by failing to submit the required report identifying the status of the installation of a redundant booster pump.
 - e. Conditions II.B.6 and II.C of the Permit by failing to submit the required report identifying the status of the necessary repairs to the pump house/treatment building.
 - f. Conditions II.B.7 and II.C of the Permit by failing to submit the required report identifying the status of the necessary hydrant color-coding.
 - g. Conditions II.B.9 and II.C of the Permit by failing to submit the required report identifying the status of the necessary grading around Well #12.
 - h. Rule § 4.0.1 by constructing improvements to a public community water system without a permit.
 - i. Rule §§ 10.5 and 10.5.1 by failing to submit consumer confidence reports.
2. The Court bases its conclusion that these violations occurred on the evidence presented at trial, the Findings of Fact and Conclusions of Law that the Court recited on the record after trial, and the following written findings of fact as required by 10 V.S.A. §8012(c).
- a. Respondent owns and operates the public community water systems serving the South Village Owners Association, which is located in Warren, Vermont near the Sugarbush ski resort (the "System").
 - b. The System serves no more than four hundred forty-five (445) people through seventy-three (73) year-round service connections.
 - c. Condition II.B of the Permit contains a compliance schedule setting forth certain actions Respondent was required to complete.
 - d. Condition II.C required Respondent to submit a report to the Drinking Water and Groundwater Protection Division (the "Division") within fifteen (15) days after the required compliance date indicating whether Respondent had completed the required actions. As of the trial date, Respondent filed no such report.
 - e. Condition II.B.1 required Respondent to submit an electronic copy of an O&M Manual to the Division for review and approval on or before February 1, 2014. As of the date of trial, Respondent had not submitted an O&M Manual to the Division.

- f. Conditions II.B.3 and IV.B. required Respondent to submit monthly operations reports no later than the 10th day of each month indicating the metered amount of water produced and the chlorine residual taken at the entry point to the distribution system for each day that a chemical disinfectant is applied. The last time Respondent submitted a monthly operation report was March 2014.
- g. Condition II.B.4 required Respondent to install a means of applying flow-paced chemical disinfectant on or before November 1, 2013. As of the date of trial, Respondent had not submitted a report confirming that it had done so, in violation of Condition II.C.
- h. Condition II.B.5 required Respondent to install a redundant booster pump in the upper pump station on or before January 1, 2014. As of the date of trial, Respondent had not submitted a report confirming that it had done so, in violation of Condition II.C.
- i. Condition II.B.6 required Respondent to make all necessary repairs to the pump house/treatment building in order to protect against rodent and insect infiltration on or before December 1, 2013. Ben Montross, the Division's Compliance and Support Services Section Chief, testified that although Respondent has constructed a new pump house/treatment building, Respondent is still using the older pump house/treatment building covered by this condition. In addition, as of the date of trial, Respondent had not submitted a report confirming that it had repaired that pump house/treatment building, in violation of Condition II.C.
- j. Condition II.B.7 required Respondent to complete color-coding of the flushing hydrants and inform the local fire department that the color-coded flushing hydrants are not to be used for fire protection on or before December 1, 2013. Mr. Montross testified that Respondent has color-coded the flushing hydrants, but failed to submit a reporting stating so by the deadline set forth in the Permit, in violation of Condition II.C.
- k. Condition II.B.9 required Respondent to re-grade the area around Well #12 using a backfill material of high clay content in order to reduce the potential for surface water collection around the well casing and contaminate the source on or before December 1, 2013. Mr. Montross testified that the area around Well #12 has been properly re-graded, but

Respondent failed to submit a reporting stating so by the deadline set forth in the Permit, in violation of Condition II.C.

- l. The Agency notified Respondent of these violations in a Notice of Alleged Violation dated April 16, 2014.
- m. On September 11, 2015, the Division issued Respondent a public water system construction permit to construct certain improvements to the System (the "Construction Permit"). Constructing these improvements will correct the violations of Conditions II.B.4, II.B.5, and II.B. 6 of the Permit. Respondent has failed to confirm for the Division that these improvements have been completed. On October 10, 2016, Division personnel inspected the System and confirmed that while some of the improvements authorized by the Construction Permit have been constructed, they have not been connected to the system and, therefore, the violations of Conditions II.B.4, II.B.5, and II.B. 6 of the Permit persist.
- n. Rule § 4.0.1 prohibits the construction, alteration, renovation, or conversion for use as a public or a non-public water system requiring a permit, of any system or any portion thereof, except as provided in Section 21-4.0.2., without first receiving a source permit or construction permit from the Secretary.
- o. On August 4, 2014, Respondent notified the Agency via email that it had installed one thousand five hundred feet (1,500) of new distribution lines, constructed a new pump house, and connected two wells to the System. Respondent did not obtain a construction permit prior to construction of these improvement in violation of Rule § 4.0.1.
- p. Rule §§ 10.5 and 10.5.1 require that all public community water suppliers prepare and directly deliver an annual consumer confidence report regarding the quality of the water by July 1 of each year to the customers of the water system based on the immediately preceding calendar year and that the report must be sent to the Agency no later than July 1 of each year. Mr. Montross testified that Respondent failed to submit consumer confidence reports to the Agency by July 1 in 2013, 2014, and 2015. The Agency notified Respondent of its failure to do so in 2014 in a September 10, 2015 Notice of Alleged Violation.

