

**STATE OF VERMONT**  
**SUPERIOR COURT**  
**ENVIRONMENTAL DIVISION**

Agency of Natural Resources, )  
Petitioner, )  
 )  
v. )  
 )  
Whiting Water Corporation )  
Respondent. )

Docket # 66-6-19 Vtec

**ORDER**

Based on the agreement of the parties in Paragraph F of the Assurance of Discontinuance filed on October 25, 2019, the Administrative Order in the above captioned matter issued by the Secretary of the Agency of Natural Resources on April 4, 2019, is hereby vacated.

The Assurance of Discontinuance signed by the Respondent on September 19, 2019 and filed with the Superior Court, Environmental Division, on October 25, 2019, is hereby entered as an order of this Court, pursuant to 10 V.S.A. 8007(c), concluding this case.

Dated this 28<sup>th</sup> day of October 2019.



Thomas G. Walsh, Judge  
Vermont Superior Court  
Environmental Division

**STATE OF VERMONT**

**SUPERIOR COURT**

**ENVIRONMENTAL DIVISION  
Docket No. 66-6-19 Vtec.**

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

**v.**

**WHITING WATER CORPORATION,  
Respondent**

**VIOLATIONS**

1. Public Community Water System Permit to Operate #5012-15.0, Section II.B.1, and Vermont Water Supply Rule (December 1, 2010), Appendix A, Section 3.3.2.1.2: Failure to improve the spring box to the Great Whiting Spring and submit documentation of the improvements.
2. Public Community Water System Permit to Operate #5012-15.0, Section II.B.2, and Vermont Water Supply Rule (December 1, 2010), Section 16.3: Failure to submit a Source Protection Plan Update.
3. Public Community Water System Permit to Operate #5012-15.0, Section II.B.3, and Vermont Water Supply Rule (December 1, 2010), Section 6.1: Failure to collect total coliform samples in accordance with the approved Bacteriological Sampling Plan.
4. Public Community Water System Permit to Operate #5012-15.0, Section II.B.4, and Vermont Water Supply Rule (December 1, 2010), Section 9.1.2 and Appendix A, Section 2.9.1(b): Failure to submit complete monthly operating reports.
5. Public Community Water System Permit to Operate #5012-15.0, Section V.H, and Vermont Water Supply Rule (December 1, 2010), Section 3.2.4(c): Connecting to an unpermitted water source for more than 90 cumulative days without obtaining an extension.
6. Public Community Water System Permit to Operate #5012-15.0, Section V.H(1), and Vermont Water Supply Rule (December 1, 2010), Section 3.2.4(b): Failure to provide notice to the Secretary within 12 hours of connecting to an unpermitted water source.
7. Vermont Water Supply Rule (December 1, 2010), Appendix A, Section 2.11: Failure to maintain functional water source sample taps.

**ASSURANCE OF DISCONTINUANCE**

Pursuant to the provisions of 10 V.S.A. Section 8007, the Secretary (Secretary) of the Agency of Natural Resources (Agency) and the Whiting Water Corporation (Respondent) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

## STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS

1. Respondent owns and operates a Public Community Water System (WSID #0005012) located in the Town of Whiting, Vermont (the system).
2. The system serves approximately sixty (60) people through twenty-four (24) year-round service connections.
3. On July 17, 2015, the Agency issued Respondent Public Community Water System Permit to Operate #5012-15.0 to operate the system (the Permit).
4. Permit Section II.B. contains a compliance schedule.
5. Permit Section II.C. requires the permittee 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 the required action(s) have been completed.
6. Permit Section II.B.1 required Respondent to complete improvements to the Great Whiting Spring to meet the requirements of the Vermont Water Supply Rule, effective December 1, 2010, (the Rule) and submit documentation of the improvements on or before October 1, 2015.
7. Appendix A, Section 3.3.2.1.2 of the Rule states that spring and shallow well site construction shall include the following: (i) accessible entrance with lock, (ii) screened openings, (iii) runoff diversion berm located 50 feet upslope where feasible, (iv) back fill material of high clay content sloping away from the structure, (v) minimum of 4 inches of top soil cover over the clay, and (vi) a watertight sanitary cover.
8. The spring house construction includes holes in the concrete, crumbling concrete, holes and tears in screens, the access hatch is not secure, and the overflow pipe is not adequately screened.
9. Respondent failed to complete the necessary improvements to the Great Whiting Spring to address Appendix A, Section 3.3.2.1.2 (i), (ii) and (vi) above, and submit documentation of the same. The Agency alleges the above conducts constitutes a violation of Permit Section II.B.1 and the Rule.
10. Permit Section II.B.2 required Respondent to submit a Source Protection Plan Update on or before September 1, 2015.
11. Section 16.3 of the Rule states that source protection plans shall be updated every three years and submitted to the Secretary for review and approval.

