

**State of Vermont**  
**WATER RESOURCES BOARD**

**Re: William and Ann Lyon**  
**Docket No. EPR-03-16**

**MEMORANDUM OF DECISION**

(Issued Apr. 21, 2004)

Based on cross motions for summary judgment, a permit for a wastewater system is revoked, and this appeal is dismissed.

**I. Procedural Background**

On February 6, 2003, the Wastewater Management Division (Division) of the Department of Environmental Conservation (DEC), Agency of Natural Resources (ANR) issued Wastewater System and Potable Water Supply Permit # WW-5-2079 (Permit) to William and Ann Lyon (Lyons or Applicants) for a wastewater system serving a camper trailer in Northfield, Vermont. This wastewater system involves a connection from the camper trailer to a municipal sewage line. An adjoining landowner, Robert W. Tucker (Tucker or Petitioner), filed a petition to revoke the Permit with DEC on May 15, 2003, after the wastewater system had been installed.

After convening a prehearing conference, DEC issued a Decision and Order on August 12, 2003, finding the Permit invalid because the Permit had been issued by the Division without a design certification or an installation certification in accordance with sections 1-302(b) and 1-303(c) of ANR's Wastewater System and Potable Water Supply Rules. On that same date, August 12, 2003, the Commissioner of DEC adopted a written procedure documenting the intention of DEC to thenceforth voluntarily estop itself from asserting the existence of a permit violation with regard to permits issued for wastewater systems and potable water supplies that are substantially completed but that do not have valid installation certifications.

On September 12, 2003, the Lyons appealed DEC's August 12, 2003 Decision and Order to the Board. The appeal was timely filed pursuant to 10 V.S.A. § 1977 and docketed as indicated above. The Notice of Appeal alleges that the Division properly determined pursuant to section 1-302(c)(8) of the Wastewater System and Potable Water Supply Rules that plans did not need to be filed for the wastewater system at issue because this system is a municipal connection. The Notice of Appeal further alleges that in the absence of plans, there could be no certification. In addition, the Notice of Appeal alleges that DEC improperly rendered its decision without holding an evidentiary hearing and that DEC is estopped from invalidating the Permit.

Board Associate General Counsel, Daniel D. Dutcher, as a Referee appointed pursuant to Rule 4, convened a prehearing conference in this matter on October 8, 2003. On November 13, 2003, the Board's Vice-Chair, John D. E. Roberts, as Acting Chair, issued a Prehearing Conference Report and Order (Prehearing Order). The Prehearing Order established, among other things, that the parties to this appeal are the Lyons, ANR, Tucker, and the Town and Village of Northfield. (Prehearing Order at 19.) The Prehearing Order scheduled a hearing in this matter for January 13, 2004 and established various prehearing deadlines, including deadlines for the parties to file lists of witnesses and exhibits and proposed findings of fact and conclusions of law. (Prehearing Order at 20.) In accordance with the Prehearing Order, the Lyons and ANR filed their lists of witnesses and exhibits on December 11, 2003. On that date, Tucker filed a Motion for Summary Judgment and for Suspension of Hearing Schedule, accompanied by a Statement of Undisputed Material Facts and a Memorandum in Support.

On December 17, 2003, Acting Chair Roberts issued an Order cancelling the merits hearing and the remaining prehearing filing deadlines and establishing a schedule for the parties to file responses to Tucker's Motion for Summary Judgment, for the parties to file any additional motions for summary judgment or motions to dismiss, and for the parties to file responses to any such motions. The Lyons filed a Response to Petitioner's Motion for Summary Judgment and a Memorandum in Support on December 23, 2003, along with their own Motion for Summary Disposition. On December 26, 2003, ANR filed a Response in Support of Tucker's Motion for Summary Judgment and a Motion to Dismiss and Memorandum in Support. Tucker followed on January 12, 2004 with a Memorandum in Response to ANR's Motion to Dismiss and Applicants' Motion for Summary Judgment. On that date, the Lyons filed an Objection to ANR's Motion to Dismiss and a Memorandum in Support.

The Acting Chair's December 17, 2003 Order afforded the parties the opportunity to request oral argument on their motions and responses. However, none of the parties requested oral argument, and the Board did not convene oral arguments in this matter on its own initiative. This matter is now ready for decision.

