

**State of Vermont
WATER RESOURCES BOARD**

**RE: CCCH Stormwater Discharge Permit
Docket No. WQ-02-01 (ANR/DEC Permit #1-0788.0202)**

AMENDED DISMISSAL ORDER

I. BACKGROUND

On August 13, 2002, the Water Resources Board (Board) issued a Dismissal Order in the above-captioned matter. On August 22, 2002, the Agency of Natural Resources (ANR) filed a Motion to Correct/Motion to Alter the Board's Dismissal Order (Motion) pursuant to Board Rule of Procedure 34(C) and (D). ANR asked the Board to make the following changes with respect to the Dismissal Order:

- (1) First, omit item #4 listed in Section IV. Order, page 6, which reads – “Jurisdiction is returned to the Department of Environmental Conservation, Agency of Natural Resources.”
- (2) Second, amend item #2 [#3] listed in Section IV. Order, page 6 to read – “The appeal, docketed No. WQ-02-01, is dismissed without prejudice for lack of jurisdiction.”
- (3) Third, omit the last part of the last sentence of the Discussion, page 6, which reads – . . . and returns jurisdiction to the DEC/ANR for the receipt and processing of any new permit application(s) for the Project.

Board Procedural Rule 34(C) and (D) do not require the Board to hold a hearing prior to rendering a decision on a Motion to Correct and a Motion to Alter. Furthermore, pursuant to Board Procedural Rule 34(C), the Board may act on its own motion, within 15 days from the date of the issuance of a final decision, to issue a corrected decision or order.

The Board deliberated at its meeting on August 27, 2002, and decided to grant in part and deny in part ANR's three requested changes to the Dismissal Order. The Board granted ANR's request (1) and denied requests (2) and (3). The Board, on its own motion, amended Items 3 and the text in the last sentence of the last paragraph of the text in Section III. of the Dismissal Order.

II. ORDER

Accordingly, it is hereby ordered that the Dismissal Order in the above-captioned matter is amended as follows:

1. The last paragraph of the text in Section III. of the Dismissal Order at 6 is amended to

read: “Accordingly, the Board declares the Permit null and void as of today and, in consequence, dismisses the appeal without prejudice. DEC/ANR may now receive and process any new permit application(s) for the Project.”

2. Item 3 of Section IV. of the Dismissal Order at 6 is amended to read: “The appeal, docketed No. WQ-02-01, is now dismissed without prejudice.”
3. Item 4 of Section IV. of the Dismissal Order at 6, providing for return of jurisdiction to Department of Environmental Conservation, ANR, is deleted altogether.

Dated at Montpelier, Vermont, this 29th day of August, 2002.

WATER RESOURCES BOARD

/s/ David J. Blythe

David J. Blythe, Chair

Concurring:
Lawrence H. Bruce, Jr.
Jane Potvin
John D.E. Roberts
Mardee Sánchez