12. Respondent failed to submit a source protection plan before September 1, 2015. The Agency alleges the above conduct constitutes a violation of Permit Section II.B.2 and the Rule.
13. On July 19, 2017, Respondent submitted a source protection plan and on July 20, 2017 the Agency approved the plan.
14. Permit Section II.B.3. required Respondent to begin collecting total coliform samples in accordance with an approved Bacteriological Sampling Plan on or before August 1, 2015.
15. Between August 1, 2015 and February 20, 2019, Respondent failed to submit a Bacteriological Sampling Plan. The Agency alleges the above conduct constitutes a violation of Permit Section II.B.3.
16. On February 21, 2019, Respondent submitted a Bacteriological Sampling Plan and on February 22, 2019, the Agency approved the plan.
17. Permit Section II.B.4 required Respondent to begin submitting Monthly Operating Reports beginning on or before August 10, 2015, with the data outlined in Section V, Part B of the Permit, and to continue submitting monthly reports by the 10<sup>th</sup> of each calendar month.
18. Section V, Part B of the Permit, and Section 9.1.2 of the Rule requires that Respondent's Monthly Operating Reports include the following information: (i) a summary of the water system operation, including the amount of water produced or purchased; (ii) results of chlorine residual analyses; and (iii) any other information specified by the Secretary as a condition of a permit or temporary permit to operate.
19. Respondent failed to submit Monthly Operating Reports for January-December 2015 and for January-March 2016. The Agency alleges the above conduct constitutes a violation of Permit Section II.B.4 and the Rule.
20. As of March 10, 2019, Respondent began submitting complete Monthly Operating Reports.
21. Section V.H. of the Permit and Section 3.2.4(c) of the Rule prohibit Respondent from using or connecting to an unpermitted water source for more than 90 cumulative days without obtaining an extension from the Secretary.
22. Section V.H(1) of the Permit and Section 3.2.4(b) of the Rule require Respondent to provide notice to the Secretary within 12 hours of connecting to an unpermitted water source.
23. During the winter of 2017-2018, Respondent connected to an unpermitted source without obtaining an extension from the Secretary.

24. Respondent failed to notify the Agency that it had connected to an unpermitted source until Agency personnel were contacted by an external contractor of the Respondent's use and connection to the emergency source in July 2018 and therefore, Respondent failed to notify the Agency that it had connected to an unpermitted source within 12 hours. The Agency alleges that the above conduct constitutes a violation of Permit Section V.H(1) and Section 3.2.4(b) of the Rule.
25. As of October 2018, Respondent re-connected to the permitted spring source.
26. Respondent was connected to an unpermitted source from some time in winter 2017-2018 until October 2018, which is more than 90 cumulative days, without seeking an extension from the Secretary. The Agency alleges the above conduct constitutes a violation of Section V.H. of the Permit and Section 3.2.4 (c) of the Rule.
27. Appendix A, Section 2.9.1(d) of the Rule requires that the system have test equipment for determining both free and total chlorine residual using the N, N-diethyl-p-phenylenediamine colorimetric method in *Standard Methods for the Examination of Water and Wastewater*, latest edition.
28. As of May 24, 2016, the system's testing reagents were expired. The Agency alleges the above conduct constitutes a violation of the Rule.
29. As of February 21, 2019, Respondent obtained correct and functional equipment to take daily chlorine residual samples.
30. Respondent failed to maintain correct and functional equipment to take daily chlorine residual samples for a period of time between May 24, 2016 and February 21, 2019. The Agency alleges the above conduct constitutes a violation of Appendix A, Section 2.9.1(b) of the Rule.
31. Appendix A, Section 2.11 of the Rule requires that sample taps be provided so that water samples can be obtained from each water source and from appropriate locations, that taps be consistent with sampling needs and not be of the petcock type, and that taps used for obtaining samples for bacteriological analysis be of the smooth nosed type without interior or exterior threads, without a screen, aerator, or other such appurtenance.
32. As of May 24, 2016, Respondent's source water sampling taps were inoperable.
33. As of February 21, 2019, Respondent made the necessary modifications to provide adequate sampling taps.

