DISMISSAL ORDER

On March 4, 1994, the Water Resources Board (Board) received 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 Montpelier, 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' settlement agreement. The parties jointly agreed to waive oral argument 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 19th day of April, 1995.

Concurring:
William Boyd Davies
Stephen Dycus
Jane Potvin

[Signature]
Vermont Water Resources Board

[Signature]
William Boyd Davies, Chair