The Prehearing Order established that the Board's then Chair, David J. Blythe, had recused himself from participating in this appeal because he had served as legal counsel to some of the parties and that the Board's Vice-Chair, pursuant to Board Rule 3(A), would be serving as the Acting Chair in this appeal. (Prehearing Order at 2.) Chair Blythe's term expired February 28, 2004, and the appointment of John F. Nicholls as Chair of the Board took effect March 1, 2004. On March 30, 2004, Mr. Dutcher sent biographical notes for Chair Nicholls to the parties and requested the parties to file any objections to the participation of Chair Nicholls in this appeal or to file any requests for further disclosure no later than April 13, 2004. No objections or requests for further disclosure were filed. Accordingly, the Board passes the chairmanship of this case from Vice-Chair Roberts to Chair Nicholls. *See* Board Rule 3(A).

## II. Legal Background

Vermont's Public Water Supply and Wastewater System Permit Act, 10 V.S.A. §§ 1971-1980, establishes "a comprehensive program to regulate the construction, replacement, modification, and operation of potable water supplies and wastewater systems in order to protect human health and the environment, including potable water supplies, surface water and groundwater." 10 V.S.A. § 1971(1). Among the purposes of this act is to "increase reliance on and the accountability of the private sector for the design and installation of potable water supplies and wastewater systems, through licensing and enforcement." 10 V.S.A. § 1971(5). As used in this act, the term "wastewater system" encompasses "any piping, pumping, treatment, or disposal system used for the conveyance and treatment of sanitary waste or used water, including but not limited to, carriage water, shower and wash water." 10 V.S.A. § 1971(10). A wastewater system expressly includes "a soil-based disposal system of less than 6,500 gallons per day, or a sewerage connection of any size." *Id.* (emphasis added).

As its name would suggest, the Public Water Supply and Wastewater System Permit Act establishes a permitting system for public water supplies and wastewater systems. The act provides that a person shall obtain a permit from ANR before, among other things, "subdividing land," 10 V.S.A. § 1973(a)(1), "constructing, replacing, or modifying a potable water supply or wastewater system," 10 V.S.A. § 1973(a)(3), or "constructing a new building or structure." 10 V.S.A. § 1973(a)(5). The application must be made on a form prescribed by ANR. 10 V.S.A. § 1973(b).

The Public Water Supply and Wastewater System Permit Act expressly prohibits ANR from issuing a permit in the absence of a design certification. 10 V.S.A. § 1973(d). A design certification is "a statement from a licensed designer certifying that the design-related information submitted with the permit application is true and correct and that, in the exercise of his or her reasonable professional judgment, the design included in an application for a permit complies with the rules." *Id.*

The act provides that any permit issued shall not be valid until ANR receives an installation certification. An installation certification is a statement from the installer or a licensed designer certifying that the installation-related information submitted to ANR is true and correct, that the system was installed in accordance with the permitted design and all permit conditions, and that the system has passed inspection and performance testing. 10 V.S.A. § 1973(e).

The design certification and the installation certification are the essential operative provisions of the Public Water Supply and Wastewater System Permit Act. ANR must give deference to these certifications in order to minimize its review of certified designs. 10 V.S.A. § 1973(f). Design and installation certifications must be filed in the town records and properly

indexed and recorded in the land records. 10 V.S.A. § 1973(h). Designers must be licensed by ANR. 10 V.S.A. § 1975.

The Public Water Supply and Wastewater System Permit Act requires ANR to adopt rules for this act's administration. 10 V.S.A. § 1978. ANR did so through its Wastewater System and Potable Water Supply Rules, effective August 16, 2002, in Chapter 1 of its Environmental Protection Rules (EPR). Under these extensive regulations, the circumstances requiring a permit include, but are not limited to, the subdivision of a lot or lots, EPR § 1-402(A)(1), the construction of a new wastewater system, EPR § 1-402(A)(2), and the construction of a new building or structure, EPR § 1-402(A)(4). These rules include numerous exemptions from the general permitting requirement. *See* EPR §§ 1-403, 1-404.

ANR's Wastewater System and Potable Water Supply Rules provide, among other things, that a permit application for a wastewater system must include a design certification. EPR § 1-302(b)(1). Although ANR may waive the submission of certain application materials for projects that present a negligible risk of environmental harm, the design certification is not among the provisions to which ANR's waiver authority applies. *See* EPR § 1-302(b)(1). *See also* EPR § 1-302(e)(3) (prohibiting ANR from issuing permit before receiving design certification). In addition to requiring a design certification for all wastewater systems, ANR's regulations provide that a permit shall not be valid until ANR receives an installation certification. EPR § 1-303(c).

