

**State of Vermont
WATER RESOURCES BOARD**

**In re: The Hertz Corporation
City of Burlington
Docket No. UST-93-10**

DISMISSAL ORDER

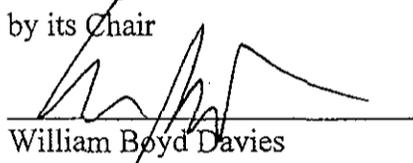
On November 21, 1997, Appellant The Hertz Corporation ("Hertz") and the Vermont Agency of Natural Resources ("ANR") jointly filed with the Water Resources Board ("Board") a Joint Motion to Dismiss ("Motion") with respect to the above-captioned appeal. Hertz had sought and was denied reimbursement by the ANR for certain environmental assessment and cleanup costs associated with its facility at the Burlington International Airport, Burlington, Vermont. The Motion asked the Board to dismiss with prejudice the sole issue on appeal, whether Hertz was self-insured or eligible for reimbursement under the Vermont Petroleum Cleanup Fund (10 V.S.A. § 1941). Both parties waived notice of Board action with respect to their request. See Board Rule of Procedure, Rules 6 and 20.

The Board considered the pending Motion during deliberations at its meeting on December 2, 1997. The Board determined that dismissal of Hertz's appeal was not contrary to law. Therefore, it granted the parties' request to dismiss.

Accordingly, it is hereby ordered that the above-captioned appeal is dismissed with prejudice.

Dated at Montpelier, Vermont, this 3rd day of December, 1997.

Vermont Water Resources Board
by its Chair


William Boyd Davies

Concurring:
Ruth Einstein
Gerry Gossens
Gail Osherenko