

Amendment to Administrative Citation No. 1000
30 V.S.A. §§ 30 (h)
Amendment Issue Date: July 27, 2018

Certificate of Public Good held by: GSPP Gilman, LLC
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GSPP Gilman, LLC, self-reported a violation of the terms and conditions of its Certificate of Public Good (CPG), issued in Docket No. 8725, dated March 3, 2017, under section 248 of Title 30.

Draft Administrative Citation No. 1000 was posted on the website of the Department of Public Service for a period of 30 days to allow for public comment. The Department received one comment, from the Agency of Natural Resources (ANR), which requested that the draft Citation be revised to reflect the discovery of two additional CPG violations, and the imposition of appropriate penalties and remedial measures to be taken by CPG holder GSPP Gilman. ANR reports that it learned of these additional violations through information supplied by the CPG holder, and that the CPG holder has been forthright, cooperative, and responsive to that Agency's requests for information. Draft Administrative Citation No. 1000 is hereby revised to incorporate ANR's findings and recommendations, as follows.

Riparian Buffer Disturbance. It now appears that approximately 0.12 acres of vegetation was cleared within the Connecticut River riparian buffer zone established for the project. The vegetation clearing is a violation of condition 14 of the March 3, 2017 CPG, which provides:

An undisturbed, naturally vegetated riparian buffer zone shall be maintained along the Connecticut River as measured inland, perpendicular to and horizontally from the top of the bank a minimum of 100 feet and continuing to the water's edge at base flow conditions. The term "undisturbed" means no activities that may cause or contribute to ground or vegetation disturbance, or soil compaction, including but not limited to construction; earth-moving activities; storage of materials; tree trimming or canopy removal; tree, shrub, or groundcover removal; plowing or disposal of snow; grazing; or mowing.

Tree (Mature Forest) Clearing. It now appears that approximately 0.29 acres of mature forest was cleared to the south of the closed landfill. The mature forest clearing is a violation of condition 15 of the March 3, 2017 CPG, which provides:

Tree clearing for construction and during the operational life of the Project shall be limited to an area of 0.04 acre (1,672 square feet), as depicted on the Revised Vegetative Cover Type Map produced by the CPG Holder in response to ANR discovery question 1-26 and

filed as an exhibit to the supplemental testimony of Karina Dailey. Should the CPG Holder's preconstruction engineering determine that additional tree clearing may be necessary, it shall submit to the Board either a request to approve the increase or for a determination that the increase is a non-substantial change under applicable Board rules. ANR shall review and comment on the CPG Holder's request prior to the Board's decision on the request.

The consideration of Section 30 penalty factors in the original Draft Citation is unchanged except for #1, *Extent that the violation harmed or might have harmed the public health, safety, or welfare, the environment, the reliability of utility service, or the other interests of utility customers*. Based on its findings above and the potential environmental impacts of the additional violations, ANR recommends a penalty of \$1500 for each of these additional violations, as well as remedial actions in addition to those identified in the original Citation. GSPP Gilman has agreed to this penalty and to implement remedial measures, in a Stipulation filed concurrently with this Revised Administrative Citation.