ANR may revoke a permit on its own motion or in response to a petition to revoke. EPR § 1-306. Grounds for revocation include incorrect or unreasonable design or installation certifications, EPR § 1-306(b)(3), and "violation or failure to comply with the provisions of these Rules or statutes," EPR § 1-306(b)(4). ANR's decisions with respect to a petition to revoke are reviewable by the Board *de novo*. EPR § 1-305(a); 10 V.S.A. § 1977(a). If a permit is revoked, the person who petitioned for revocation must record and index the revocation decision in the land records for the municipality in which the project is located. EPR § 1-306(i).

### **III. Motions and Responses**

#### **A. Tucker's Motion for Summary Judgment**

In his Motion for Summary Judgment, Tucker argues that DEC correctly ruled that the Permit is invalid because it was issued without a design certification or an installation certification as required by ANR's regulations. Tucker also argues that DEC's decision to estop itself from asserting the existence of a permit violation in this case and similar cases is unlawful for a number of reasons. First, Tucker argues that the doctrine of estoppel applies to the government only under extraordinary circumstances, of which this is not one. Second, Tucker argues that estoppel is especially inappropriate in this case because ANR's issuance of the Permit in the absence of both design and installation certifications violates not only ANR's rules but also an act of the

legislature. Third, Tucker argues that DEC's decision to estop itself from applying its Wastewater System and Potable Water Supply Rules and the Public Water Supply and Wastewater System Permit Act in this and all similar cases represents a rule making in violation of the procedural requirements for the adoption of rules set forth by the Administrative Procedure Act, 3 V.S.A. §§ 801-849. Tucker asks the Board to affirm ANR's decision that the Permit is invalid.

In support of these arguments, Tucker attached to his Motion a copy of DEC's August 12, 2003 Decision and Order in this matter as well as a copy of DEC's August 12, 2003 memorandum in which DEC applies the doctrine of estoppel to itself. In addition, Tucker asserts that this memorandum did not result from formal rule making and that this memorandum was issued without public notice or an opportunity for comment. Tucker further asserts that the Permit was issued without a design certification or an installation certification.

**B. The Lyons's Response to Tucker's Motion for Summary Judgment and the Lyons's Motion for Summary Disposition**

In their Response to Tucker's Motion for Summary Judgment and in their own Motion for Summary Disposition, the Lyons do not challenge the facts set forth by Tucker. Indeed, the Lyons agree that the Permit was issued for a municipal connection without a design certification or an installation certification. The Lyons add, however, that the Division's Regional Engineer expressly waived the requirement for a design certification for the Permit. The Lyons assert that the validity and effect of DEC's estoppel memorandum is not before the Board for consideration and that in any event, this estoppel memorandum is not rule making. The Lyons also claim that DEC is estopped from revoking the Permit. In addition, the Lyons argue that DEC was authorized to waive the submission of a design certification for a municipal connection. The Lyons ask the Board to reverse ANR's decision and to reinstate the Permit.

**C. ANR's Response to Tucker's Motion for Summary Judgment and ANR's Motion to Dismiss**

In its Response to Tucker's Motion for Summary Judgment, ANR sets forth a statement of undisputed facts that is consistent with the facts set forth by Tucker. ANR adds that the Permit was issued for a substantially completed wastewater system serving a camp trailer in Northfield, Vermont and that the wastewater system involves a completed connection from the camper to a municipal sewage line. ANR expressly agrees that the Permit was issued without either a design certification or an installation certification.

ANR concedes that it violated the statute and its own regulations by issuing the Permit without a design certification or an installation certification and that it therefore erred in issuing this Permit. As ANR reads its own regulations, it had no authority to waive these certification

requirements. ANR argues that the Board does not have jurisdiction over DEC's estoppel memorandum and that the Board must therefore avoid ruling on its lawfulness. ANR supports Tucker's Motion for Summary Judgment and asks the Board to affirm ANR's decision that the Permit is invalid as a matter of law.

