



January 9, 2019

Dan Albrecht, Senior Planner

CCRPC

110 West Canal St, Suite 202

Winooski, VT 05404

Sent via email: [dalbrecht@ccrpcvt.org](mailto:dalbrecht@ccrpcvt.org)

Re: Chittenden County Brownfields Program Nomination

New York Cleaners (SMS Site #2007-3717)

110 Heineberg Rd, Colchester, VT

Waite-Heindel Environmental Management (WHEM) is pleased to present the nomination for the New York Cleaners Property (Site), located at 110 Heineberg Drive in Colchester, VT. WHEM has performed an environmental inquiry on behalf of a prospective purchaser of the Site. Past and proposed work at the Site was reviewed to determine the current impacts of Chlorinated Volatile Organic Compounds (CVOCs) on soil, groundwater, and soil vapor, the result of former dry cleaning activities. Additionally, data gaps within the previous site investigations were identified. After review of previous environmental work on Site, it is WHEM's opinion that the Site is a strong candidate for both Hazardous & Petroleum Substance funding.

The site is situated in a commercially zoned area, but currently the majority of the Site is not commercially viable due to concerns over CVOC contamination. The redevelopment plan involves the demolition and proper disposal of construction materials, followed by grading of the Site for the construction of self-storage units, consistent with Site zoning. The redevelopment would: (1) return the Site to a commercially viable use (2) restore economic viability to the Site (3) reduce the Site's environmental impact through remedial action during construction which will furthermore (4) restore a potential higher use to the Site and (5) improve the aesthetic appeal of the property in a high traffic area along Heineberg Road (Route 127). The redevelopment has the support of Michael Smith, the VT DEC Site Manager, as the proposed redevelopment is an ideal Site-specific use and would initiate partial remedial action.

WHEM is seeking initial funding on behalf of the prospective purchaser to commence an additional Phase I ESA Site Investigation that will address the identified data gaps and consider the impacts of the proposed redevelopment. WHEM may seek additional funding, if allowed, for a Phase II and Corrective Action Plan (CAP), dependent on the findings of the Phase I.

Attached with this letter you will find the CCRPC Nomination Form, the EPA Eligibility Form, a memo prepared by WHEM to summarize the existing environmental issues, and several site plans that show the property and features of environmental significance.

Thank you for your consideration. Do not hesitate to contact us if you have questions or concerns or if we can be of any future service.

Sincerely,



Miles E. Waite, PhD, PG  
Senior Hydrogeologist



Sam Cowan  
Staff Geologist

Attachments

Cc: Ted Chamberlain, Chamberlain Construction  
Meg McGovern, Donahue & Associates

**Chittenden County Brownfields Program  
Site Nomination / Assistance Request Form**

*For information on types of assistance available and  
CCRPC's protocol for deciding if, and to what degree to assist a request, see:  
<http://www.ccrpcvt.org/our-work/economic-development/brownfields/>*

Site Name: New York Cleaners

Site's Street Address/Town/Zip Code: 110 Heineberg Rd, Colchester, VT, 05446

Parcel Tax ID #: 037017.000000 Property Size (Acres): 1.5 acres

Zoning District: Commercial

Describe current use(s): Commercial building, one suite occupied, the majority of the building is vacant.

Describe former use(s): Dry Cleaner, Bingo Hall

Are there plans for acquisition and/or redevelopment? ☒ Yes ☐ No

**If yes, attach a separate one to two-page document describing the anticipated benefits of the redevelopment** such as housing units, commercial development, jobs, economic impact, recreation, etc. (see Site Evaluation Criteria at link above for the types of information to provide).

Have studies been conducted to identify or assess contamination? ☒ Yes ☐ No

If yes, please identify the title, author and date of the report, and if available, send us a PDF: \_\_\_\_\_

LBG, INC., produced a Phase I, Phase II, SSI, and CAFI (all included in attachment).

Potential contaminants include: ☐ Petroleum ☒ Other contaminants

What type(s) of site assessment or cleanup planning assistance are you seeking? Circle all that apply

Phase I Environmental Site Assessment

Soil Monitoring during Construction

Historic Preservation issues

Other

Phase II Environmental Site Assessment

Archeological Site Assessment / Recon

Cleanup / Corrective Action Planning

Property Owner Information:

Name: Barbara Shaw-Dorso

Signature: Barbara Shaw-Dorso

Mailing Address: 110 Heineberg Rd, Colchester, VT, 05446

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Nomination Submitted By:

Name or Office: Waite-Heindel (WHEM)

Date Submitted: 1/10/19

Mailing Address: 7 Kilburn St, Suite 301, Burlington, VT, 05401

Phone: (802) - 860 - 9400

Email: mwaite@waiteenv.com

**Please Return Site Nomination Form (via PDF is preferred) to:**

*Dan Albrecht, Senior Planner*

Chittenden County Regional Planning Commission 110 West Canal St., Suite 202 Winooski, VT 05404

Phone: (802) 846-4490 Ext. \*29; Email: [dalbrecht@ccrpcvt.org](mailto:dalbrecht@ccrpcvt.org)



January 15, 2019

Dan Albrecht, Senior Planner  
Chittenden County Regional Planning Commission  
110 W. Canal St, Suite 202  
Winooski, VT 05404  
sent via email: [dalbrecht@ccrpcvt.org](mailto:dalbrecht@ccrpcvt.org)

RE: Proposal for Phase I ESA & Hazardous Building Materials Assessment  
Former New York Cleaners  
110 Heineberg Road, Colchester, Vermont  
SMS Site #2007-3717

Dear Dan:

On behalf of Ted Chamberlain of Chamberlain Construction, WHEM is pleased to present this proposal to conduct a Phase I ESA for the New York Cleaners property at 110 Heineberg Road in Colchester, Vermont as part of the due diligence process for your potential purchase of the property from Barbara Shaw-Dorso. The property was used as a dry cleaner between 1976 and 2018, is an active VT DEC Hazardous Waste Site (SMS #2007-3717) from historical release of the dry cleaning solvent PCE, and is currently vacant and on the market. The property meets the definition of a Brownfield. We are familiar with the property and with the environmental assessment work that was conducted between 2007 and 2013, and are in agreement with the VT DEC that additional assessment is necessary to allow for redevelopment of the property. An updated Phase I ESA is the first step in the process.

