

**State of Vermont
WATER RESOURCES BOARD**

In re: Appeal of Cole
(Discharge Permit No. 1-1107
Stratton Corporation, Stratton, Vermont)
Docket No. WQ-92-13

Authority:
10 V.S.A. § 1269

DISMISSAL ORDER

On January 4, 1993, the Water Resources Board (Board) received a notice of appeal filed by Malvine Cole of Stratton, Vermont, requesting review and reversal of a decision of the Agency of Natural Resources (ANR) granting Discharge Permit #1-1107 to Stratton Corporation of Stratton, Vermont. This discharge permit authorized runoff into Styles Brook from roads, parking areas, and buildings associated with the proposed Sun Bowl Community in Stratton, Vermont. Styles Brook is a Class B tributary of North Branch Brook. Ms. Cole filed her appeal pursuant to 10 V.S.A. § 1269.

A prehearing conference was held in Manchester, Vermont, on April 8, 1993. Those granted party status in this appeal were Ms. Cole (appellant), pro se; Stratton Corporation (permittee) represented by Alan B. George, Esq., Carroll, George & Pratt; the Conservation Society of Southern Vermont (CSSV) represented by Peter Strong; Ilse Mattick, pro se; and the Windham Regional Commission (WRC) represented by James P. Matteau. See Prehearing Conference Report and Order (May 7, 1993) and Memorandum of Decision on Requests for Intervention (July 9, 1993). On May 19, 1994, CSSV filed a written notice of withdrawal as a party to this appeal. On May 20, 1994, Ilse Mattick likewise filed a written notice of withdrawal as a party.

On October 4, 1994, the Board noticed this matter for hearing at 1:00 p.m., October 26, 1994, at the Rutland City Hall, Rutland, Vermont. On October 11, 1994, the appellant filed a memorandum informing the Board that she would no longer participate in this proceeding. On October 12, 1994, the Board through legal counsel informed the appellant and parties that the failure of the appellant to appear at the noticed hearing would be grounds for dismissal, either on a party's motion or the Board's own motion. On October 13, 1994, the permittee filed a Motion to Dismiss. On October 19, 1994, WRC filed a letter informing the Board that it did not object to dismissal of this appeal.

The Board convened the hearing in this matter on October 26, 1994, as noticed. Those entering appearances were Alan B. George, Esq., and witnesses, for the permittee. By 1:30 p.m., the appellant had failed to appear, either in her own person or by a representative. On a motion by Dycus, seconded by Einstein, the Board voted unanimously to dismiss this appeal, pursuant to Rule 21 of

In re: Appeal of Cole (Discharge Permit No. 1-1107
Stratton Corporation, Stratton, Vermont)
Docket No. WQ-92-13

page 2 of 2

the Board's Rules of Procedure.

The above-captioned appeal is hereby dismissed.

Dated at Montpelier, Vermont, this 27th day of October, 1994.

Vermont Water Resources Board
by its Chair



William Boyd Davies, Chair

Concurring:

William Boyd Davies
Stephen Dycus
Ruth Einstein
Jane Potvin