

STATE OF VERMONT
WASHINGTON COUNTY, SS.

STATE OF VERMONT AGENCY)
OF NATURAL RESOURCES,)
Plaintiff,)
) Washington Superior Court
v.) Docket No. Wncv
)
MOUNT SNOW, LTD.,)
Defendant.)

**STIPULATION FOR THE ENTRY OF CONSENT ORDER
AND FINAL JUDGMENT ORDER**

NOW COMES the parties, Plaintiff, the State of Vermont Agency of Natural Resources (“the State”), by and through Vermont Attorney General William H. Sorrell, and Defendant Mount Snow, Ltd. (“Defendant”), and stipulate and agree as follows:

WHEREAS, the State alleges in the Pleadings by Agreement filed in this action that Defendant violated Vermont’s hazardous waste management regulations;

WHEREAS, Defendant has admitted in the Pleadings by Agreement that it committed those violations of Vermont’s hazardous waste management regulations;

WHEREAS, the Attorney General pursuant to 3 V.S.A. Chapter 5 has the general supervision of matters and actions in favor of the State and may settle such matters as the interests of the State require;

WHEREAS, under 10 V.S.A. § 8221, the Defendant is potentially liable for civil penalties of up to \$50,000 for each violation and \$25,000 per violation for each day the violation continued;

WHEREAS, the State considered the criteria in 10 V.S.A. §§ 8010(b) and (c) in arriving at the proposed penalty amount, including the length of time the violations existed and that Defendant knew or had reason to know the violations existed;

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WHEREAS, the Attorney General believes that this settlement is in the State's interest as it upholds the statutory regime of 10 V.S.A. Chapter 159 in which the violations occurred; and

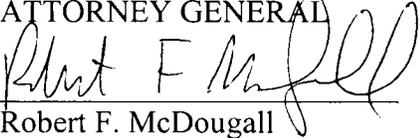
WHEREAS, the Consent Order has been negotiated by and among the State and Defendant in good faith;

NOW, THEREFORE, the State and Defendant hereby stipulate and agree as follows:

1. The attached Consent Order may be entered by the Court;
2. The State and Defendant hereby waive all rights to contest or appeal the Consent Order and they shall not challenge, in this or any other proceeding, the validity of any of the terms of the Consent Order or of this Court's jurisdiction to enter the Consent Order; and
3. The Consent Order sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties' legal representatives and incorporated in an order issued by the Court.

DATED at Montpelier, Vermont this 4th day of March, 2010.

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 

Robert F. McDougall
Assistant Attorney General
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DATED at W. Dover, Vermont this 26th day of February, 2010.

MOUNT SNOW, LTD.

By: Thomas J. Montemagni

Thomas J. Montemagni

Mount Snow, Ltd.

12 Mountain Snow Rd.

West Dover, Vermont 05356

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