In addition to filing a response to Tucker's Motion for Summary Judgment, ANR filed its own Motion to Dismiss. In its Motion to Dismiss, ANR argues that this appeal must be dismissed as moot because a permit is no longer required for the Lyons's wastewater system. According to ANR, the Lyons owned a lot that adjoined the lot on which the camper trailer and wastewater system as issue are located. ANR argues that this adjoining lot was a pre-existing lot as defined in section 1-201(a)(47) of the Wastewater System and Potable Water Supply Rules and therefore exempt from permitting under section 1-403 of these rules. Citing section 1-403(a)(5), ANR goes on to argue that subsequent to their application for a wastewater permit, the Lyons merged these two lots and that both lots, including the lot at issue, are now exempt from permitting. In support this argument, ANR attaches to its Motion to Dismiss an unsworn letter dated October 27, 2003 from its Regional Engineer to the Lyons.

**D. Tucker's Response to ANR's Motion to Dismiss and to the Lyons's Motion for Summary Disposition**

Tucker filed a Response to ANR's Motion to Dismiss and to the Lyons's Motion for Summary Disposition. With regard to ANR's Motion to Dismiss, Tucker objects that ANR relies on factual assertions without supporting affidavits as required by Board Rule 36. Tucker points out that ANR's Motion relies on a letter written by one of ANR's own employees and that this letter interprets deeds that ANR has not provided with its Motion. Tucker therefore asks the Board to deny ANR's Motion to Dismiss.

With regard to the Lyons's Motion for Summary Disposition, Tucker argues that ANR does not have the legal authority to waive the design or installation certifications in the permitting process for a wastewater system. Tucker sees this conclusion as a straightforward application of the law and consequently asks the Board to deny the Lyons's Motion for Summary Disposition.

**E. The Lyons's Objection to ANR's Motion to Dismiss**

Finally, the Lyons filed Objections to ANR's Motion to Dismiss. The Lyons assert that they merged their two lots two days after receiving the Permit so that the Permit would apply to one single identifiable lot. However, in their statement of facts, the Lyons claim that these arrangements were made in consultation with ANR's regional engineer as part of their application for the Permit. The Lyons thus disagree with the allegations of ANR's Motion to Dismiss that the merger occurred subsequent to ANR's issuance of the Permit. Instead, the Lyons characterize the merger and issuance of the Permit as part of a single transaction. The Lyons contend that the

Permit itself describes the merger and that the Permit and the deed effectuating this merger were recorded simultaneously.

In any event, the Lyons argue that regardless of when the merger occurred, the issue of whether the Permit is invalid must still be resolved. The Lyons claim that ANR's Motion to Dismiss is untimely because ANR failed to make this Motion in the course of its own proceedings on Tucker's petition to revoke or at the prehearing conference conducted in this appeal. The Lyons also argue that a factual dispute exists as to whether the Lyons ever owned more than one lot and that whether any merger occurred is therefore an unsettled factual issue. The Lyons further argue that even if a merger occurred, that would not avoid the need for the Lyons to obtain a permit for the camper trailer's wastewater system. The Lyons therefore contend that granting ANR's Motion to Dismiss will only draw out the controversy over the Permit at issue. Finally, the Lyons assert that a Permit is of greater value to them than a permit exemption and argue that ANR cannot force a landowner to rely on a permit exemption if the landowner prefers to obtain a permit. The Lyons ask the Board to deny ANR's Motion to Dismiss.

#### **IV. Standard of Review**

The Board must grant a motion for summary judgment if the motion and any opposition do not present a genuine issue of material fact with respect to the subject of the motion and if the motion is supported by a valid legal theory. When considering a motion for summary judgment, the Board must construe all reasonable inferences and doubts in favor of the nonmoving party. Provided a motion for summary judgment is properly supported by affidavits or admissions, any opposition to the facts supporting the motion must be specific and properly supported. *See In re Morehouse Brook*, No. WQ-02-04, Mem. of Decision at 3 (Vt. Water Res. Bd. Dec. 19, 2002) (construing Board Rule 36). A motion to dismiss that relies on allegations of fact may be treated as a motion for summary judgment. *See In re City of South Burlington (Bartlett Bay Wastewater Treatment Facility)*, No. WQ-01-04, Second Prehearing Conference Report and Order at 4 (Vt. Water Res. Bd. Apr. 18, 2002).

#### **V. Analysis**

The parties agree that ANR issued the Permit for a wastewater system without receiving a design certification or an installation certification. By doing so, ANR plainly violated the requirements of both the Public Water Supply and Wastewater System Permit Act, *see* 10 V.S.A. § 1973(d), (e), and its Wastewater System and Potable Water Supply Rules. *See* EPR §§ 1-302(b)(1), 1-303(c). ANR had no authority to waive the certification requirements. *See* EPR § 1-302(c)(8).

