

STATE OF VERMONT

SUPERIOR COURT
Vermont Unit

ENVIRONMENTAL DIVISION
Docket No. 20-2-14 Vtec

Agency of Natural Resources,
Petitioner

v.

Ken Davis, d/b/a Davis Contracting Service
Respondent

JUDGMENT ORDER

This matter arises out of the alleged failure of Respondent Ken Davis, d/b/a Davis Contracting Service, (Respondent) to follow Acceptable Management Practices (AMPs) in connection with Respondent's logging activities on property in Montgomery, Vermont. In a February 12, 2014 Administrative Order (AO), the Vermont Agency of Natural Resources (ANR) alleges violations of the Vermont water pollution control law, 10 V.S.A. § 1259(a), as a result of Respondent's logging activities. The AO sets out factual allegations describing Respondent's failure to follow AMPs resulting in discharges into waters of the State without a permit. While the AO states that Respondent has since come into compliance and is following all AMPs, ANR seeks administrative penalties for the violations. On February 18, 2014, Respondent requested a hearing with this Court.

For the reasons stated in greater detail in the Merits Decision that accompanies this Judgment Order, we conclude that Respondent failed to follow multiple AMPs in conducting his logging operations in the late summer 2011 and spring 2012 at property located at 4159 Vermont Route 16 in Montgomery, Vermont. Because the failure to follow the AMPs at multiple locations resulted in discharges of material to waters of the State without a permit, Respondent violated 10 V.S.A. § 1259(a). The Court, in our Merits Decision, applied the factors enumerated in 10 V.S.A. § 8010(b) and concludes that Respondent shall be assessed an administrative penalty of **\$9,509.43**.

Electronically signed on May 01, 2015 at 11:57 AM pursuant to V.R.E.F. 7(d).



Thomas G. Walsh, Judge
Superior Court, Environmental Division