This Phase I ESA will be in accordance with the American Society of Testing and Materials (ASTM) practice E 1527-13, which satisfies due diligence required by banks and lending institutions. This work will involve conducting a site reconnaissance to visually inspect the property and abutting properties. In addition to the reconnaissance, WHEM will interview the current owners or current owners' representative to fully understand the current and former site operations, conduct research at the town office to trace the ownership records, review historical maps/plans/orthophotographs of the property, review existing environmental work that may have been conducted, and utilize a database search service to review state and federally-listed properties within a one-mile radius of the property.

In addition to the Phase I ESA, WHEM proposes to conduct a hazardous building material assessment for asbestos containing materials (ACMs) and lead paint. As you foresee demolishing the building on the property, this will be required. The assessment will be conducted by Clay Point Associates of Williston, Vermont under supervision of WHEM. This work will involve collection of up to sixty (60) samples of building materials, including from the walls, ceiling, flooring, mastic, tiles, boiler and associated heating equipment, and the roof. CPA will provide a summary report with the results, which will be incorporated into our Phase I ESA report.



WHM proposes to conduct the work described above for the fees shown below:

- Phase I ESA \$2,850
- Hazardous Building Material Assessment \$2,400
- TOTAL **\$5,250**

WHM is available to do work in late January or early February 2019, with a report submitted within 3 weeks after conducting the site inspection. It is our policy to provide our clients with a draft report for review prior to finalizing.

If you are satisfied with this proposal, please sign the attached Letter of Engagement and fax or email back to us. I look forward to seeing you at the CCRPC meeting on the 22<sup>nd</sup>.

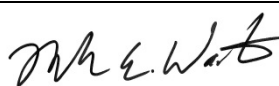
Sincerely,

A handwritten signature in black ink, appearing to read 'Miles E. Waite'.

Miles E. Waite, PhD, PG  
Senior Hydrogeologist  
Attachment: Letter of Engagement

Cc: Ted Chamberlain, Chamberlain Construction  
Meg McGovern, Donahue & Associates  
Michael B. Smith, VT DEC

## LETTER OF ENGAGEMENT

Project Name:	Phase I ESA & Hazardous Building Materials Assessment		
Task #:			
Client Name:	CCRPC		
Fee:	\$5,250.00		
Scope of Work: Phase I ESA and HBMA on a former dry cleaner in Colchester			
<b>STANDARD TERMS AND CONDITIONS</b>			
<p>1. This is a fixed fee estimate.</p> <p>2. Work outside the scope of services (hearings, meetings, revisions, etc.) will be billed on a time-and-materials basis at WHEM's normal billing rates.</p> <p>3. Terms of Payment: Net 30 days, regardless of the outcome, results, or permit approval/denial. Interest of 2.0% per month may be charged on balances more than 30 days overdue.</p> <p>4. Rates valid through the end of 2019.</p> <p>5. No retainer is due with this signed estimate.</p> <p>6. There are recognized risks and benefits associated with this project to both the Client and to Waite-Heindel Environmental Management (WHEM). The Client agrees that in consideration of WHEM accepting the obligations imposed on it by this Agreement, the Client shall claim no liability on the part of WHEM or any sub-consultants, construction contractors, and subcontractors involved with this project that exceeds the total fee charged by WHEM for services rendered, and hereby releases WHEM from any and all liability in excess of that total fee. This limitation of liability and release applies to all claims, including without limitation those arising from allegations of professional errors or omissions, strict liability, breach of contract or warranty.</p> <p><b>Special Conditions:</b></p> <p>7. The hazardous building materials assessment is for asbestos and lead paint only, and the cost is based on the collection of 60 samples. If more than 60 samples are required, then an additional fee of \$12/sample will be charged.</p> <p>8. The hazardous building materials assessment will involve minimal damage to building materials from sample collection, including to the roof. This should not be a factor if building is to be demolished. If roof patching is required, the price will increase by \$500.</p>			
		1/15/19	
Waite-Heindel Authorized Signature		Date	
Client/Authorized Signature		(sign above) Date	
<p>[Client / Authorized Person: Print Name above]</p> <p>Client Address:</p>   <p>Client Telephone Numbers:</p>  <p>Client Email:</p>			

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Brownfields Site Evaluation Criteria

Project Name: New York Cleaners

Address/Project Location: 110 Heineberg Road, Colchester VT

Applicant: Waite-Heindel Associates, on behalf of prospective purchaser Ted Chamberlin

Reviewer: Emily Nosse-Leirer, CCRPC

Required Characteristics	Possible Points	Scoring
Is the property owner willing to sign a Participation Agreement and Site Access	Yes = continue	Yes
Does the site meet DEC eligibility criteria for petroleum sites and/or EPA eligibility	No = Not eligible	Yes
Is the planned use consistent with current zoning?		Yes

Project Location (10 pts Total)

