

Brownfields Advisory Committee, Online only
November 13, 2023

Scheduled Time: 11:00 a.m. – 12 Noon **DRAFT Meeting Summary**

Held via Zoom: Various documents referenced below are available for download at:
<http://www.ccrpcvt.org/our-work/economic-development/brownfields/#advisory-committee>

In Attendance	
Committee Members:	
Sam Andersen, Greater Burlington Industrial Corporation	Amanda Froeschle, VT Department of Health
Jon Rauscher, City of Winooski Public Works	Samantha Dunn, Burlington Community & Economic Development Office
Sam Arnold, Community Health Centers of Burlington	
CCRPC-retained Qualified Environmental Professionals	
Charlie Springer, TRC	Peter Sherr, TRC
Christopher Page, Waite Heindel	Chandler Noyes, Waite Heindel
Annemarie Fortune, Stone Environmental	Joe Hayes, Atlas Environmental
Dan Voisin, Stone Environmental	Angela Emerson, LE Environmental
Lee Rosberg, Wesson & Sampson	Kurt Muller, VHB
Jeremy Roberts, KAS	Eric Urch, Atlas Environmental
Guests	
Ilona Blanchard, City of South Burlington	Meg McGovern, Donahue + Associates
Madeleine Richards, Vermont Construction Co.	Chris Gendron, Stantec
CCRPC Staff	
Dan Albrecht, Senior Planner	Darren Schibler, Senior Planner
Environmental Protection Agency (EPA) and VT Department of Environmental Conservation (DEC) Staff	
Will Lariviere, EPA, Brownfields Project Manager	Kayin Bankole, EPA, Brownfields Project Officer
Kasey Kathan, DEC, Environmental Analyst	

1. Call to Order

S. Andersen called the meeting to order at 11:01 a.m. and reviewed the agenda. The committee had no proposed changes. D. Albrecht introduced representatives of the eight firms recently qualified by the CCRPC to serve as Qualified Environmental Professionals. They are Atlas, KAS, LEE, Stone Environmental, TRC, VHB, Waite-Heindel and Weston & Sampson.

2. Public Comments on Items Not on the Agenda

There were no members of the public in attendance and no comments from Committee members.

3. Election of Vice Chair

S. Andersen called for nominations for Vice Chair. Jon Rauscher volunteered; A. Froeschle seconded. *The committee voted to elect J. Rauscher as Vice Chair 4-0.*

4. Approval of Minutes

- a. October 16, 2023. There were no comments on the prior meeting's minutes. *A. Froeschle made a motion, seconded by S. Dunn, to approve the minutes of October 16, 2023, as drafted. The motion passed 4-0.*

5. Action on Proposals Received.

a. **COLCHESTER, 182 Hegeman Ave. Owner: Islamic Society of Vermont; tenant and prospective buyer: Vermont Construction Company**

D. Schibler reviewed the history of the parcel and eligibility / funding issues for the project. The likely source of PFAS contamination was Harbour Industries (HI), which leased the property from Shelburne Realty (now dissolved) between 1972-1989. When the Islamic Society of Vermont (ISVT) purchased the property in 1999, they did not conduct a Phase I Environmental Site Assessment (ESA), which made them ineligible for state and federal assessment and cleanup funds. ISVT has been struggling to fund assessment work while holding the property at cost, and recently has been working with Vermont Construction Company (VCC) to lease and potentially purchase the property to use as an office and construction warehouse. VCC has been enrolled in BRELLA since they completed a Phase I ESA at their own cost.

Meanwhile, the Vermont Department of Environmental Conservation has been working to gain cooperation from Harbour Industries in conducting assessments for contamination they ostensibly caused, but determining the exact extent of HI's liability and therefore funding responsibility is difficult due to multiple contamination sites and sources.

C. Page provided an overview of the scientific issues for the property. During a Phase I ESA by VHB, PFAS contamination was identified in the soil strip between the 182 and the adjacent 162 Hegeman Avenue sites in a fairly narrow area, with plumes extending from there including groundwater contamination and an area that is specifically PFOA. The state requested additional investigation to determine the downgradient extent of the plumes.

