

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

Case Name: Lowe's Home Centers, Inc,  
Docket No: WQ-03-15

**ORDER REGARDING MOTION**

Title of Motion: Motion for Stay  
Filed by: Conservation Law Foundation (CLF)  
Date Motion filed: June 1, 2004

\_\_\_\_\_ Motion Granted  
  **X**   Motion Denied (see below)  
  **X**   IT IS HEREBY ORDERED:

Board precedent is clear that the Board lacks authority to stay a discharge permit issued under Chapter 47 of Title 10. *See, Re: Vermont Agency of Transportation (Route 7)*, No. WQ-03-01, Memorandum of Decision (Aug. 28, 2003); *In re: Appeal of Larivee*, No. 92-09, Preliminary Order on Motion to Stay (Apr. 5, 1993); *In re: Appeal of Poultney River Committee*, No. 92-04, Prehearing Order: Motion for Partial Stay and Temporary Ex Parte Order (Sept. 28, 1992). There is no separate authorization for the Board to stay an approval to proceed under a general discharge permit, so the same precedent applies here. CLF has provided no persuasive legal authority to the contrary. Accordingly, CLF's motion to stay is denied.

DATED in Montpelier, Vermont this 3rd day of June, 2004.

WATER RESOURCES BOARD  
By its Chair

/s/ John F. Nicholls

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John F. Nicholls

Concurring:  
David J. Blythe  
Lawrence H. Bruce, Jr.  
Michael Hebert  
John D.E. Roberts

cc: Service List