Is the project located in Burlington or Winooski?	(Yes=2, No=0)	0
Is the project located in a Center, Enterprise, Metro, Suburban or Village Regional Planning Area (as identified in the most recently adopted regional plan)?	(Yes=2, No=0)	2
Is the project located within a designated state center? (Including areas with pending applications)	(Yes=2, No=0)	0
Does the project site have existing water, sewer, electric, transportation and/or natural gas infrastructure serving it?	(Yes=2, No=0)	2
Is the project located adjacent to another brownfields site?	(Yes=2, No=0)	0

Project Location Economic Conditions (5 pts Total)

Is the project located in an area where the poverty rate is higher than the County-wide average?	Up to 5 points	0
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Housing Potential (30 points total)

Will site cleanup enable housing development in an area planned for high density housing or mixed-use development by the municipality?	Up to 10 points	0
Will site cleanup contribute to alleviating identified housing need as identified in relevant adopted municipal documents?		
Will site cleanup allow multiple housing units (in excess of what is already on site) to be built?	1/2 point per unit, 20 points maximum.	0

Commercial Potential (20 points total)

Will site cleanup enable commercial development in an area planned for high density commercial or mixed-use development by the municipality and region?	Up to 20 points	15
Is the project a mixed-use project?		

Open Space and Recreation Potential (10 points total)

Will site cleanup enable improvement or construction of a park in an area where it can be readily accessed by an underserved population?	Up to 10 points	0
Will site cleanup involve creating or improving open or recreational space as part of a		

Project Economic Impact (25 pts Total)

Does the project have the potential to create or retain jobs?	1 point per FTE job, up to 10 points	2
If no direct jobs are created or retained, does the project lead to indirect job creation?	Up to 15 points	12
Does the project have other economic development benefits?		

Initial Score	
100 points possible	33

Bonus Categories

	1/2 point per percentage point affordable, up to 20 points.	0
If the project will enable housing unit construction, will a percentage of them be perm	Up to 15 points	0
Is the developer/property owner willing to pay for the Phase I or pay for part of the Ph	Up to 10 points	0
Does proposed site cleanup mitigate impacts to surface water?		

Additional Notes:

What is anticipated value of final investment, if known?  
What is project timeline, if known?

Bonus Score	
45 points possible	0

TOTAL SCORE	33
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## **Memorandum**

To: New York Cleaners File  
Fr: Sam Cowan, WHEM  
Date: January 9, 2019  
Re: Environmental Issues Summary

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WHEM has completed a file review on the New York Cleaners site at 110 Heineberg Road. This is an active State Hazardous Waste Site (SMS Site #2007-3717) that was until very recently occupied as a dry cleaner. The space is currently vacant and the property is for sale. This work was conducted on behalf of Ted Chamberlain, Chamberlain Construction, who is considering purchase of the property and has been working with the seller through the realtor, Donahue & Associates. Following are summaries of the environmental issues. Maps are attached.

### **Groundwater Quality**

- As of 2007 a Phase II ESA determined the presence of chlorinated volatile organic compounds (CVOCs), primarily tetrachloroethene (PCE), in the shallow groundwater beneath the Site exceeding the VGES. The source of the PCE was determined to be leaks/spills from the dry cleaning operation, through raw PCE storage tanks/drum and/or from the dry cleaning machines.
- As of 2010, groundwater testing around the wastewater disposal system leach field, which is in an easement on an abutting property at 77 Porters Point Road, revealed contamination by PCE. The source of the PCE was assumed to be from improper disposal of dry cleaning wastes in sinks at the New York Cleaners and that, and residual PCE likely remains within wastewater disposal system infrastructure (septic tank, pump station, sewer line) and may allow continued impact the off-site leach field.
- A Supplemental Site Investigation (SSI) was completed in September of 2012 that involved installing more wells. The results continued to show PCE and its degradation products persist in the groundwater on Site at concentrations exceeding the VGES, at a level that merited remediation.
- Highest concentrations of CVOCs located west of the facility in monitoring wells MW-2, MW-3, MW-7, MW-8 and southwest of the facility in MW-4. Groundwater flow in the overburden is 5cm/day west-southwest.

### **Soil Quality**

- The 2012 Supplemental Site Investigation (SSI) involved limited sampling of soil near the wastewater force main. Saturated soil was observed at 8-9ft below ground surface. While PCE was not detected in the soil, the degradation compound cis-1,2-DCE was detected in soil samples along the on-Site wastewater system force main. This led to belief that the soil



contamination is related to the New York Cleaners facility and not from leakage from, or conduit flow along, the wastewater system force main.

### **Vapor intrusion**

- A Phase II ESA PID reading of the vapor point (B-6) drilled through the concrete slab indicated elevated levels of VOCs in the soil vapor beneath the facility (890 ppmv). This concentration is very high and indicative of a vapor intrusion (VI) threat by PCE inside the structure. Indoor air quality testing has not been conducted to date.
- Elevated vapor concentrations beneath the building indicate the source of PCE is likely located at this location and possibly under much of the building slab.

### **Offsite Impacts**

- The current NY Cleaners leach field exists off-Site at 77 Porter's Rd, Colchester. The leach field has been located here since late 1992, replacing a failed leach field that is located on Site.
- In August of 2010 Heindel & Noyes (H&N) conducted a soil and groundwater investigation at 77 Porters Rd, Colchester. Investigation results indicated PCE concentrations exceeding the VGES in groundwater proximal to the NY Cleaners leach field as well as some degradation products and VOCs in excess of laboratory detection limits.
- The 2012 Supplemental Site Investigation (SSI) results confirm the continued presence of PCE concentrations exceeding the VGES adjacent to the off-site leach field as well as the presence of TCE.
- The data gathered from the SSI and the 2010 H&N soil and groundwater investigation clearly indicate that contaminants **have been transported off-Site** via the New York Cleaners wastewater disposal system.

