

State of Vermont  
WATER RESOURCES BOARD

**In re:** C&S Wholesale Grocers, Inc.  
Docket No. UST-93-11

DISMISSAL ORDER

On December 29, 1993, the Water Resources Board (Board) received a notice of appeal filed by C&S Wholesale Grocers, Inc., (C&S), seeking review of a decision by the Hazardous Materials Management Division (HMMD), Agency of Natural Resources (ANR) denying C&S eligibility for reimbursement for environmental assessment and cleanup costs from the Petroleum Cleanup Fund (PCF), 10 V.S.A. § 1941, related to an underground storage tank (UST) site at the corporation's facility in Brattleboro, Vermont. This appeal was filed pursuant to 10 V.S.A. § 1933(a).

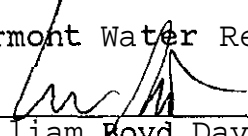
A prehearing conference was held in this matter in Montpelier, Vermont, on March 7, 1994. A Prehearing Conference Report and Order was issued on April 25, 1994, confirming party status to C&S and the ANR. A Supplemental Prehearing Order was issued on September 22, 1994, setting forth deadlines for the filing of prefiled testimony and exhibits. On October 25, 1994, the parties filed a joint request for continuance seeking to stay the filing deadlines in the Supplemental Prehearing Order in the interest of concluding settlement negotiations. On October 27, 1994, the Board issued an order granting a continuance until November 16, 1994.

On November 8, 1994, the appellant and the ANR filed a joint request for dismissal with prejudice and a copy of their settlement agreement. They waived oral argument concerning the final disposition of this appeal. See Rules 20 and 21 of the Board's Rules of Procedure.

On November 16, 1994, the Board reviewed the record in this matter. After considering the parties' filings, the Board determined that dismissal with prejudice based on the parties' agreement is not contrary to the intent and purposes of 10 V.S.A. ch. 59. Therefore, this appeal is hereby dismissed.

Dated at Montpelier, Vermont, this 21<sup>st</sup> day of November, 1994.

Vermont Water Resources Board

  
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William Boyd Davies, Chair

Concurring:  
William Boyd Davies  
Stephen Dycus  
Elaine Little, Acting Member  
Ruth Einstein