A permit issued without an installation certification is not valid. *See* 10 V.S.A. § 1973(e), EPR § 1-303(c). ANR therefore properly found in its Decision and Order that the Permit is invalid. This part of ANR's Decision and Order is therefore affirmed.

Both the statute and ANR's rules expressly prohibit ANR from issuing a permit in the first place unless the permit application includes a design certification. 10 V.S.A. § 1973(d), EPR § 1-302(b)(1), 1-302(e)(3). Under ANR's rules, grounds for revocation of a permit include incorrect or unreasonable design or installation certifications and the violation of the rules or the statute. EPR § 1-306(b)(3), (4). ANR's Decision and Order stopped short by invalidating the Permit without expressly revoking it. The Board's review of ANR's Decision and Order is *de novo*. *See* 10 V.S.A. § 1977(a). The Permit is revoked, and ANR's decision is reversed in part for not revoking the permit directly.

ANR's August 12, 2003, memorandum purporting to estop itself from asserting the existence of a permit violation in this and similar cases has no bearing on the Board's decision. The Public Water Supply and Wastewater System Permit Act expressly excludes ANR's enforcement decisions from the Board's review. *See* 10 V.S.A. § 1977(a). However, the statute also grants the Board the authority to determine *de novo* whether a particular petition to revoke must be granted. *See id.* The Board determines in this appeal that the Permit is invalid and must be revoked. The Board offers no opinion on ANR's enforcement discretion with regard to this case or other violations of the Public Water Supply and Wastewater System Permit Act and ANR's Wastewater System and Potable Water Supply Rules. Accordingly, the Board has no reason to address ANR's estoppel memorandum.

The Lyons argue that ANR is estopped from revoking or invalidating the Permit. In support of this argument, the Lyons assert that ANR's Regional Engineer, acting within the bounds of his authority, determined, as he had in other cases, that design and thus installation certifications are not required for wastewater systems consisting of municipal connections. Further, the Lyons allege that they relied to their detriment on the Regional Engineer's statements by installing their wastewater system without design or installation certifications. The Lyons claim that if the Permit is invalidated and revoked, then they will need to remove their wastewater system and install new lines to comply with the certification requirements of the permitting process.

Neither ANR, nor the Board on appeal, is estopped from finding that the Permit is invalid or that the Permit must be revoked. First, the Lyons have failed to support the factual basis for their estoppel argument, as required by Board Rule 36, and the other parties have not agreed to these facts. Second, even if the Board assumes that the Lyons's unsupported allegations of fact are true, the Board concludes that their estoppel argument is without merit.

The elements of estoppel against the government are well settled:

Under Vermont law, a party seeking to invoke the doctrine of equitable estoppel must establish four elements: (1) the party to be estopped must know the facts; (2) the party to be estopped must intend that its conduct shall be acted upon, or the conduct must be such that the party asserting estoppel has a right to believe it is intended to be acted upon; (3) the party asserting estoppel must be ignorant of the true facts; and (4) the party asserting estoppel must detrimentally rely on the conduct of the party to be estopped. *Agency of Natural Resources v. Godnick*, 162 Vt. 588, 592, 652 A.2d 988, 991 (1994). Estoppel, which is “based upon the grounds of public policy, fair dealing, good faith, and justice,” is rarely invoked against the government; that result “is appropriate only when the injustice that would ensue from a failure to find an estoppel sufficiently outweighs any effect upon public interest or policy that would result from estopping the government in a particular case.” *Id.* at 592-93, 652 A.2d at 991.

*In re Letourneau*, 168 Vt. 539, 547, 726 A.2d 31, 37 (1998).

The Lyons have failed to show that the elements of estoppel apply to this case. First, ANR’s Regional Engineer plainly did not know the facts. Although the Regional Engineer apparently knew that the Lyons intended to install a municipal connection, the Regional Engineer did not understand that under both the Public Water Supply and Wastewater System Permit Act and ANR’s Wastewater System and Potable Water Supply Rules, a permit for a municipal connection cannot be issued without a design certification and an installation certification.

Second, the Lyons did not reasonably rely on the Regional Engineer’s opinion. Both the statute and ANR’s rules plainly require both a design certification and an installation certification for a municipal connection. A permit applicant cannot reasonably rely on an agency employee’s interpretation of the law, which is often disputed by third parties. It is unreasonable for the Lyons to expect that an ANR employee’s legal opinion could bind the agency, those who may be affected by the wastewater system at issue, and this Board.