### **Remediation Plan**

- A 2013 Corrective Action Feasibility Investigation & Wastewater System Replacement Work Plan was prepared that called for the following methods of remediation:
    - Installation of a sub-slab depressurization unnecessary to protect the building occupants from VI of PCE.
    - Chemical injection into groundwater at several locations to stimulate breakdown of PCE.
    - Removal of the existing septic tanks, pump station, and some of the force main to eliminate continued migration of PCE to the leachfield followed by installation of replacement infrastructure.
    - Future groundwater sampling to monitor the effects of the injection.
  - The remediation cost was estimated at approximately \$160,000.
  - None of the work proposed was ever completed.
-

**Data Gaps**

- Current soil and groundwater conditions as no monitoring wells or soil vapor points have been sampled since 2012, due to lack of project funding.
- Groundwater data do not exist for 2007-2012, due to lack of project funding.
- Further delineation of the contamination is required to determine the full extent of off-Site impacts.
- The impact of dry cleaning operations from 2013-present.
- The potential presence of residual CVOCs concentrations within the wastewater system infrastructure.
- The potential presence of residual CVOCs concentrations in the building concrete slab that may require special disposal.
- The potential presence of asbestos containing materials (ACMs) and lead paint in the building materials.
- Further investigation of soil vapor impacts beneath and within the facility.
- Further investigation of soil and groundwater impacts of the failed New York Cleaners leach field.
- Current condition of the 500 gallon petroleum UST below the structure.
- Impacts from the 200-275 gallon petroleum UST removed in ~1991.
- Conceptual model of the redevelopment and proposed Site disturbance.

**For EPA Internal Use ONLY**

**ASSESSMENT PROGRAM  
INFORMATION NEEDED TO DETERMINE SITE ELIGIBILITY (updated 4/11)**

(Use Tab, arrow keys or mouse to move through questions; use Spacebar or mouse to check boxes)

**A. BACKGROUND INFORMATION**

Date: 1/8/19

1. Grant number: BF00A00214
2. Grant recipient: Chittenden County Regional Planning Commission
3. Person providing site information: Miles Waite of Waite Heindel Environmental Managment
4. Property/site name: New York Cleaners (VT Haz Waste Site #2007-3717)
5. Property address: 110 Heineberg Rd., Colchester, VT
6. Current property owner: Mrs. Babara Shaw-Dorso
7. Work to be done: ☒ Phase I ☒ Phase II ☐ Phase III ☒ Other  
Explain Other: A Phase I, Phase II, and Supplemental Site Investigation have been completed for the Site that was occupied by a dry cleaner between 1976-2018. A Corrective Action Feasability Investigation & Wastewater Sytem Replacement Work Plan was created but has not been implemented. A new Phase I will be required to document chnages since 2013, and additional Phase II ESA is warranted in order to better delineate the contaminant plume and resolve data gaps identified in previous Site work. Additional building materials assessment is warranted because it is likely the existing building will be demolished. Prior to redevelopment, a Corrective Action Plan will be required.

**B. SITES ELIGIBLE FOR FUNDING**

1. Does the site meet the definition of a Brownfields (*a real property, the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of hazardous substances, pollutants or contaminants*)? ☒ Yes ☐ No
2. Type of contamination present: ☒ Hazardous Substances ☐ Petroleum ☐ Co-Mingled  
(*If the site has both hazardous substances and incidental petroleum contamination, check the box the "co-mingled" box. If the site has hazardous substances and distinguishable petroleum contamination, you must obtain approval from the State and EPA.*)
3. Describe the operational history and current use(s) of the site: The previous Phase I ESA Site

Investigation identified the subject property's use as mixed farmland/residential up until the 1940s when a warehouse was constructed. The dry cleaning operation began in 1976 and utilized PCE for a period of time, later supplemented with Rynex and finally Saticol. The Dry Cleaner is currently in operation, with the most recent manifest (November 2018) indicating the disposal of wastewater containing PCE and TCE.

4. Describe the environmental concerns at the site, including when and how the site became contaminated and, to the extent possible, the nature and extent of the contamination. If the environmental concerns are unknown, or if the land has been vacant for many years, why do you think it is contaminated? : Previous work has confirmed the presence of PCE and its degradation products both on and off Site in the groundwater and saturated soil. Additionally VOCs were measured via PID in the soil vapor below the dry cleaning facility. The initial source of PCE is attributed to (1) an unreported spill of PCE outside the building and (2) PCE contaminated wastewater entering the on-Site septic effluent and leachfield. This leachfield failed and an easement was procured for a new leachfield off-Site, where PCE has also been detected above the Vermont Groundwater Enforcement Standards (VGES).
5. Describe the proposed expansion, redevelopment or reuse of the property: The prospective buyer has the intention of demolishing the current sole structure on-Site and constructing self-storage units on-Site.