34. Respondent failed to maintain operable sampling taps for a period of time between May 24, 2016 and February 21, 2019. The Agency alleges the above conduct constitutes a violation of Appendix A, Section 2.9.11 of the Rule.
35. Respondent admits the factual findings described above, solely for purposes of resolving this case.

### AGREEMENT

Based on the foregoing Statement of Facts and Description of Violations, the parties agree as follows:

- A. For the violations described above, Respondent shall pay a total penalty of \$7,500.00. 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

Payment shall be received no later than thirty (30) consecutive calendar days following the date this Assurance is entered as an Order by signature of the Superior Court, Environmental Division (effective date).

- B. Respondent shall commence sampling according to the approved Bacteriological Sampling Plan for the water system for all future required bacteriological monitoring.
- C. On or before the tenth (10<sup>th</sup>) day of each month following the effective date of this Order, Respondent shall submit to the Division complete Monthly Operating Reports identifying the daily water use and accurate daily chlorine residual monitoring results.
- D. No later than sixty (60) consecutive calendar days following the effective date of this Assurance, Respondent shall either: (i) submit to the Division a complete application for a Permit to Construct improvements to the Great Whiting Spring necessary to meet the requirements of the Water Supply Rule (the Rule) and Appendix A, Section 3.3.2.1.2 (i), (ii)

and (vi) of the Rule including but not limited to: a water-tight accessible entrance with a lock, 24-mesh non-corrodible screening on overflow and vent pipes, and repair and/or replacement of all concrete and structural issues with the spring structure; or (ii) submit to the Division a letter of intent to pursue an alternate water source to serve the water system and a complete application for a Source Permit. In the event Respondent pursues option D(i) above, Respondent shall complete the necessary improvements identified in D(i) above and all other requirements set forth in the Permit to Construct to ensure compliance with 3.3.2.1.2 Parts A-F and the Rule within one (1) year from the issuance of the Permit to Construct. In the event Respondent pursues option D(ii) above, Respondent shall connect to and utilize the permitted source within two (2) years of receiving a Source Permit.

E. In addition to the penalty imposed in paragraph A, Respondent shall pay an additional penalty if Respondent fails to satisfy the terms of paragraph D as follows: In the event Respondent fails to either: (i) submit to the Division a complete application for a Permit to Construct improvements to the Great Whiting Spring necessary to meet the requirements of the Water Supply Rule (the Rule) or (ii) submit to the Division a letter of intent to pursue an alternate water source to serve the water system and a complete application for a Source Permit, in accordance with the timeframes in paragraph D above, then an additional penalty of \$9,750.00 shall become immediately due and payable. In the event Respondent fails to complete the necessary improvements within one (1) year from the issuance of the construction permit in the event option D(i) is pursued, or fails to connect to and utilize the permitted source within two (2) years of receiving a Source Permit in the event option D(ii) is pursued, then an additional penalty of \$9,750.00 shall become immediately due and payable. Payments shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to the address set forth in paragraph A. Nothing in this paragraph is intended to obviate or negate the requirement to complete the actions specified in paragraph D.

