

State of Vermont  
WATER RESOURCES BOARD

RE: Putney Paper Company  
Docket No. WQ-98-03  
(Appeal of Discharge Permit #3-1 128)

Statutory Authority:  
10 V.S.A. §1269

ORDER DENYING APPELLANT'S REQUEST FOR  
ENLARGEMENT OF TIME

On May 19, 1998, Nathaniel Hendricks ("Appellant") filed an appeal of the Agency of Natural Resources' ("ANR") issuance of Discharge Permit #3-1 128 ("Permit") to the Putney Paper Company ("Putney Paper"). By Order dated July 10, 1998, I granted an extension to the Appellant to review the Notice of Appeal and frame the issues and concerns stated therein with reference to the Vermont Water Pollution Control Act, the Vermont Water Quality Standards effective April 21, 1997, the federal Clean Water Act and its implementing regulations applicable to the National Pollutant Discharge Elimination System ("NPDES"), any applicable ANR regulations, or other appropriate legal authorities. Such filing stating these issues with particularity was originally required to be filed with the Board not later than 4:30 p.m. on Tuesday, July 7, 1998. By virtue of the extension of time, the filing was due not later than Tuesday, July 21, 1998. No filing was received on or before that date.

Rather, on July 21, 1998, Appellant filed another request for an enlargement of time. Both Putney Paper and ANR responded by objecting to any additional extension of time. I have reviewed the parties' filings and decline to grant the Appellant's second request for an extension. Instructions to Appellant were clear and ample opportunity has been afforded to Appellant to link the grounds for his appeal to applicable provisions of law.

In its objection to Appellant's July 20, 1998 request for a second extension of time, Putney Paper has requested that this matter be dismissed with prejudice. Notwithstanding Appellant's failure to more clearly state the legal bases for each allegation of his Notice of Appeal, I have determined that the Notice of Appeal does raise issues which appear to demonstrate that Appellant may be aggrieved by the ANR's decision relative to this matter. Should Appellant fail to demonstrate standing to file the appeal, or fail to clearly articulate the legal provisions under which he seeks *de novo* review, Putney Paper may renew its request for dismissal. Dismissal of this appeal without first convening a prehearing conference to address these issues, however, is not warranted.

It is so ordered.

Dated at Montpelier, Vermont on this 28th day of July, 1998

WATER RESOURCES BOARD

  
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William Boyd Davies  
Chair