

STATE OF VERMONT

SUPERIOR COURT  
Environmental Division Unit

ENVIRONMENTAL DIVISION  
Docket No. 81-7-16 Vtec

Agency of Natural Resources,  
Petitioner

v.

Donald Shattuck,  
Respondent

JUDGMENT ORDER

The present matter concerns an administrative order (AO) issued by the Vermont Agency of Natural Resources (ANR) on May 24, 2016 for alleged violations of the Air Pollution Control Regulations and Solid Waste Management Rules, namely:

1. Air Pollution Control Regulations (“APCR”) § 5-201 – Prohibited open burning; and
2. Violation of Solid Waste Management Rules (“SWMR”) § 6-302(a) – Burning solid waste.

The AO assesses a \$2,500 penalty for the violations. Mr. Shattuck timely requested a hearing and moved to dismiss the AO. We denied the motion to dismiss in a decision issued September 27, 2016.

The matter was set for a hearing on the merits, which was held at the Vermont Superior Court, Civil Division in Woodstock, Vermont on February 10, 2017. ANR was represented by Randy Joe Miller, II, Esq., and Mr. Shattuck was self-represented. ANR presented strong evidence supporting their allegations, and Mr. Shattuck also admitted to committing the violations alleged in the AO. At the close of evidence, the undersigned issued findings of fact and conclusions of law from the bench.

For the reasons set out on the record at the conclusion of the February 10, 2017 hearing, we conclude that Mr. Shattuck violated the following:

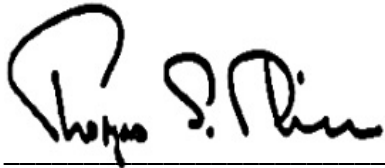
1. Air Pollution Control Regulations (“APCR”) § 5-201 – Prohibited open burning; and
2. Violation of Solid Waste Management Rules (“SWMR”) § 6-302(a) – Burning solid waste.

We therefore **AFFIRM** the legal conclusions rendered by the ANR Secretary and detailed in the AO. Consistent with the AO, and after having considered all aggravating and mitigating factors directed by 10 V.S.A. § 8010(b), we order Mr. Shattuck to pay a penalty of \$2,500.00 no later than thirty (30) consecutive calendar days following the effective date of this order. Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:

Administrative Assistant  
Agency of Natural Resources  
Compliance and Enforcement Division  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3803

This concludes the matter before the Court.

Electronically signed on February 16, 2017 at Newfane, Vermont, pursuant to V.R.E.F. 7(d).

A handwritten signature in black ink, appearing to read "Thomas S. Durkin". The signature is written in a cursive style with a large initial "T" and "D".

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Thomas S. Durkin, Judge  
Environmental Division