

State of Vermont  
WATER **RESOURCES** BOARD

In re: Coca-Cola Bottling Company of  
Northern New England, Inc.  
East Montpelier, Vermont  
**Docket** No. UST-94-04

DISMISSAL ORDER

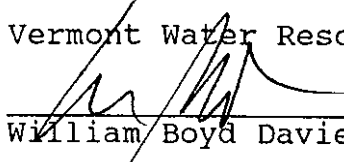
On March 4, 1994, the Water Resources Board (Board) **re-**  
**ceived** a notice of appeal filed by Coca-Cola Bottling Company on  
Northern New England, Inc., (Coca-Cola), from a decision of the  
Hazardous Materials Management Division (HMMD) of the Agency of  
Natural Resources (ANR) denying reimbursement of certain costs  
from the Petroleum Cleanup Fund (PCF), 10 V.S.A. § 1941, incurred  
by Coca-Cola in emergency remedial actions at its East Montpe-  
lier, Vermont, facility in response to releases of gasoline and  
diesel fuel from two underground storage tank systems. This  
appeal was filed pursuant to 10 V.S.A. § 1933.

A prehearing conference was held in this matter in  
Montpelier, Vermont, on May 20, 1994. A Prehearing Conference  
Report and Order was issued on September 26, 1994, confirming the  
party status of Coca-Cola and the ANR. At the parties' requests  
the Board issued Continuance Orders on October 27, 1994, and  
January 10, 1995, to allow for settlement negotiations. On April  
10, 1995, Coca-Cola and ANR filed with the Board a joint Request  
for Dismissal with prejudice and a copy of the parties' settle-  
ment agreement. The parties jointly agreed to waive oral argu-  
ment and notice pursuant to Rules 20 and 21 of the Board's Rules  
of Procedure.

On April 18, 1995, the Board reviewed the record in this  
matter. After considering the parties' filings, the Board  
determined that dismissal 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 with prejudice.

Dated at Burlington, Vermont, this 18<sup>th</sup> day of April, 1995.

Vermont Water Resources Board

  
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William Boyd Davies, Chair

Concurring:  
William Boyd Davies  
Stephen Dycus  
Jane Potvin

