

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
Docket No. 22-3-15 Vtec

Gingras A250 Altered/Corrected

ENTRY REGARDING MOTION

Title: Motion to Clarify SOQ (Motion 7)

Filer: Michael Gingras

Attorney: Eric G. Parker

Filed Date: February 17, 2017

Response in Opposition filed on 03/06/2017 by Attorney Joseph F. Obuchowski for Appellant Edward Baker

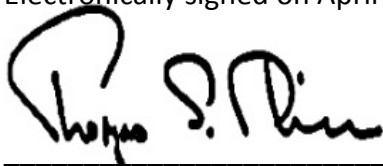
The motion is GRANTED IN PART and DENIED IN PART.

The Court discussed the scope of Appellant's revised Statement of Questions during the pre-trial telephone conference, held on March 27, 2017. To the extent that Appellant seeks a broad reading of the Questions, so that impacts that are not personal to him are to be discussed at trial, we decline to adopt such a broad reading and do hereby **GRANT** Applicant Gingras's motion to clarify. However, we will allow Appellant Baker to offer testimony at trial within the scope of his revised Questions concerning impacts personal to him.

At the March 27th conference, the parties advised the Court that Applicant would be required to obtain an indirect discharge permit from the Vermont Agency of Natural Resources. In light of this, the parties requested that the Court suspend the trial, now scheduled for April 12-13, 2017, so that it could be determined whether there would be a related appeal of the ANR permit determination. The Court **GRANTED** this request, with the directive that Mr. Gingras and his attorney notify the Court and Appellant (1) when Mr. Gingras submits his application to ANR; (2) when ANR deems that application complete; and (3) when ANR issues a determination on that application.

So ordered.

Electronically signed on April 04, 2017 at Newfane, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Judge
Environmental Division

Notifications:

Joseph F. Obuchowski (ERN 4591), Attorney for Appellant Edward Baker

Eric G. Parker (ERN 3626), Attorney for Appellee Michael Gingras

Peter J. Gill (ERN 4158), Attorney for Interested Person Natural Resources Board