- q. On January 2, 2014, this Court entered as a judgment in a prior proceeding against Respondent an Assurance of Discontinuance between Respondent and the Agency of Natural Resources for previous violations of Vermont's environmental laws, rules, and regulations. See Docket No. 183-12-13 Vtec.
 - r. The Agency incurred at least \$78.08 in enforcement costs associated with serving the Administrative Order on Respondent.
3. Pursuant to 10 V.S.A. §8010, the Court considered the statutory criteria listed therein based on evidence provided during the trial in determining the amount of penalty for the violations and took the following into consideration:
- a. 8010(b)(1): Respondent's violations presented significant potential to result in serious impacts on public health, safety, welfare, and the environment. The source of these impacts includes, but is not limited to the possibility that the violations could result in a depletion of groundwater serving both the system and adjacent wells and the possibility that the water within the system could become either overly treated or under treated. Should the users of the System ingest overly treated water, they could suffer significant adverse health effects from such things as dermal irritation from contact with excessively chlorinated water. Should the users of the System ingest under treated water, they could suffer significant adverse health effects from such things as gastrointestinal distress, up to and including in certain instances death, from drinking water contaminated with such things as *E. coli*.
 - b. 8010(b)(2): The Court finds that none of the evidence presented includes any mitigating circumstances.
 - c. 8010(b)(3): Respondent had knowledge of the laws, rules, and regulations applicable to the Systems, as well as of the violations discussed above through, at a minimum, its correspondence with Division personnel, the permits that it received to operate and improve the System, and the Notices of Alleged Violation that it received from the Division.

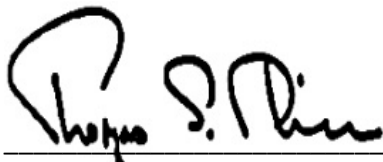
- d. 8010(b)(4): Respondent's record of non-compliance includes a previous judgment against it in Docket No. 183-12-13 Vtec, as well as the prolonged duration of the violations at issue in this case despite notice from the Agency that those violations existed.
 - e. 8010(b)(6): The penalty set forth below is adequate for deterrence.
 - f. 8010(b)(7): The Agency's costs of enforcement in this matter include \$78.08 associated with serving its Administrative Order on Respondent.
 - g. 8010(b)(8): The violations occurred over a long period of time and are on-going. Mr. Montross testified that some of the violations date back to 2012 and 2013.
4. The Court does hereby exercise its discretion and authority under 10 V.S.A. §8012(b)(4) to modify the penalty amount found in Paragraph A of the Administrative Order and orders as follows:
- a. Respondent shall pay a penalty of **\$35,000.00** within thirty (30) consecutive calendar days from the date of this Judgment Order. Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:
 - Administrative Assistant
 - Environmental Compliance Division
 - Agency of Natural Resources
 - 1 National Life Drive, Davis 2
 - Montpelier, VT 05620-3803
5. The Court specifically directs that the Respondent comply with paragraphs B through D of the Administrative Order within the respective deadlines as calculated from the date of this Judgment Order.
6. The Court further directs that Mr. Zeke Church, as the designated agent of the Respondent, to comply with the following:
- a. Within thirty (30) consecutive calendar days from the date of this Judgment Order, Mr. Church or his successor agent for Respondent shall mail copies of this Judgment Order, including a copy of the Administrative Order, to all current members of the South Village Owners Association via certified mail and certify in writing to both the Court and the Agency that he has done so.

- b. Within thirty (30) consecutive calendar days from the date of this Judgment Order, Mr. Church or his successor agent for Respondent shall provide to the Agency in writing a list of all the current members of the South Village Owners Association.
- c. Mr. Church or his successor agent for Respondent shall send written verification to all members of the South Village Owners Association that it has complied with paragraphs B through D of the Administrative Order no later than fifteen (15) days after compliance is reached.

