

STATE OF VERMONT  
WASHINGTON COUNTY, SS.

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STATE OF VERMONT AGENCY )  
OF NATURAL RESOURCES, )  
Plaintiff, )  
v. )  
MOUNT SNOW, LTD., )  
Defendant. )

Washington Superior Court  
Docket No. 154-3-10 Wncv

**CONSENT ORDER AND FINAL JUDGMENT ORDER**

This action came before the Court pursuant to the parties filing of Pleadings by Agreement under Vermont Rule of Civil Procedure 8(g). Based upon those Pleadings by Agreement and the Stipulation for the Entry of Consent Order and Final Judgment Order, and pursuant to 10 V.S.A. § 8221 and the Court’s inherent equitable powers, it is hereby ADJUDGED AND ORDERD as follows:

**ADJUDICATION OF HAZARDOUS WASTE MANAGEMENT VIOLATIONS**

1. The Agency of Natural Resources (“ANR”) conducted inspections of Defendant Mount Snow, Ltd.’s (“Defendant”) facilities on February 27, 2008 and April 29, 2008 (“the inspections”). During the inspections, ANR found violations of the following Vermont Hazardous Waste Management Rules:

- Section 7-302(a); Section 7-504(a) – Disposal of hazardous waste by evaporation/disposal of hazardous waste without certification;
- Section 7-406(a) – Transportation of hazardous waste without a permit;
- Section 7-303 – Failure to make a hazardous waste determination;
- Sections 7-311(a)(2), (4) and (5) – Storage area design standards;
- Section 7-806(b)(7) – Used oil storage;

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- Section 7-311(c)(1) - Security;
- Section 7-311(b)(2) – Labeling;
- Section 7-311(b)(3) – Operating standards;
- Section 7-311(d)(1) – Inventory;
- Section 7-311(d)(2) – Inspection;
- Section 7-307(c)(9)(B) – Employee training;
- Section 7-307(c)(9)(C) – Emergency preparedness;
- Section 7-309(a)(4)(D) – Hospital arrangements;
- Section 7-310(a)(5) – Container markings;
- Section 7-310(a)(8) – Short-term storage;
- Section 7-812(c)(1)(A) – Used oil; and
- Section 7-912(d)(5)(A)(i) – Universal waste lamps.

2. Defendant is adjudged liable to the State for these violations.

#### **PENALTIES**

3. For the violations described above, Defendant shall pay a penalty of ninety-five thousand dollars (\$95,000.00).

4. Payment of the ninety-five thousand dollars (\$95,000.00) penalty shall be made to the “State of Vermont” and shall be due at the time when Defendant executes and signs the Pleadings by Agreement and Stipulation for the Entry of Consent Order and Final Judgment Order.

#### **OTHER PROVISIONS**

5. Defendant hereby waives: (a) all rights to contest or appeal this Consent Order; and (b) all rights to contest the obligations imposed upon Defendant under

Paragraphs 3 and 4 of this Consent Order in this or any other administrative or judicial proceeding involving the State of Vermont.

6. This Consent Order is binding upon Defendant and its successors and assigns.

7. Nothing in this Consent Order shall be construed to create or deny any rights in, or grant or deny any cause of action to, any person not a party to this Consent Order.

8. This Consent Order shall become effective only after it is entered as an order of the Court. When so entered by the Court, this Consent Order shall become a *Final Judgment Order*.

9. Any violation of this Consent Order shall be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties for contempt, as set forth in 10 V.S.A. Chapters 201 and 211.

10. The State of Vermont and the Court reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and circumstances set forth herein.

11. Nothing in this Consent Order shall be construed as having relieved, modified, or in any manner affected Defendant's obligations to comply with all other federal, state, or local statutes, regulations, permits or directives applicable to Defendant. The State reserves all rights, claims and interests not expressly waived herein.

12. This Consent Order may only be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto or their legal

representatives and incorporated into an order issued by the Washington Superior Court. Alleged representations not set forth in this Consent Order, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.

13. Defendant shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein or in the Pleadings by Agreement occurring before the effective date of the Order, provided that the Defendant fully complies with the terms of the Consent Order set forth above.

SO ORDERED, and ENTERED as FINAL JUDGMENT.

DATED at Montpelier, Vermont this 5 day of March 2010.



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Hon. Geoffrey W. Crawford  
Washington Superior Court Judge