F. The parties intend that this Assurance, upon being accepted by the Superior Court, Environmental Division Court, shall fully resolve and result in the dismissal of the pending Administrative Order filed in Docket Number 66-6-19 Vtec. for this matter.

- G. Without formally admitting or denying wrongdoing or liability, Respondent agrees to this settlement of the violations alleged above in order to resolve all outstanding disputes.
- H. Respondent agrees that the violations alleged are deemed proved and established as a “prior violation” in any future state proceeding that requires consideration of Respondent’s past record of compliance, such as permit review proceedings and calculating civil penalties under 10 V.S.A. §8010.
- I. The State of Vermont and the Agency reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth herein above.
- J. Nothing in this Assurance shall be construed as having relieved, modified, or in any manner affected the Respondent’s on-going obligation to comply with all other federal, state, or local statutes, regulations or directives applicable to the Respondent in the operation of its business.
- K. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Environmental Court. When so entered by the Environmental Court, this Assurance shall become a judicial order. In the event that such order is vacated, this Assurance shall be null and void.
- L. Respondent shall not be liable for additional civil or criminal penalties with respect to the specific sites and facts described herein occurring before the effective date of the Assurance, provided that Respondent fully complies with the agreements set forth above.
- M. This Assurance sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto or their legal representatives and incorporated in an order issued by the Environmental Court. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.



N. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. Chapters 201 and/or 211.

O. This Assurance is subject to the provisions of 10 V.S.A. §§ 8007 and 8020.

**SIGNATURES**

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted. Further, I, Robert Wadsworth, the undersigned, hereby state under oath that I am the President of Whiting Water Corporation, and an authorized representative of the Whiting Water Corporation, and that I have the power to contract on behalf of that entity, and that I have been duly authorized to enter into the foregoing Assurance of Discontinuance on behalf of that entity.

Dated at Middlebury, Vermont, this 19 day of September 2019.

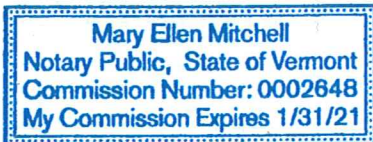
Whiting Water Corporation

By: Robert Wadsworth

Robert Wadsworth, President

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STATE OF VERMONT  
COUNTY OF Addison, SS.

At Middlebury Vermont this 19<sup>th</sup> day of September 2019, the above signatory personally appeared and swore to the truth of the foregoing. Before me,



Mary Ellen Mitchell  
Notary Public

Term Expires: 01/31/2021

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The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Montpelier, Vermont, this 23<sup>rd</sup>, day of September 2019.

SECRETARY, AGENCY OF NATURAL RESOURCES

By: Joanna Palito for EB

Emily Boedecker, Commissioner  
Department of Environmental Conservation

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION  
Docket No.

SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff

v.

WHITING WATER CORPORATION,  
Respondent

ADMINISTRATIVE ORDER

Having found that Whiting Water Corporation (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 #5012-15.0, Section II.B.1, and Vermont Water Supply Rule (December 1, 2010), Appendix A, Section 3.3.2.1.2: Failure to improve the spring box to the Great Whiting Spring and submit documentation of the improvements.
2. Public Community Water System Permit to Operate #5012-15.0, Section II.B.2, and Vermont Water Supply Rule (December 1, 2010), Section 16.3: Failure to submit a Source Protection Plan Update.
3. Public Community Water System Permit to Operate #5012-15.0, Section II.B.3, and Vermont Water Supply Rule (December 1, 2010), Section 6.1: Failure to collect total coliform samples in accordance with the approved Bacteriological Sampling Plan.
4. Public Community Water System Permit to Operate #5012-15.0, Section II.B.4, and Vermont Water Supply Rule (December 1, 2010), Section 9.1.2 and Appendix A, Section 2.9.1(b): Failure to submit complete monthly operating reports.
5. Public Community Water System Permit to Operate #5012-15.0, Section V.H, and Vermont Water Supply Rule (December 1, 2010), Section 3.2.4(c): Connecting to an unpermitted water source for more than 90 cumulative days without obtaining an extension.
6. Public Community Water System Permit to Operate #5012-15.0, Section V.H(1), and Vermont Water Supply Rule (December 1, 2010), Section 3.2.4(b): Failure to provide notice to the Secretary within 12 hours of connecting to an unpermitted water source.
7. Vermont Water Supply Rule (December 1, 2010), Appendix A, Section 2.11: Failure to maintain functional water source sample taps.