Rights of Appeal (10 V.S.A. §§8012(c)(4) and (5)):

WARNING: This Decision will become final if no appeal is requested **within 10 days of the date this Decision is received**. All parties to this proceeding have a right to appeal this Decision. The procedures for requesting an appeal are found in the Vermont Rules of Appellate Procedure (V.R.A.P.) subject to the Vermont Rules for Environmental Court Proceedings (V.R.E.C.P.) 4(d)(6). Within 10 days of receipt of this Order, any party seeking to file an appeal must file the notice of appeal with the Clerk of this Court, together with the applicable filing fee. Questions may be addressed to the Clerk of the Vermont Supreme Court, 111 State Street, Montpelier, VT 05609-0801, (802) 828-3276. An appeal to the Supreme Court operates as a stay of payment of a penalty, but does not stay any other aspect of an order issued by this Court. 10 V.S.A. §8013(d). A party may petition the Supreme Court for a stay under the provisions of V.R.C.P. 62 and V.R.A.P. 8.

Electronically signed on October 17, 2016 at Newfane, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Judge
Environmental Division

STATE OF VERMONT

SUPERIOR COURT

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

v.

**SOUTH VILLAGE OWNERS ASSOCIATION, INC.,
Respondent**

ADMINISTRATIVE ORDER

Having found that South Village Owners Association, Inc. ("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. Public Community Water System Permit to Operate, Condition II.B. 1: failure to submit Operation and Maintenance ("O & M") Manual.
2. Public Community Water System Permit to Operate, Conditions II.B.3 and IV.B: failure to submit monthly operations reports.
3. Public Community Water System Permit to Operate, Conditions II.B.4 and II.C: failure to submit report identifying status of installation of flow-paced chemical disinfectant system.
4. Public Community Water System Permit to Operate, Conditions II.B.5 and II.C: failure to submit report identifying status of installation of redundant booster pump.

5. Public Community Water System Permit to Operate, Conditions II.B.6 and II.C: failure to submit report identifying status of repairs to pump house/treatment building.
6. Public Community Water System Permit to Operate, Conditions II.B.7 and II.C: failure to submit report identifying status of hydrant color-coding.
7. Public Community Water System Permit to Operate, Conditions II.B. 9 and II.C: failure to submit report identifying status of grading around Well #12.
8. VWSR Subchapter 21-4.0.1: construction of improvements to a public community water system without a permit.
9. VWSR Subchapters 21-10.5 and 21-10.5.1 and 40 CFR 141, Subpart O: failure to submit Consumer Confidence Reports.

STATEMENT OF FACTS

1. Respondent owns and operates a Public Community Water System (WSID #VT0005593) located in Warren, Vermont (the "System").
2. The System serves approximately four hundred forty-five (445) people through seventy-three (73) year-round service connections.
3. On July 29, 2013, the Agency issued Respondent Public Community Water System Permit to operate the system (the "Permit").
4. Permit Condition II.B. contains a compliance schedule setting forth certain actions Respondent was required to complete.
5. Permit Condition II.C. required Respondent to submit a report to the Drinking Water and Groundwater Protection Division (the "Division") within fifteen (15) days after the required compliance date indicating whether Respondent had completed the required action(s).

6. Permit Condition II.B.1. required Respondent to submit an electronic copy of an O&M Manual to the Division for review and approval on or before February 1, 2014.
7. To date Respondent has not submitted an O&M Manual in violation of Permit Condition II.B.1.
8. Permit Condition II.B.3. and IV.B. required Respondent to submit monthly operations reports no later than the 10th day of each month indicating the metered amount of water produced and the chlorine residual taken at the entry point to the distribution system for each day that a chemical disinfectant is applied.
9. Respondent has not submitted monthly operations reports since March 2014 in violation of Permit Condition II.B.3. and IV.B.
10. Permit Condition II.B.4. required Respondent to install a means of applying flow-paced chemical disinfectant on or before November 1, 2013.
11. Respondent has not submitted a report indicating whether the requirements of Condition II.B.4. have been completed in violation of Permit Condition II.C.
12. Permit Condition II.B.5. required Respondent to install a redundant booster pump in the upper pump station on or before January 1, 2014.
13. Respondent has not submitted a report indicating whether the requirements of Condition II.B.5. have been completed in violation of Permit Condition II.C.
14. Permit Condition II.B.6. required Respondent to make all necessary repairs to the pump house/treatment building in order to protect against rodent and insect infiltration on or before December 1, 2013.
15. Respondent has not submitted a report indicating whether the requirements of Condition II.B.6. have been completed in violation of Permit Condition II.C.

