

Seckington, Donna

From: palola <darlenepalola@gmavt.net>
Sent: Monday, June 30, 2014 5:25 PM
To: NRB - Comments
Cc: Groveman, Jon; Greenwood Kim
Subject: Comment on The Stratton Corporation
Attachments: AOD response frpm SACC.pdf

To: ANR Enforcement Division; Natural Resources Board; Environmental Division of Superior Court

From: Stratton Area Citizens Committee (SACC)

Date: June 30, 2014

Subject: Proposed AOD for Stratton Corporation violation of permits.

To those responsible for upholding Vermont's environmental laws and regulations, we urge you to protect Vermont from developers willing to sacrifice our valuable assets for unsustainable profits. SACC's comments are attached

Thank you,
Darlene Palola, Chair of Stratton Area Citizens Committee
darlenepalola@gmavt.net

To: Vermont Enforcement Division

From: Stratton Area Citizens Committee (SACC)

Date: June 30, 2014

Subject: Proposed AOD for Stratton Corporation for violations of Act 250 and water quality standards

Background:

In 1999 the Master Plan for Stratton development was partially approved and contingent on conformance with the Stratton Water Quality Remediation Plan (WQRP) as devised and approved by parties to the Act 250 permit. The WQRP allowed for development to ensue as remediation went forward with the presumption that VWQS would be attained in, or close to, 2006. None of the impaired streams met this target, but development went forward nonetheless and accordingly, monitoring and remediation projects continued to evolve to address the water quality problems caused earlier and avoid these problems in the future. It has taken a lot of time, energy and money to fix problems (old and recent) and restoration to compliance with VWQS is slow. Stratton has made a huge effort to fix the problems, but is continually having to adapt to changes due to the build-out and hydrology of the resort. Stratton Corporation was issued an LUP, 2W1142, in November of 2002 for the Treetop development. Throughout the decade, SACC had concerns about the monitoring, especially turbidity, of water quality impacted by the Treetop development. SACC has always been cognizant of how Stratton complies with the WQRP which is a key issue in permitting development at Stratton. The WQRP set goals and timelines to comply with VWQS which have had to be adjusted to accommodate Stratton's wishes and the reality of pollution. Styles Brook has not met its target and, after 14 years of WQRP projects and intensive development, is still on Part D of the impaired list. Stratton knew that Styles Brook was in fragile condition to begin with. Remediation projects and a lot of construction were planned for the Styles Brook watershed. Treetop was next on the list for build-out of the resort and Stratton should have known it was a very risky project for the watershed. Nonetheless they took the chance to take short-cuts and, without meaningful oversight, to go forward. In 2002 Stratton was able to get a CPG permit based on a low risk assessment and took full advantage.

Problem:

It is a great concern that Treetop was built in an impaired watershed in a location with shallow soils on very steep slopes. We questioned the general construction permit for drainage repair at Treetop in 2009 as it did not adequately address problems with the stormwater system. At Act 250 hearings Stratton testified that Treetop was designed and would be monitored to protect Styles Brook (and thereby the swimming hole at Pikes Falls, an ORW) and meet the requirements in Criterion one and the WQRP. However, once construction began, erosion was a significant problem. Other problems, such as the detention pond and run-off, existed unseen. It is now evident that the conditions of the Act 250 were not heeded by Stratton contractors and ANR did not diligently force Stratton to comply. If the HOA had not intervened would the unregulated stormwater and erosion from the clear cut continue to impact Styles Brook unabated? Stratton wanted their errors and short-cuts to go unnoticed and let the goals of the WQRP be forgotten. How much longer will it take for Styles to comply with VWQS? We do not know what pollution will result from Treetop in the future and how extensive the damage will be to the watershed as pollutants in sediment continue to wash downstream and threaten the outstanding values of the Pikes Falls swimming hole.

Answer:

Now, ANR has to fix the mistakes of the past at a cost which is likely much greater than \$643.40. Similarly, the burden on the Act 250 Commission to rectify Stratton's errors is significant and the fine is miserly. Stratton's effort to fix problems was minimal as is the fine in the proposed AOD. A total fine of \$43,538.40 is less than the cost to have built correctly. Meanwhile, Stratton had the benefit of the sales of the condominiums, some in the one million dollar range, to more than pay for their building short-cuts.

Such a fine is **not** a signal to developers that Vermont is serious about protecting water quality and conserving our resources for future generations.

Citizens as well as developers need to know that enforcement of Vermont's environmental regulations is meaningful. Please do not give away Vermont's special and needed resources to be used for short term gain. Make them pay a meaningful sum for knowingly violating permits.

Sincerely,

Darlene Palola, Chair of Stratton Area Citizens Committee

darlenepalola@gmavt.net