#### **C. SITES NOT ELIGIBLE FOR FUNDING**

Please answer the following questions to the best of your knowledge:

1. Is your facility listed (or proposed for listing) on the National Priorities List? ☐ Yes ☒ No
2. Is your facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA?  
☐ Yes ☒ No
3. Is your facility subject to the jurisdiction, custody, or control the US government? (Land held in trust by the US government for an Indian tribe is eligible.) ☐ Yes ☒ No

*Note: If you answered YES to any of the above (C. 1-3) your property is **not** eligible.*

#### **D. SITES NOT ELIGIBLE FOR FUNDING WITHOUT A PROPERTY SPECIFIC DETERMINATION:**

Certain properties cannot be approved without a "Property Specific Determination". Please answer the following questions to the best of your knowledge:

1. Is your site/facility subject to a planned or ongoing CERCLA removal action? ☐ Yes ☒ No
2. Has your site/facility been issued a permit by the U.S. or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the

Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SWDA)? ☐ Yes ☒ No

3. Is your site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))? ☐ Yes ☒ No
4. Is your site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA or is subject to closure requirements specified in a closure plan or permit? ☐ Yes ☒ No
5. Has your site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA? ☐ Yes ☒ No
6. Has your site/facility received funding for remediation from the Leaking Underground Storage Tank (LUST) Trust Fund? ☐ Yes ☒ No

*Note: If you answered YES to any of the above (D. 1-6), please call your Project Officer and she/he will explain how to prepare a property specific determination. Refer to Appendix 2, Section 2.5, of the Proposal Guidelines for additional information.*

**\*\* For petroleum sites, please proceed to Section F – Petroleum Only Sites**

## **E. PROPERTY OWNERSHIP ELIGIBILITY**

1. Are there any known ongoing or anticipated environmental enforcement actions (at the federal, state or local level) regarding the responsibility of any party for contamination or hazardous substances at the site? ☒ Yes ☐ No If yes, please explain: The state of Vermont wrote in a letter dated December 16, 2013, that they may initiate a court action against the owner under Vermont Statutes Title 10, §1283 for reimbursement of up costs expended and recover up to three times the cost of remedial activities as per Vermont Statutes Title 10 § 6615 (b). Additionally the State of Vermont notified the owner that they should also be aware that the state may elect not to spend state money, but may issue an administrative order which requires the owner to perform these activities. An order would be issued under Vermont Statutes Title 10, § 6610a and failure to comply with the order may result in administrative or court actions for penalties and for enforcement of the order. As of December 2018, no further action has been taken on the part of the State of Vermont as the sight does not pose any significant risk to sensitive receptors.

**Information on Liability and Defenses/Protections - Answer the following if the assessment grant recipient does NOT own the site:**

1. Did the assessment grant recipient ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? ☐ Yes ☒ No

2. Did the assessment grant recipient ever cause or contribute to any releases of hazardous substances at the site? ☐ Yes ☒ No
3. Describe the assessment grant recipient's relationship with the current owner and the owner's role in the work to be completed: The only collective action between the grant recipient and the current owner would be the possible future sale of the property. No other relationship or cooperation exists.

**Information on Liability and Defenses/Protections - Answer the following if the assessment grant recipient owns the site or will own the site during the grant performance period:**

1. How was the property acquired (or how will it be acquired)?
  - a. ☐ Negotiated purchase from a private individual
  - b. ☐ Purchase or transfer from another governmental unit
  - c. ☐ Tax foreclosure
  - d. ☐ Eminent domain
  - e. ☐ Donation
  - f. ☐ Other (explain):
2. What was the date when the property was acquired (or the anticipated date when it will be acquired)?
3. What is the name and identity of the party from whom the property was (or will be) acquired?
4. Describe all familial, contractual, corporate or financial relationships or affiliations the assessment grant recipient has or has had with all prior owners or operators of the property:
5. Did disposal of all hazardous substances at the site occur before the assessment grant recipient acquired (or will acquire) the property? ☐ Yes ☐ No
6. Did the assessment grant recipient ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? ☐ Yes ☐ No
7. Did the assessment grant recipient ever cause or contribute to any releases of hazardous substances at the site? ☐ Yes ☐ No
8. Did the assessment grant recipient perform any environmental inquiry prior to the purchase of the property? ☐ Yes ☐ No
9. If a pre-purchase inquiry was performed, describe the types and dates of the assessments performed, indicate on whose behalf the assessments were performed, and indicate whether the applicant performed the pre-purchase inquiry in accordance with EPA's All Appropriate Inquiry rule (or ASTM E1527-05, or its equivalent at the time of purchase):

## F. PETROLEUM ONLY SITES - PROPERTY OWNERSHIP ELIGIBILITY

*Petroleum-only sites are to be submitted to the state for eligibility determination. Please contact your state representative to obtain the information they require to determine site eligibility. As a courtesy, send a copy of the site eligibility information to your EPA Project Officer so he or she is aware of potential upcoming work. The assessment grant recipient must provide their EPA Project Officer with a copy of the state's determination letter. The following questions are typical of the petroleum site information you may need to provide to the state:*

1. Did the current and/or immediate past owner dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? ☐ Yes ☐ No

*Note: If the answers to question F.1 is no, the site may be eligible.*

2. If the answer to either question F.1 is yes, did the responsible party take reasonable steps to address the petroleum contamination on site? ☐ Yes ☐ No Explain:
3. If the answer to either question F.1 is yes, is the responsible party financially capable to assess and clean up the site? ☐ Yes ☐ No Explain:

*Note: If question F.1 identified a responsible party who is liable for petroleum contamination at the site, and that party is financially viable to pay for assessment and cleanup costs, then the site is **not** eligible. If the identified responsible party took reasonable steps to address the petroleum contamination at the site, and/or is not financially viable to pay for the assessment and cleanup costs, then the site may still be eligible.*

4. Is the site “relatively low risk” compared with other “petroleum-only” sites in the state:
  - a. Is the site currently being cleaned up using LUST trust fund monies? ☐ Yes ☐ No
  - b. Is the site currently subject to a response under the Oil Pollution Act (OPA)? ☐ Yes ☐ No