16. Permit Condition II.B.7. required Respondent to complete color-coding of the flushing hydrants and inform the local fire department that the color-coded flushing hydrants are not to be used for fire protection on or before December 1, 2013.
17. Respondent has not submitted a report indicating whether the requirements of Condition II.B.7. have been completed in violation of Permit Condition II.C.
18. Permit Condition II.B.9. required Respondent to re-grade the area around Well #12 using a backfill material of high clay content in order to reduce the potential for surface water collection around the well casing and contaminate the source on or before December 1, 2013.
19. Respondent has not submitted a report indicating whether the requirements of Condition II.B.9. have been completed in violation of Permit Condition II.C.
20. The Agency notified Respondent of these violations in a Notice of Alleged Violation dated April 16, 2014.
21. On September 11, 2015, the Agency issued Respondent a Public Water System Construction Permit to construct certain improvements to the System (the "Construction Permit"). Constructing these improvements in compliance with the requirements of this construction permit will obviate the need to submit the reports referenced in Paragraphs 10-19 above. Respondent has not responded to the Agency's requests for confirmation that the improvements have been so constructed.
22. VWSR Subchapter 21-4.0.1 prohibits construction, alteration, renovation, or conversion for use a Public or a Non-Public Water System requiring a permit any system or any portion thereof, except as provided in Section 21-4.0.2., without first receiving a Source Permit or Construction Permit from the Secretary.

23. On August 4, 2014, Respondent notified the Division that it had installed one thousand five hundred feet (1,500) of new distribution lines and constructed a new pump facility. Respondent did not obtain a Construction Permit prior construction of these improvement in violation of VWSR Subchapter 21-4.0.1.
24. VWSR Subchapter 21-10.5 requires that all Public Community Water Suppliers prepare and directly deliver an annual consumer confidence report ("CCR") to the quality of the water by July 1 of each year to the customer of the water system based on the immediately preceding calendar year, that all Public Community Water Systems comply with the provisions of 40 CFR, Part 141, Subpart O, and that the report must be sent to the Division no later than July 1 of each year.
25. Respondent submitted a copy of the 2013 CCR and delivery certificate to the Division on August 18, 2014, in violation of Subchapters 21-10.5, and 10.5.1 and 40 CFR, Part 141 Subpart O.
26. Respondent has failed to submit a copy of the 2014 CCR and delivery certificate to the Division. The Agency notified Respondent of this violation in a September 10, 2015 Notice of Alleged Violation.

ORDER

Upon receipt of this Administrative Order, the Respondent shall:

- A. Pay a penalty of \$30,000.00 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
Compliance & Enforcement 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 thirty (30) consecutive calendar days following the effective date of this Order, Respondent shall submit a monthly operations report to the Division, and submit monthly operations reports to the Division no later than the 10th day of each subsequent month.
- C. No later than thirty (30) consecutive calendar days following the effective date of this Order, Respondent shall complete all improvements as authorized by the Construction Permit.
- D. No later than forty-five (45) consecutive calendar days following the effective date of this Order, Respondent shall submit: (i) a report verifying that all improvements authorized by the Construction Permit have been constructed; and (ii) an O&M Manual to the Division for review and approval. The O&M Manual shall identify all existing system components and included as-built record drawings of the water system, including all sources, treatment, storage, pumping facilities and distribution systems.

**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: Office of General Counsel, Enforcement
& Litigation Section
1 National Life Drive, Davis 2
Montpelier, VT 05620-3803
2. Clerk, Superior Court, Environmental Division
32 Cherry Street, 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 1st day of February, 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.

SOUTH VILLAGE OWNERS ASSOCIATION, INC.,
Respondent

Affidavit of Benjamin Montross

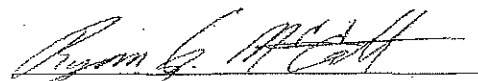
I, Benjamin Montross, being duly sworn do attest:

1. I am of legal age and a resident of the State of Vermont.
2. I am employed as the Compliance and Support Services Section Program Manager in the Drinking Water and Groundwater Protection Division of the Agency of Natural Resources.
3. Based upon personal observations, review of the relevant Drinking Water and Groundwater Protection Division program file, 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 26 day of January, 2016.


Benjamin Montross - Affiant

Subscribed and sworn before me on the 26th of January, 2016.


Notary Public

My Commission Expires: 2/10/19