K. Kathan confirmed that DEC is looking for supplemental investigation to determine the extent of the plumes. D. Albrecht asked Kathan to outline funding eligibility for this project. K. Kathan stated that there is optimism for Harbour Industries to contribute to investigation, but she and C. Page clarified the scope of work may be limited to the upgradient side of the plume. C. Page clarified that Harbour Industries was only a tenant of the property, which was owned by Shelburne Realty Corporation and which has been dissolved with no available funds. C. Page and K. Kathan indicated that HI has begun to engage only within the last week.

S. Anderson asked whether the state can apply any constructive pressure to bring HI to the table. K. Kathan stated that the state does have some teeth, but the question around the party responsible for the upgradient source makes this situation more complicated.

M. McGovern asked what the state plans to do about the adjacent parcel at 162 Hegeman Ave., around

which two new hotspots have been identified. K. Kathan noted that HI was also a tenant at both locations and she hopes that these will be included in the forthcoming workplan.

Returning to the use of state funds, D. Albrecht stated that use of state assessment funds was ultimately the decision of staff at the Mount Ascutney Regional Commission (which manages the sub-grant) as well as DEC. However, Albrecht asked if these funds could be used since VCC is now enrolled in BRELLA. K. Kathan stated that this is a possibility, but it depends on the outcomes of conversations with Harbour Industries.

W. Lariviere stated EPA's position on liability, which is that although HI caused the contamination, the owner (Shelburne Realty) is the liable and viable party. However, because they have dissolved this is not an option. Because ISVT did not complete a Phase I ESA prior to purchase, they likely would not be eligible for EPA funding, though EPA will investigate this. He stated that EPA may be able to fund VCC's assessment work, depending on what EPA's legal staff determine.

C. Fatnassi asked: "Given that it has been 2 years pursuing HI; with little to no action or funding; what is the time that will be given for HI to come to the table and fund this work?" K. Kathan said that the state has provided a 1-week deadline for HI to do this but would consider extending these deadlines in order to keep HI involved.

C. Fatnassi expressed gratitude for CCRPC, DEC, and EPA for considering the project. She stated that ISVT does not have the technical or administrative capacity to conduct real estate transactions or manage brownfields activities. They also have a hard time understanding why the burden of holding the property and conducting investigation has fallen on ISVT, which bears no responsibility for the contamination. S. Andersen acknowledged this and hopes that the issues can be resolved quickly so the building can be reused.

M. McGovern clarified that at the time ISVT purchased the property, they were issued a SMAC Sites Management Activity Completed (SMAC) letter and considered themselves in the clear for VOCs, heavy metals, and other soils contamination. However, new EPA regulations around groundwater contamination by PFAS imposed new requirements on this property. C. Page also noted that conventional funding options for nonprofits are not available for ISVT due to their religious views around money lending.

D. Schibler reviewed the staff recommendation, which acknowledges the complexity of the situation and the fact that ISVT is a non-profit and would be eligible for 80% base funding of the supplemental investigation cost under CCRPC's policies. However, the purchaser (VCC) is a for-profit company eligible for only 50% base funding. Still, there are additional tangible public benefits (reuse of a vacant historic building) that led staff to recommend an additional 10% in funding at minimum, but potentially up to the maximum combined amount (\$40,000) if Harbour Industries does not contribute any funds. However, staff believes the Brownfields Advisory Committee should wait to make a decision on funding until negotiations with HI are resolved.

The Committee concurred with the recommendation to postpone a decision, but with the understanding that at least 60% of project funds would be committed.

A. Froeschle asked whether CCRPC could front the money and be reimbursed if HI were made to contribute. D. Albrecht replied that this is theoretically possible, but due to its complexity CCRPC would

not recommend going down this path.

J. Rauscher asked whether Waite Heindel could still complete work if a decision on funding were pushed to December. C. Page stated that this would be fine, since the primary concern is to make the real estate transaction move forward to ensure the ISVT can release its financial burdens.

C. Fatnassi, and K. Kathan confirmed, that DEC will extend the deadline for ISVT to complete their workplan in light of the extended timeline for HI.

M. McGovern asked to clarify how much funding was on the table (up to \$40,000) and who would receive them. D. Albrecht clarified that the amount will depend on DEC and EPA discussions, but that ultimately CCRPC will directly pay the consultant.

S. Andersen thanked those who spoke on behalf of the project.

b. SOUTH BURLINGTON, 1270 Williston Rd. Owner: City of South Burlington

D. Albrecht introduced Ilona Blanchard, Community Development Director for the City of South Burlington, and Chris Gendron, Project Manager for Stantec and the engineer for the project. I. Blanchard described the history of the intersection realignment, which was first identified in the early 2000s. The goal is to build out a grid network to support the development of the City Center and unlock more possibilities for housing and commercial development.