*Note: If the answers to questions F.4a and F.4b are no, the site would be considered to be of relatively low risk for purposes of determining eligibility.*

5. Has any responsible party been identified for the site through, either:
  - a. A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or cleanup the site: ☐ Yes ☐ No
  - b. An enforcement action by federal or state authorities against any party that would require any

person to assess, investigate, or cleanup the site: ☐ Yes ☐ No

- c. A citizen suit, contribution action or other third party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site: ☐ Yes ☐ No

6. Is the site subject to any RCRA orders issued under 9003(h) of the Solid Waste Disposal Act?  
☐ Yes ☐ No

*Note: If the answer to any of the questions in F.5 or F.6 is yes, the site is **not** eligible.*

## **G. ACCESS**

Does the assessment grant recipient have access or an access agreement for this property?

☐ Yes ☒ No

## **H. NATIONAL HISTORIC PRESERVATION ACT (NHPA) COMPLIANCE**

*Note: If you answer yes to any of the following questions you should contact your project officer to determine if any additional information is required.*

1. Is your selected property (site) currently listed in the National Register of Historic Places and/or is it a designated National Landmark? ☐ Yes ☒ No

2. Is your selected property (site) eligible to be listed in the National Register of Historic Places? ☐ Yes ☒ No

In order to support your response, please provide any and all documentation from the federal Government and/or State Historic Preservation Officer (SHPO). (i.e., SHPO Determination Letter which you may obtain independent of the EPA process.

3. Is your selected property (site) part of a designated Historic District? ☐ Yes ☒ No

4. Will your project impact the viewshed of any adjacent or surrounding designated Historic Districts or registered historic structures? ☐ Yes ☒ No

5. Does your project have the potential to impact archaeological resources? ☐ Yes ☒ No

## **I. SITE ELIGIBILITY**

*(To be filled out by EPA Project Officer.)*

The site, at the above-described property, is eligible for assessment work: ☐ Yes ☐ No



---

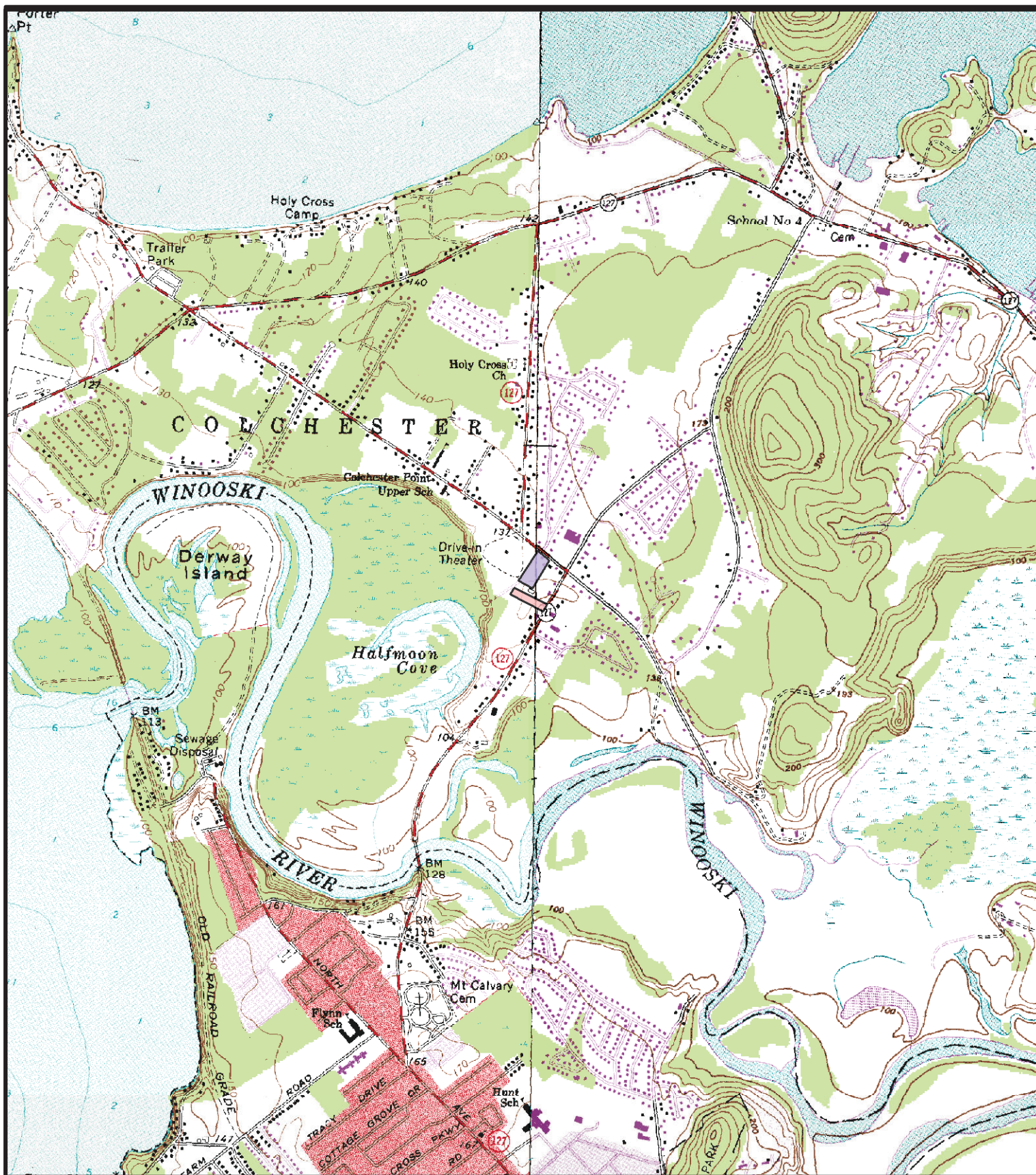
Project Officer

---

Date

Need for Attorney Consultation: ☐ Yes ☐ No Notes:

Additional Information:



### Legend

- 110 Heineberg Rd. - NY Cleaners
- 77 Porters Point Rd. - Ryan Property

**Figure 1**  
**New York Cleaners**  
**110 Heineberg Dr. (VT Route 127)**  
**Site Location Map**  
**Colchester, Vermont**

LEGGETTE, BRASHEARS & GRAHAM, INC.



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 ESSEX JUNCTION, VT 05452  
 802-288-9600  
 FAX 802-288-9881  
[www.lbgweb.com](http://www.lbgweb.com)

Data Sources: Colchester parcel data, 2010.  
 USGS basemap from VCGI.



0 1,000 2,000 3,000 4,000 Feet

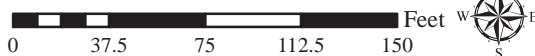




## Legend

- Vapor Monitoring Point
- Soil Samples
- Monitoring Well
- ⊕ 2007 Installation
- ⊕ 2012 Installation
- 8/15/2012 GW Contours
- Wastewater System Force Main

**Figure 2**  
**New York Cleaners**  
**110 Heineberg Dr. (VT Route 127)**  
**Site Plan & Monitoring Station Map**  
**Colchester, Vermont**



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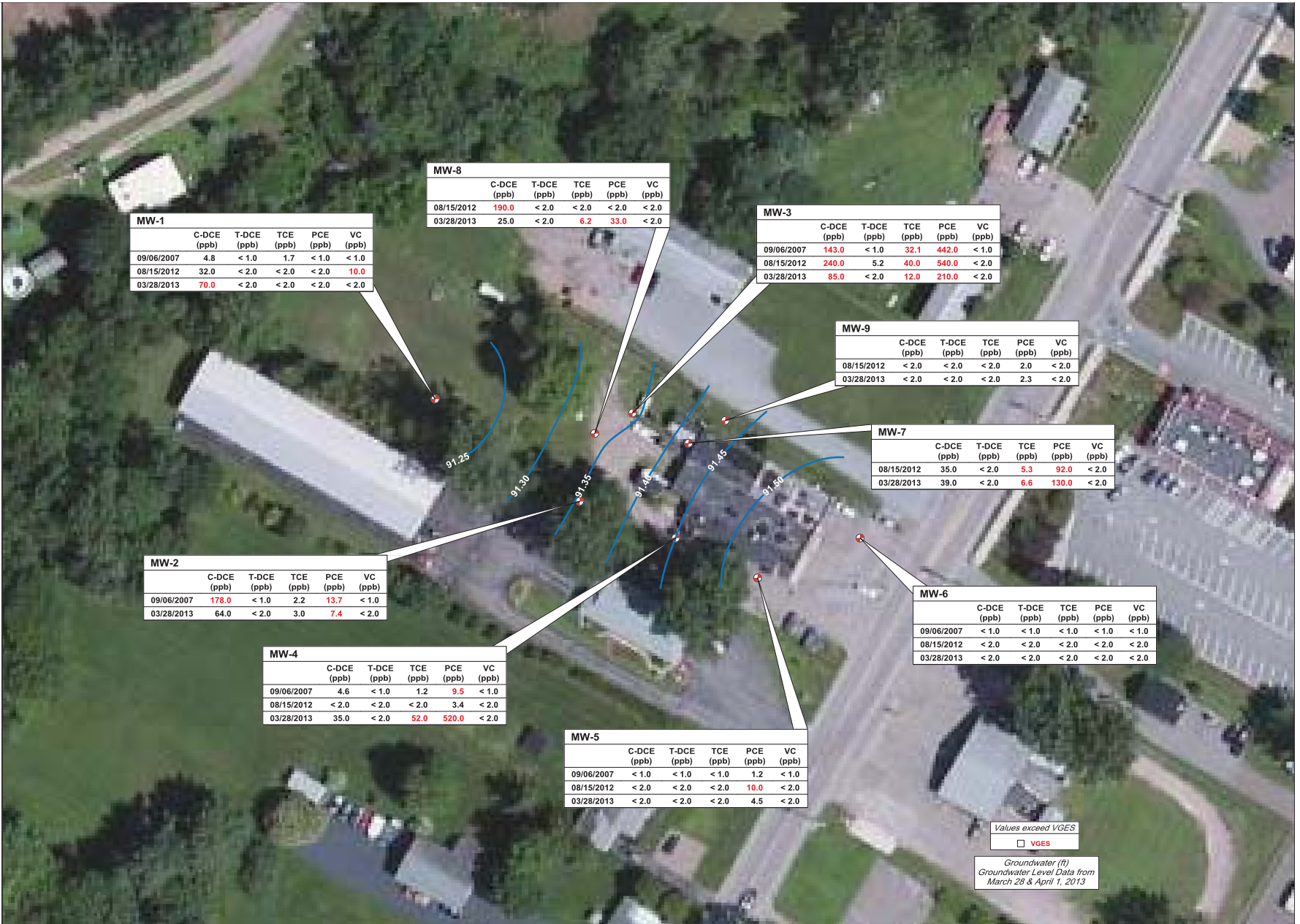