## STATEMENT OF FACTS

1. Respondent owns and operates a Public Community Water System (WSID #0005012) located in the Town of Whiting, Vermont (the system).
2. The system serves approximately sixty (60) people through twenty-four (24) year-round service connections.
3. On July 17, 2015, the Agency issued Respondent Public Community Water System Permit to Operate #5012-15.0 to operate the system (the Permit).
4. Permit Section II.B. contains a compliance schedule.
5. Permit Section II.C. requires the permittee 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 the required action(s) have been completed.
6. Permit Section II.B.1 required Respondent to complete improvements to the Great Whiting Spring to meet the requirements of the Vermont Water Supply Rule, effective December 1, 2010, (the Rule) and submit documentation of the improvements on or before October 1, 2015.
7. Appendix A, Section 3.3.2.1.2 of the Rule states that spring and shallow well site construction shall include the following: (i) accessible entrance with lock, (ii) screened openings, (iii) runoff diversion berm located 50 feet upslope where feasible, (iv) back fill material of high clay content sloping away from the structure, (v) minimum of 4 inches of top soil cover over the clay, and (vi) a watertight sanitary cover.
8. Respondent failed to complete the necessary improvements to the Great Whiting Spring and submit documentation of the same, in violation of Permit Section II.B.1 and the Rule.
9. Permit Section II.B.2 required Respondent to submit a Source Protection Plan Update on or before September 1, 2015.
10. Section 16.3 of the Rule states that source protection plans shall be updated every three years and submitted to the Secretary for review and approval.
11. Respondent failed to submit a source protection plan before September 1, 2015, in violation of Permit Section II.B.2 and the Rule.
12. On July 19, 2017, Respondent submitted a source protection plan and on July 20, 2017 the Agency approved the plan.

13. Permit Section II.B.3. required Respondent to begin collecting total coliform samples in accordance with an approved Bacteriological Sampling Plan on or before August 1, 2015.
14. Between August 1, 2015 and February 20, 2019, Respondent failed to submit a Bacteriological Sampling Plan, in violation of Permit Section II.B.3.
15. On February 21, 2019, Respondent submitted a Bacteriological Sampling Plan and on February 22, 2019, the Agency approved the plan.
16. Permit Section II.B.4 required Respondent to begin submitting Monthly Operating Reports beginning on or before August 10, 2015, with the data outlined in Section V, Part B of the Permit, and to continue submitting monthly reports by the 10<sup>th</sup> of each calendar month.
17. Section V, Part B of the Permit, and Section 9.1.2 of the Rule requires that Respondent's Monthly Operating Reports include the following information: (i) a summary of the water system operation, including the amount of water produced or purchased; (ii) results of chlorine residual analyses; and (iii) any other information specified by the Secretary as a condition of a permit or temporary permit to operate.
18. Respondent failed to submit Monthly Operating Reports for January-December 2015 and for January-May 2016 in violation of Permit Section II.B.4 and the Rule.
19. As of March 10, 2019, Respondent began submitting complete Monthly Operating Reports.
20. Section V.H. of the Permit and Section 3.2.4(c) of the Rule prohibit Respondent from using or connecting to an unpermitted water source for more than 90 cumulative days without obtaining an extension from the Secretary.
21. Section V.H(1) of the Permit and Section 3.2.4(b) of the Rule require Respondent to provide notice to the Secretary within 12 hours of connecting to an unpermitted water source.
22. During the winter of 2017-2018, Respondent connected to an unpermitted source without obtaining an extension from the Secretary.
23. Respondent failed to notify the Agency that it had connected to an unpermitted source until Agency personnel conducted a technical assistance site visit in July 2018 and therefore, Respondent failed to notify the Agency that it had connected to an unpermitted source within 12 hours, in violation of Permit Section V.H(1) and Section 3.2.4(b) of the Rule.
24. As of October 2018, Respondent re-connected to the permitted spring source.
25. Respondent was connected to an unpermitted source from some time in winter 2017-2018 until October 2018, which is more than 90 cumulative days, without seeking an extension

from the Secretary, in violation of Section V.H. of the Permit and Section 3.2.4 (c) of the Rule.