She noted that the City acquired the property earlier this year and did not conduct any environmental assessment at the time because there were no concerns identified and the project would proceed regardless. Since purchase of the property, the City was sent a picture by a community member of a gas station on the site, which raised questions of whether any further investigation was needed. Ground penetrating radar was conducted to locate any underground storage tanks; excavation was conducted recently and no tanks were found. C. Gendron noted that soil borings will be completed soon for the road construction work but the area will also be tested for further contamination from pumps or other equipment. This could lead to future recommendations for a soil management plan.

D. Albrecht asked whether there will be a need for a formal Corrective Action Plan, which could be funded by CCRPC. C. Gendron said that it is too early to tell, since it will depend on the results of the soil boring testing. D. Albrecht noted that staff did not complete a formal review since the needs are not yet identified, but wanted to make sure the Committee was aware of the project so that the City could take advantage of any funding from CCRPC. In this case, if CCRPC was presented a needed Scope of Work the Committee could review the request.

S. Andersen clarified that no action was proposed.

6. Revisions to the Site Selection Criteria

D. Albrecht reviewed the latest draft of the document and noted that he had invited the Qualified Environmental Professionals, so they are aware of how funding decisions are made. He emphasized the design criteria, which outline priorities for project outcomes, including creation of net new housing units, new commercial space, public open space, or any range of other tangible public benefits. D. Albrecht also reviewed the standard funding amounts for various types of assessments, and the changes that were made since the prior version.

S. Andersen noted a grammatical issue in the bullet added for Phase II ESAs, etc.

D. Schibler clarified that the intent behind the new policy is to codify past practice and ensure that CCRPC's limited funding gets distributed equitably to projects with high public benefits that advance the goals of the organization and its funding sources. However, there is still flexibility in the policy to fund projects that the Committee determines provide public benefits beyond those listed.

J. Rauscher made a motion, seconded by S. Dunn, to approve the final draft of the Site Selection Principles. The motion passed 5-0.

7. Staff & Guest Updates

- a. Last week, D. Albrecht tabled at the Vermont Development Conference to publicize CCRPC's available funding.
- b. Status updates for funded projects
 - i. K. Muller (VHB) noted that the final report for the Milton Creamery's hazardous building materials assessment from Clay Point Associates has been completed.
 - ii. He also noted there is a work plan pending review for the Flynn Avenue project with the City of Burlington. Drilling is scheduled for 12/7.
 - iii. E. Urch (Atlas) stated that the S. Brownell Road parcel in Williston is under contract for Phase 1 to be completed at end of month. This is not funded by CCRPC because the landowner did not want to sign the participation form, so the seller and buyer are splitting costs but may approach CCRPC for Phase 2 assistance.
 - iv. Jeremy Roberts (KAS)
 1. Phase 2 work for Perrywinkles' in Burlington is in progress, including soil monitoring wells and groundwater sampling. The report will be finished in the next month or two
 2. The Phase II ESA for the Archibald Street Synagogue in Burlington will commence next week.
 3. Soil gas testing for Potvin Automotive, Essex was delayed due to significant rain in July. These samples are now collected, and KAS is wrapping up the report.
- c. Angela Emerson (LE Environmental)
 - i. 600 Spear St, South Burlington: The Site Specific Quality Assurance Project Plan for groundwater monitoring / well installation should be approved by EPA within the week.
 - ii. LE Environmental is also wrapping up the Evaluation of Corrective Action Alternatives (ECAA) for the Pigeon Property in Westford in the next week or two.
 1. Dan noted that conduct of the CAP may be on hold because the Town voted down the wastewater bond vote, which was essential to making the project happen. D. Albrecht noted that there may be further action to try and have a 2nd vote on the wastewater project bond.
- d. Annemarie Fortune (Stone Environmental)
 - i. ACCD needs to sign the ECAA (previously completed for CCRPC) for the Champlain Transmission site in Burlington, but the property owner has secured cleanup money from the State.

8. S. Dunn made a motion, seconded by A. Froeschle, to adjourn the meeting. The meeting adjourned at 12:02 PM.

Respectfully submitted by Darren Schibler and Dan Albrecht.