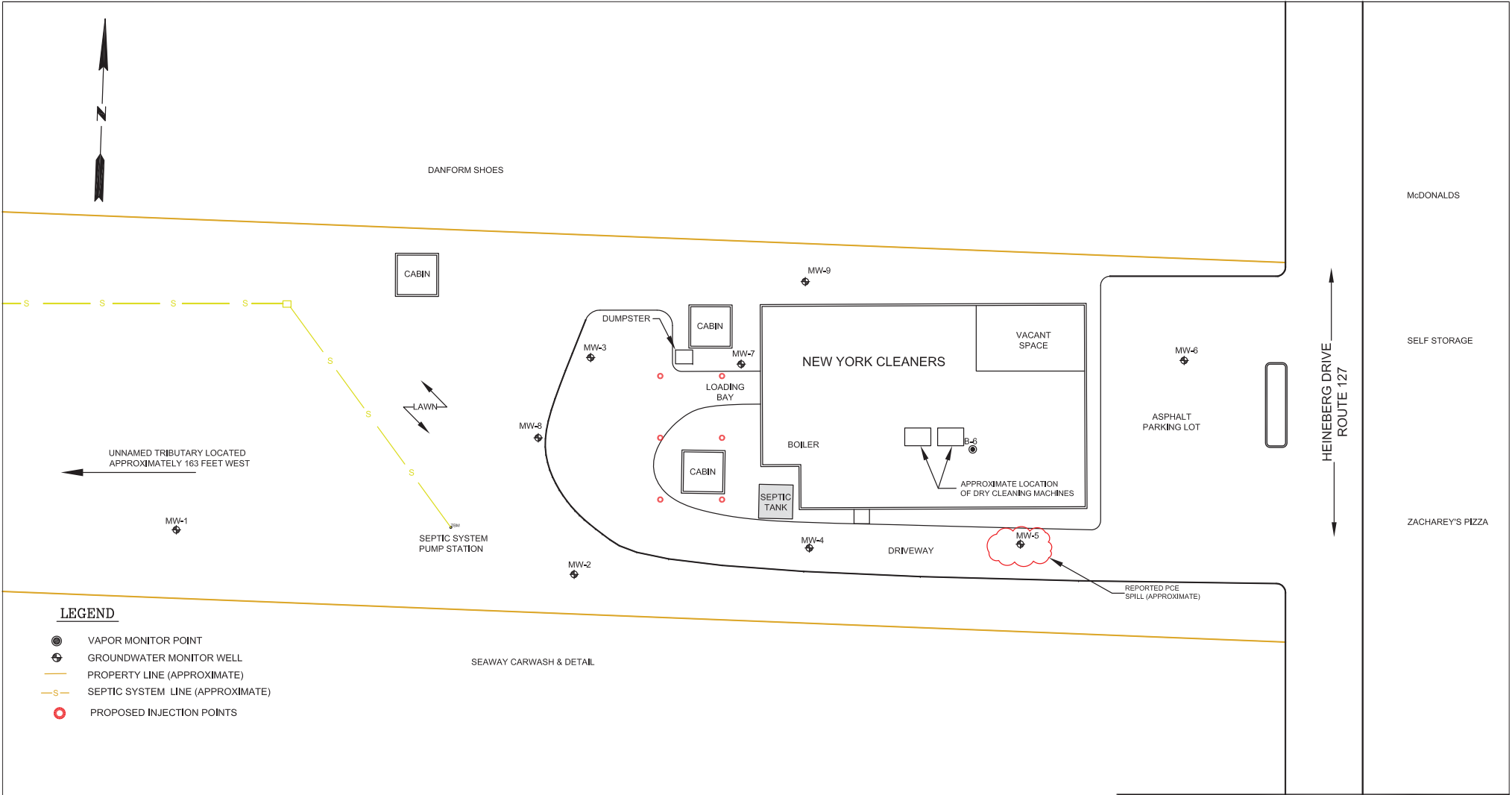


New York Cleaners  
110 Heinberg Rd., Colchester, Vermont  
Groundwater Contour Map  
& Contaminant Concentrations



LEGGETT, BRASHERS & GRAHAM, INC.  
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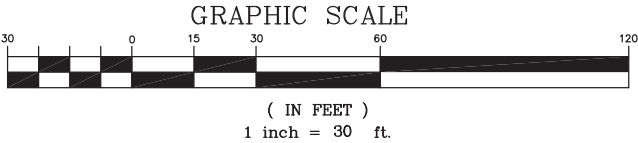




**LEGEND**

- VAPOR MONITOR POINT
- ⊕ GROUNDWATER MONITOR WELL
- PROPERTY LINE (APPROXIMATE)
- S- SEPTIC SYSTEM LINE (APPROXIMATE)
- PROPOSED INJECTION POINTS

**REFERENCES:**  
1. ELEVATION AND DISTANCE SURVEYS CONDUCTED BY LBG ON 8/30/07 & 9/20/07.



NO.	DATE	DESCRIPTION	BY

**PREPARED BY:**  
**LEGGETTE, BRASHEARS & GRAHAM, INC.**  
Professional Groundwater and Environmental Services  
76 Pearl Street, Suite 203  
Essex Junction, VT 05452  
(802) 288-9600

**DATE:** 8/1/13

FILE:Q:\EnvProj\NYCleaners

DRAWN BY: DID

CHECKED BY: JRD

FIGURE: 3

**NEW YORK CLEANERS**  
**110 HEINEBERG DRIVE**  
**COLCHESTER, VERMONT**

**PROPOSED INJECTION POINTS**