26. Appendix A, Section 2.9.1(b) of the Rule requires that the system have test equipment for determining both free and total chlorine residual using the N, N-diethyl-p-phenylenediamine colorimetric method in *Standard Methods for the Examination of Water and Wastewater*, latest edition.
27. As of May 24, 2016, the system's testing reagents were expired.
28. As of February 21, 2019, Respondent obtained correct and functional equipment to take daily chlorine residual samples.
29. Respondent failed to maintain correct and functional equipment to take daily chlorine residual samples for a period of time between May 24, 2016 and February 21, 2019 in violation of Appendix A, Section 2.9.1(b) of the Rule.
30. Appendix A, Section 2.11 of the Rule requires that sample taps be provided so that water samples can be obtained from each water source and from appropriate locations, that taps be consistent with sampling needs and not be of the petcock type, and that taps used for obtaining samples for bacteriological analysis be of the smooth-nosed type without interior or exterior threads, without a screen, aerator, or other such appurtenance.
31. As of May 24, 2016, Respondent's sampling taps were inoperable due to inadequate pressure being supplied to the taps.
32. As of February 21, 2019, Respondent made the necessary modifications to provide adequate sampling taps.
33. Respondent failed to maintain operable sampling taps for a period of time between May 24, 2016 and February 21, 2019 in violation of Appendix A, Section 2.9.11 of the Rule.

### **ORDER**

Upon receipt of this Administrative Order, the Respondent shall:

- A. Pay a penalty of \$27,000.00 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. Respondent shall commence sampling according to the approved Bacteriological Sampling Plan for the water system for all future required bacteriological monitoring.
- C. On or before the tenth (10<sup>th</sup>) day of each month following the effective date of this Order, Respondent shall submit to the Division complete Monthly Operating Reports identifying the daily water use and accurate daily chlorine residual monitoring results.
- D. No later than sixty (60) consecutive calendar days following the effective date of this Order, Respondent shall either: (i) submit to the Division a complete application for a Permit to Construct improvements to the Great Whiting Spring necessary to meet the requirements of the Water Supply Rule (the Rule); or (ii) submit to the Division a letter of intent to pursue an alternate water source to serve the water system and a complete application for a Source Permit. In the event Respondent pursues option D(i) above, Respondent shall complete the necessary improvements within one (1) year from the issuance of the construction permit. In the event Respondent pursues option D(ii) above, Respondent shall connect to and utilize the permitted source within two (2) years of receiving a Source Permit.

**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 and Litigation Section  
Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901
  
2. Clerk, Superior Court, Environmental Division  
32 Cherry Street, 2<sup>nd</sup> 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.

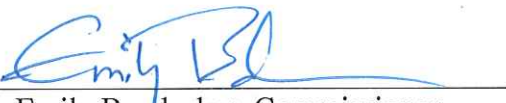


**COMPLIANCE WITH THIS ADMINISTRATIVE ORDER**

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 4 day of April, 2019.

SECRETARY, VERMONT AGENCY OF NATURAL RESOURCES

By:   
Emily Boedecker, Commissioner  
Department of Environmental Conservation

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

Docket No.

SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff

v.

WHITING WATER CORPORATION,  
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, 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 27 day of March, 2019.

  
Benjamin Montross - Affiant

Subscribed and sworn before me on the 27<sup>th</sup> of March, 2019.

  
Notary Public

My Commission Expires: 1/31/21

# 157.0001412