

Natural Resources Damages/CERCLA Enforcement: Colorado and Vail Ski Resort Enter into Settlement Agreement



Walter Wright, Jr.

wwright@mwlaw.com
(501) 688.8839

08/23/2023

Various State of Colorado entities and agencies and Vail Corporation d/b/a Vail Mountain (“Vail Mountain”) entered into an August 16th Settlement Agreement (“Agreement”) addressing alleged violations of the following:

- Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. (“CERCLA”)
- Colorado Water Quality Control Act, § 25-8-101, C.R.S. et seq.
- Colorado Wildlife Code, § 33-1-101, C.R.S. et seq.

The Colorado agencies and entities executing the Agreement include:

- Colorado Natural Resources Trustees
- Water Quality Control Division of the Colorado Department of Public Health and Environment
- Division of Parks and Wildlife of the Department of Natural Resources
- Vail Corporation d/b/a Vail Mountain

The Agreement addresses an inadvertent release of water from Vail Mountain’s snowmaking system at its ski facility. The release is alleged to have resulted in a discharge into Mill Creek and Gore Creek from September 17 to September 20, 2021.

The release is alleged to have constituted an unpermitted discharge of pollutant into state waters and to have caused impacts to fish.

The Colorado trustees alleged claims for natural resources damages pursuant to CERCLA because the release is stated to have contained hazardous substances.

Vail Mountain does not admit to any of the factual or legal allegations made by the Colorado agencies or entities.

Vail Mountain agrees to remit \$275,000. \$249,000 will be deposited in Colorado’s Natural Resources Damages Fund to be used for a restoration project in the Gore Creek Basin. The remaining \$26,000 will go to the State of Colorado’s Water Quality Improvement Fund.

A copy of the Agreement can be downloaded [here](#).