

Citation Number 2021_60

Respondent: RobLee Farm, Inc., Mark Mason, Craig Mason, Charles Mason

I am an adjoining land owner to the RobLee Farm, Inc. sand & gravel pit operations located on Kelly Hill Road in Pawlet. This latest blasting event is one in a long line of ongoing violations, AODs, NOAVs, and soon to be released additional AODs. It is *not* a “1st Violation” and it is a joke that Act 250 enforcement is referring to it as such. This operation has violated multiple Act 250 criteria, as well as both federal and state Clean Water Act rules, since its initial permit was issued. This was confirmed in a Vermont NRB press release, 9-29-2009. Regarding blasting, this operation has failed to comply 100%.

RLF (RobLee Farm) Inc. has blasted twice (that I know of), each time in violation of LUPs and the criterion set forth in their applications; their Act 250 Permit #1R0932 was issued in April of 2006, and specifically states, “*No blasting is permitted without an Act 250 amendment.*” In June 2007 an illegal blast took place (which resulted in the above mentioned press release). It took 2 years to produce an AOD. The foremost violation of the AOD was illegal blasting in an area **outside of allowed excavation**. This unauthorized area was referred to as the Danby Feedlot. Citation 2021_60 violation took place recently at the very same location.

In 2008 RobLee Farm, Inc. amended their original Act 250 permit. Permit #1R0932-2 was obtained by RobLee Farm, Inc. after new detailed erosion control plans, phase development cycles, stormwater control methods and detailed reclamation plans were developed by Stantec Engineering and the proper state and federal Clean Water Act permits were secured. The main thrust of this amended permit was the inclusion of *permitted blasting*, with detailed requirements to do so.

One requirement, specifically outlined by William Burke, then District Coordinator of Act 250, was that adjoining land owners/neighbors be notified no less than a week prior to blasting. Sue Ceglowski, then attorney for RobLee Farm, Inc., responded to these requests, clearly stating that landowners/neighbors would indeed be notified no less than one week prior to any blasting. A list of those adjoining land owners and neighbors in close proximity with addresses was included; **No one was notified.**

In addition, my property (which is one of the closest to the actual blasting location) is not on the above mentioned list as required by Act 250, although it is the longest property abutter of RobLee Farm. This ought to have been acknowledged by RobLee owners and their attorney Sue Ceglowski; perhaps a small detail, however, in my view this demonstrates not only a lack of respect for residents surrounding their operations, but is indicative of the blatant disregard for rules they have demonstrated since day one.

Act 250 should require RLF, Inc. to amend their current permit to accurately include the adjoining and neighbors who are potentially impacted by blasting. Many properties have changed hands, and addresses altered due to newly assigned road numbers.

In Conclusion, this current violation is a violation of the AOD signed off on by Mark Mason, President of RobLee Farm, Inc., in May 2009. Item K of the AOD states “Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order...” This corporation is a repeat offender and should be treated as such. Regarding current Citation Number 2021-60, pleading “No Contest” or “Admitted” warrants a \$1125.00 fine. It is an understatement to say that this paltry sum is insignificant and exercises nothing in the way of retribution. These inconsequential fines issued by act 250 are considered the *cost of doing business* by permit holders. Why not adjust these fines, make them have an impact, serve the purpose of enforcement. In doing so, it just might create the impetus that would force a negligent and non-compliant entity to actually adhere to the required criteria they agreed to. If Act 250 enforcement has any interest in doing the job they were created to do - to enforce - they would impose fines, etc. that would deter future/continued violations.

en*force to compel observance of or compliance with (a law, rule, or obligation)

Michael J. Wesko