Finally, this is not one of those rare cases in which “the injustice that would ensue from a failure to find an estoppel sufficiently outweighs any effect upon public interest or policy that would result from estopping the government in a particular case.” *Letourneau*, 168 Vt. at 547, 726 A.2d at 37 (quoting *Godnick*, 162 Vt. at 592-593, 652 A.2d at 991). The Permit was plainly issued in violation of laws intended to protect human health and the environment. While the Lyons may indeed be burdened by the alleged handling of this Permit by ANR, Tucker has a right

to have a wastewater system that may affect his health and property installed in accordance with the plain requirements of the law.

ANR suggests that under EPR § 1-403(a)(5), the municipal connection in question has become exempt from any permitting requirement because the lot on which this system is located has been merged with a preexisting lot. The permitting exemption upon which ANR relies, EPR § 1-403(a)(5), applies to “unimproved lots.” An unimproved lot “means a lot that has no building or structure on it.” EPR § 1-201(a)(62) (defining unimproved lot). Conversely, an improved lot “means lot that has a substantially completed building or structure on it, and an associated substantially completed potable water supply and wastewater system that may or may not be located on the lot.” EPR § 1-201(a)(2) (defining improved lot). A building or structure “means a building or structure whose useful occupancy requires the construction or modification of a potable water supply or wastewater system.” EPR § 1-201(a)(8) (defining building or structure). ANR’s allegations of fact in this matter include the assertions that the Permit was issued “for a substantially completed wastewater system serving a camper trailer” and that this “wastewater system involves a completed connection from a camper trailer to a municipal sewage line.” (Response of ANR in Support of Tucker’s Motion for Summary Judgment at 1.)

Although the Board has some doubts about the merits of ANR’s argument, the Board does not decide whether or not the wastewater system in question has become exempt from permitting or whether any such exemption renders this appeal moot. ANR’s motion to dismiss is in the nature of a motion for summary judgment because it relies on assertions of fact. ANR failed to support these assertions by affidavits or other means as required by Board Rule 36. In support of its Motion to Dismiss, ANR provides a letter from its Regional Engineer to John Lyon. This letter, which was written while this appeal has been pending, includes references to deeds that ANR did not supply as well as to legal opinion.

Tucker objects to ANR’s letter and concludes that ANR’s Motion to Dismiss amounts to a motion for summary judgment without factual support. The Lyons disagree with the allegations of fact in ANR’s Motion to Dismiss and conclude that a factual dispute exists with regard to the facts that ANR offered in support of its Motion. In their objection to ANR’s Motion, the Lyons provide an unsupported statement of facts as well as a number of documents, including a quitclaim deed, all without supporting affidavits.

Because the facts underlying ANR’s Motion to Dismiss and the Lyons’s Objection are in dispute and not supported as required by Board Rule 36, the Board will not consider them. Rule 36(F) provides in part that a factual objection to a properly supported motion for summary judgment must itself be properly supported. In this case, ANR’s Motion was not properly supported. The unsupported objections to ANR’s allegations of fact are therefore sufficient to defeat ANR’s Motion.

**VI. Order**

Accordingly, it is hereby **Ordered**:

1. Tucker's December 11, 2003 Motion for Summary Judgment is granted.
2. The Lyons's December 23, 2003 Motion for Summary Disposition is denied.
3. ANR's December 26, 2003 Motion to Dismiss is denied.
4. ANR's August 12, 2003 Decision and Order regarding Tucker's Petition to revoke is affirmed in part and reversed in part.
5. Wastewater System and Potable Water Supply Permit # WW-5-2079 issued to William and Ann Lyon on February 6, 2003 for a wastewater system serving a camper trailer in Northfield, Vermont is invalid and is hereby revoked.
6. Pursuant to sections 1-306(i) and 1-316 of ANR's Wastewater System and Potable Water Supply Rules, Tucker shall record and index this revocation decision in the land records for the municipality in which the project is located upon the close of the appeal period, or upon final resolution of any appeal, whichever is later.

Dated at Montpelier, Vermont, this 21st day of April, 2004.

WATER RESOURCES BOARD  
By its Chair

/s/ John F. Nicholls

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John F. Nicholls

Concurring:

Lawrence H. Bruce, Jr., Member  
Michael J. Hebert, Member  
John D.E. Roberts, Vice-Chair