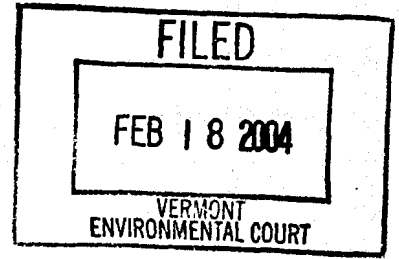


STATE OF VERMONT  
ENVIRONMENTAL COURT



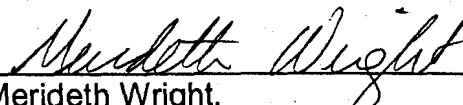
Agency of Natural Resources, )  
Petitioner )  
v. )  
Michael Pietras )  
Respondent )

Docket # 26-2-04 Vtec.

**ORDER**

The Assurance of Discontinuance signed by the Respondent on January 29, 2004, and filed with the Environmental Court on February 18, 2004, is hereby entered as an order of this Court, pursuant to 10 V.S.A. 8007 (c).

Dated this 18th day of February, 2004.

  
\_\_\_\_\_  
Merideth Wright,  
Environmental Judge

**STATE OF VERMONT  
AGENCY OF NATURAL RESOURCES**

**ENVIRONMENTAL COURT  
Docket No.**

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

**v.**

**MICHAEL PIETRAS,  
Respondent**

**VIOLATIONS:**

- i. Vermont Solid Waste Management Rule (VSWMR) §6-302(d): Disposal of solid waste outside of a certified facility.

**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 Michael Pietras (Respondent) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

**STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS**

1. On November 25, 2002, Environmental Enforcement Officer (EEO) Tim Blake received a complaint of solid waste disposal along the Chilafox Road in Brownington, Vermont (the site).
2. On November 26, 2002, EEO Blake inspected the site and observed that approximately three to five yards of refuse, including cardboard boxes and flooring tile, had been dumped along side the road.
3. Subsequent investigation revealed that the waste originated from Respondent's recent move from Irasburg to Derby, Vermont and renovation of the Derby house.
4. On June 5, 2003, Respondent removed the waste and disposed it at a certified facility.

5. By disposing of solid waste outside of a certified facility, Respondent violated VSWMR §6-302(d).
6. On January 3, 2004, Respondent submitted financial information showing that his family was collecting a food stamp benefit and living below the poverty line. This information demonstrated that Respondent had an inability to pay a penalty.

#### AGREEMENT

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

- A. Respondent shall dispose of all solid waste at a certified solid waste facility and shall otherwise comply with the Vermont Solid Waste Management Rules.
- 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.

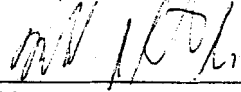
G. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. Chapters 201 and/or 211.

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 Derby, Vermont, this 29<sup>th</sup> day of January, 2004.

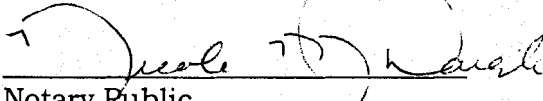
  
Signature

Printed Name: MICHAEL PIETRAS SR.

Address: 2228 SALEM DERBY RD.  
NEWPORT VT. 05855

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STATE OF VERMONT  
COUNTY OF Oxford, SS.

At Derby, Vermont this 29<sup>th</sup> day of January, 2004, the above signatory personally appeared and swore to the truth of the foregoing. Before me,

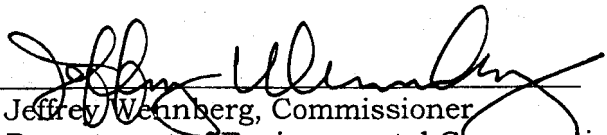
  
Notary Public

Term Expires: 2-10-07

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

Dated at Waterbury, Vermont, this 13<sup>th</sup> day of February, 2004.

SECRETARY, AGENCY OF NATURAL RESOURCES

BY:   
Jeffrey Wennberg, Commissioner  
Department of Environmental Conservation