

Brownfields Advisory Committee Minutes APPROVED
Monday, April 29, 2019, Scheduled Time: 3:00 p.m. – 4:00 p.m.

To access various documents referenced below, please visit:

<http://www.ccrpcvt.org/our-work/economic-development/brownfields/#advisory-committee>

Attending:

Committee Members:	Staff:
Curt Carter, GBIC (Chair)	Dan Albrecht, Senior Planner
Heather Carrington, City of Winooski	Emily Nosse-Leirer, Senior Planner
Kirsten Merriman-Shapiro, CEDO	CCRPC Consultants
Trish Coppelino, Vermont DEC, ex-officio, (via phone)	Kurt Mueller, VHB
Guests:	Jeremy Roberts, KAS (via phone)
Doreen Kraft, Burlington City Arts	Miles Waite, Waite-Heidel

1. **Call to Order, Introductions and Changes to the Agenda**

The meeting began at 3:05 p.m. No changes to the agenda.

2. **Public comments on items not on the Agenda**

None

3. **Action on Site Nominations/Assistance Requests**

a) **Shelburne: 5531 Spear Street, Snyder Homes, Phase I ESA request**

Staff were very supportive of this proposal, since there are 91 units of housing proposed. Miles explained that his staff will look for former farm dumps and past pesticide uses on the golf course. Dan asked why the Phase I is \$3,000, higher than some past estimates. Miles stated that some past estimates have been too low, and it's a large site to walk. The committee felt favorably about the proposal. Kirsten asked whether any of the housing will be designated as affordable and expressed her concern that these are large units and commercial developers don't have as much of a need. In the future, she hopes that we will be keeping track of this.

Kirsten moved to pay for the cost of the Phase I as proposed, seconded by Heather. The motion passed unanimously.

b) **Burlington: Sara Holbrook Community Center, KAS request, additional CAP preparation fees**

This request is to cover additional time, not included in the original budget, for KAS staff to include the presence of impacted soils on the property. Dan relayed a comment from Pablo Bose, who asked why these impacted soils were not included in the original scope of work. Jeremy stated that the original cost estimate was derived from the project's architect, and that at some point in the process, the estimate for the soils was accidentally dropped. Kirsten asked how much it will cost to deal with the impacted soils that were found, and Jeremy replied that it is estimated that it will add about \$230,000 to the construction costs of about \$3-4 million total. This high cost of soil management was discussed, and Trish and Jeremy stated that there are very high lead levels and no room on site to turn into a receiving site to prevent landfilling costs. Curt wondered if we could have learned about this sooner, but it was determined that there wasn't much that could be done differently.

Heather moved that the additional costs be covered, and Kirsten seconded. The motion passed unanimously.

c) Burlington: 405 Pine Street, Burlington City Arts, Phase I ESA request

Doreen Kraft explained the history of the site and the organization's move there. This property is very constrained by the fact that it's adjacent to the Barge Canal site and subject to its institutional controls. The property will be purchased by the foundation arm of BCA, rather than the City Department. The purchase cost is estimated at about \$7.5 million. Miles asked whether there is concern about additional load in the building if extra stories are added. Doreen said that it's unclear, but it's not their plan to add more stories right now. Emily stated that she would revise the scoring to be higher on the economic benefit of it, now that she had learned more about the project.

Heather made a motion authorizing staff to secure a Phase I for the property, and Curt seconded. Kirsten abstained. The motion passed.

4. Updates

a) DEC: Proposed revisions to Investigation & Remediation of Contaminated Properties Rule.

https://dec.vermont.gov/sites/dec/files/wmp/Sites/0417.IRULE_ICAR_and_SOS_filing.web.pdf

Trish explained that this rule is being rushed towards completion to ensure that the rule will be in place to replace the emergency IRule that dealt with PFAS.

Changes to the IRule are:

1. The Standards will change due to the following:
 - a. The current IRule uses the EPA Regional Screening Levels (RSLs) and VDH calculated values; RSLs will no longer be used;

- b. The VDH assumptions have changed; the current Rule has a hazard index of 0.2 for non-carcinogens, the new IRule will use a HI of 1;
 - c. A snow modifying factor has been applied to the timeframe for direct contact to soil; the current IRule uses 350 days a year; and
 - d. The groundwater temperature used to calculate the volatilization factor was adjusted to reflect Vermont groundwater temperatures.
2. There is a new provision to exempt historic fill from certain requirements in the IRule after an exemption request is submitted and approved.
 3. There is a new subchapter dedicated to soil that allows for limited soil removal/stockpiling to happen outside of corrective action (which is the only way to remove or stockpile soil currently). And the Development soil section has been streamlined and clarified.
 4. Data Evaluation Subchapter NEW
 - a. Describes how to evaluate lab data that is received specifically for the following:
 - i. PFAS
 - ii. PCBs
 - iii. PAH
 - iv. Dioxin
 - v. Use of data related to the Minimum Detection Limit (MDL) that is above the set standard for that compound
 - vi. Direction on how to conduct cumulative risk for surficial soil and indoor air when multiple compounds are detected at a sample location above the MDL but below the standard – new depth requirements
 1. To help ease this new requirement and make the math associated with this process “fool proof” VDH created a calculator that will be hosted on the SMS web page for consultants to use
 5. Several new definitions have been added to the IRule.
 6. No EPA regional screening levels are used, all have been replaced by VDH levels.
 7. A full summary will be available from DEC this week.

Curt asked if Trish considers any of these changes particularly controversial. Trish said that she hopes this fixes some existing concerns with development soil and historic contaminated fill issues by creating some limited exemption processes on a case-by-case basis and emphasized the short timeline for this rulemaking process.

b) Milton: US Route 7 properties, “hourglass” road project, (Johnson Company)

Kurt described past challenges with property access on the property at 204-210 Route 7. Since there is an existing pump island on the property and no evidence that the tank was removed, GPR was completed to look for the tank or lack thereof. They didn’t find a tank, but they did find a pipe leading 8 feet to the north of the

pump island. It appears that the tank was likely removed. As the property is definitely going to be acquired by the Town of Milton and the price is pretty much set already, it's not clear that much more investigation will be allowed by the property owner. Kirsten asked whether it's possible that the tank is in the ROW. Kurt said that the fact that the feed lines lead away from the ROW indicate that it's unlikely. It's unclear whether there were leaks from the tank or whether there is any groundwater contamination. The Town works with the property owner, Kurt does not directly work with him.

c) Project Updates: Road Res-Q (Waite-Heindel), 3 Maple St. (KAS) and Bonacorsi (VHB)

Road Res-Q: Miles explained that WHEM has completed their Phase I on the Road Res-Q property and has recommended additional petroleum testing on the property prior to Village acquisition. PCF may be able to pay for this.

3 Maple Street: Jeremy noted the SSQAPP has been approved. They will now move to conduct the Passive Soil Gas survey the results of which will then be incorporated into the CAP.

Bonacorsi property, Barre: Kurt reported that the results of the indoor air sampling had no exceedances.

5. **Review and action on 2/11 meeting summary**

The summary was approved by unanimous consent of the members.

6. **Adjourn**

The meeting adjourned at 4:17 p.m.

Summary respectfully submitted by Emily Nosse-Leirer and Dan Albrecht