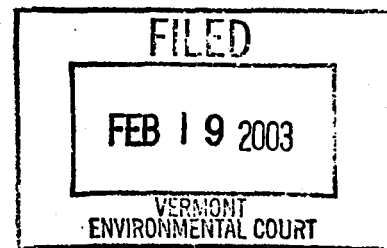


STATE OF VERMONT
ENVIRONMENTAL COURT



Agency of Natural Resources,)
Petitioner)
v.)
Gerald Parker)
Respondent)

Docket # 26-2-03Vtec

ORDER

The Assurance of Discontinuance signed by the Respondent on February 10, 2003, and filed with the Environmental Court on February 14, 2003, is hereby entered as an order of this Court, pursuant to 10 V.S.A. 8007 (c).

Dated this 19th day of February, 2003.

A handwritten signature in cursive script, reading "Merideth Wright", written over a horizontal line.

Merideth Wright,
Environmental Judge

**STATE OF VERMONT
AGENCY OF NATURAL RESOURCES**

**ENVIRONMENTAL COURT
Docket No.**

**SECRETARY, VERMONT
AGENCY OF NATURAL RESOURCES,
Plaintiff**

v.

**GERALD E. PARKER,
Respondent**

VIOLATIONS:

- i. 10 V.S.A. Chapter 48, §1396 -
Failure to submit properly
completed Well Completion
Reports within 90 days of wells'
completion.

ASSURANCE OF DISCONTINUANCE

Pursuant to the provisions of 10 V.S.A. Section 8007, the Secretary (Secretary) of the Agency of Natural Resources (Agency) and Gerald E. Parker (Respondent) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS

1. Respondent is a licensed well driller (License #176) and is engaged in the business of drilling wells throughout the state of Vermont.
2. Under Vermont law, Respondent is required to submit to the Water Supply Division (the Division) a Well Completion Report (WCR) within 90 days of drilling a well.
3. On March 18, 2002 the Division sent Respondent information identifying outstanding WCRs.
4. On May 9, 2002 the Division sent Respondent an annual report to assist him in evaluating his compliance and requested Respondent to submit any outstanding WCRs.

5. On June 5, 2002 Respondent was issued a Notice of Alleged Violation (NOAV) because the Water Supply Division had not received all properly completed WCRs for the calendar years of 2000 and 2001.
6. To date, Respondent has submitted all properly completed WCRs listed as incomplete in the June 5, 2002 NOAV. However, those WCRs submitted after the NOAV was issued had exceeded the 90-day deadline for submission.
7. By failing to submit properly completed Well Completion Reports within 90 days of well drilling, Respondent violated 10 V.S.A. Chapter 48, §1396.

AGREEMENT

Based on the foregoing Statement of Facts and Description of Violations, the parties agree as follows:

- A. For the violations described above, Respondent shall pay a penalty of \$500.00. Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:

Ms. Becky Buchanan, Administrative Assistant
Environmental Enforcement Division
Agency of Natural Resources
103 South Main Street, 2 South
Waterbury, VT 05671-0401

Payment shall be received no later than thirty (30) consecutive calendar days following the date this Assurance is entered as an Order by signature of the Environmental Court.

- B. The State of Vermont and the Agency reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth hereinabove.
- C. Nothing in this Assurance shall be construed as having relieved, modified, or in any manner affected the Respondent's on-going obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the Respondent in the operation of their business.

- D. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Environmental Court. When so entered by the Environmental Court, this Assurance shall become a judicial order. In the event that such order is vacated, the Assurance shall be null and void.
- E. The Respondent shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein occurring before the effective date of the Assurance, provided that the Respondent fully complies with the agreements set forth above.
- F. This Assurance sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto or their legal representatives and incorporated in an order issued by the Environmental Court. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.
- G. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. Chapters 201 and/or 211.
- H. This Assurance is subject to the provisions of 10 V.S.A. Section 8007.

RESPONDENT'S SIGNATURE AND NOTARY PAGE

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Poultney, Vermont, this 10 day of FEB. 2003.

Gerald E Parker
Signature

Printed Name: GERALD E PARKER

Address: PO BOX ~~200~~ 627
E. POULTNEY - 05741

STATE OF VERMONT
COUNTY OF RUTLAND, ss.

At Poultney, Vermont, this 10th day of February 2003, the above signatory personally appeared and swore to the truth of the foregoing. Before me,

Linda Baptie
Notary Public

Term expires: 2-10-03

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated in Waterbury, Vermont, this 13th day of February 2003.

SECRETARY, AGENCY OF NATURAL RESOURCES

By: Christopher Recchia
Christopher Recchia, Commissioner
Department of Environmental Conservation