

CCRPC Brownfields Advisory Committee Meeting Agenda
11:00 a.m. – 12:00 p.m., March 11, 2024
VIRTUAL FORMAT ONLY (join online, see link below)

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To access various documents related to the agenda below, please visit:

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

1. **Call to Order, Introductions and Review/Approval of the Agenda** (*Information, 1 min*)
2. **Public comments on items not on the Agenda** (*Information, 1 min, longer if necessary*)
3. **Approval of Minutes** (*Action, 5 minutes*)
 - a. January 8, 2023
4. **Action on Proposals received** (*Action, 20 minutes*)
 - a. **SOUTH BURLINGTON, 600 Spear St., 3 separate LLCs as owners**
Request: \$16,835 for Additional Groundwater Monitoring Well Installation and Corrective Action Planning by LE Environmental
Development: redevelop existing single-unit home and warehouse to 35-45 multi-unit dwelling and 500kW ground-mounted solar array.
Note: DEC issued notification on March 8th of further revisions to proposed scope. LE Environmental will provide update information at meeting.
 - b. **MILTON, 214-218 US Route 7, Papaseraphim Living Trust**
Request: Max \$4,000 for new Phase I ESA 5 by VHB prior to acquisition of parcel by Town
Development: reconfiguration of intersection to aid safety on US-7, create grid street and town open space.
5. **Updates: staff, members, guests** (*Information, 10 minutes*)
 - a. **Milton Creamery: current hazardous building materials assessment and planned demolition.**
 - b. **Other projects**
6. **Adjourn**

*In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext *21 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.*



MEMORANDUM

TO: Brownfields Advisory Committee
FROM: Dan Albrecht, Senior Planner and Darren Schibler, Senior Planner
DATE: March 8, 2024
RE: *Recommendations for Brownfields Projects Assistance Requests, 3/11/2024 meeting*

Project support requests and detailed project descriptions available at:

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

a. SOUTH BURLINGTON, 600 Spear St., 3 separate LLCs as owners

Request: \$16,835 for Additional Groundwater Monitoring Well Installation and Corrective Action Planning by LE Environmental

This for-profit project meets all eligibility and site selection criteria and will provide 32 housing units plus a 500 Kw solar net-metering facility. The project is consistent with municipal and regional planning goals, municipal zoning bylaws, and is located in an area planned for growth with existing available infrastructure as well as planned new infrastructure. The CCRPC has previously provided a total of \$23,635 for this site, including:

- \$1,898 for a Phase I ESA
- \$11,331 (50%) of a Phase II ESA (the remaining half was covered by a State grant)
- \$900 for a SSQAPP
- \$3,535 for groundwater sampling and report
- \$5,971 (70%) of the costs for an additional groundwater monitoring well and updates to the SSQAPP and report

Recommendation: Using the current draft of our Funding Policy, the project qualifies for base funding of at least 50% of the costs and potentially up to 80% due to its relatively high number of new housing units. Given previous CCRPC contributions to the project and prior cost share rates, staff recommend funding 70% of the cost of this request up to a total of \$11,785, bringing the project's total CCRPC funding to \$35,420. Staff will determine whether to allocate this cost to our FY24 ACCD-MARC subgrant or our EPA grant.

b. MILTON, 214-218 US Route 7, Papaseraphim Living Trust

Request: Max \$4,000 for new Phase I ESA 5 by VHB prior to acquisition of parcel by Town

Development: reconfiguration of intersection to aid safety on US-7, create grid street and town open space

CCRPC previously funded a Phase I ESA (2019) and a limited Phase II ESA (2020) for this parcel as well investigations at a neighboring parcel. Intersection re-configuration is a joint effort of the Town of Milton and VT Department of Transportation. The purpose of this Phase I ESA is to re-establish property history record prior to formal purchase of the parcel by Town in early April.

Recommendation: Staff recommends funding in full. Project provides multiple community benefits.

September 6, 2023

Dan Albrecht
Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, Vermont 05404

RE: Cost Proposal for Brownfields Groundwater Assessment and Additional Groundwater Monitoring Well Installation, 600 Spear Street, South Burlington, Vermont

Dear Dan,

LEE is pleased to present this cost proposal for Brownfields Groundwater Assessment and Additional Groundwater Monitoring Well Installation at 600 Spear Street in South Burlington, Vermont. This proposal is based on information currently known about the Site and is due to a request from the Vermont Department of Environmental Conservation to conduct an additional round of groundwater sampling and install a compliance point groundwater monitoring well at the Site.

Pricing

LEE's cost estimate for a round of groundwater sampling is \$8,530. A task breakdown is included below:

Task	Cost
SSQAPP / Work Plan Preparation	\$ 770
Groundwater Monitoring Well Installation	\$3,480
Groundwater Sampling	\$2,590
Report Preparation	\$1,690

This pricing is provided subject to the following assumptions:

- A SSQAPP or Work Plan will be needed.
- One additional groundwater monitoring well to a depth of 15' will be installed using a hollow stem auger drill rig, to determine if groundwater contamination is migrating to a neighboring property.
- The four existing groundwater monitoring wells and the newly installed groundwater monitoring well will be sampled for VOCs via EPA Method 8021b, and RCRA 8 metals via low-flow sampling techniques.
- All purge water is disposed of on-Site. If LEE needs to drum the investigation derived wastes and/or dispose of them in a different manner, there would be additional charges for that.



Mr. Dan Albrecht
Cost Proposal for Brownfields Groundwater Assessment, 600 Spear Street
September 6, 2023

- The final report is issued electronically in PDF format. Hard copies can be provided for an additional fee to cover the printing.
- Work will be completed within 8 weeks of notice to proceed.

LEE appreciates the opportunity to present you with this cost proposal. Please call with any questions. Thank you.

Sincerely,

A handwritten signature in black ink that reads 'Angela Emerson'. The signature is fluid and cursive, with the first name 'Angela' and last name 'Emerson' clearly distinguishable.

Angela Emerson, PG, EP
Senior Geologist

LEE # 19-151

For EPA Internal Use ONLY

ASSESSMENT PROGRAM

INFORMATION NEEDED TO DETERMINE SITE ELIGIBILITY

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

A. BACKGROUND INFORMATION

1. Grant number: BF#00A01259 Date: 3/7/2024
2. Grant recipient: Chittenden County Regional Planning Commission
3. Person providing site information: Dan Albrecht, CCRPC, Senior Planner
4. Property/site name (as identified or will be identified in ACRES): Milton Hourglass 214 Route 7 (prior ACRES ID# is 236913)
5. Property address: 214-218 U.S. Route 7 South, Milton, VT 05468
6. Current property owner: Papaseraphim Family Revocable Living Trust
7. Work to be done: ☒ Phase I ☐ Phase II ☐ Phase III ☐ Other
Explain Other: [Click or tap here to enter text.](#)

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, check both of those boxes and you must obtain approval from the State and EPA.*)
3. Describe the operational history and current use(s) of the site:
The Site consists of an approximately 4.5-acre parcel located on the south side of Route 7 and southwest of the intersection of Middle Road and Railroad Street. The Site is currently owned by the Papaseraphim Family Revocable Living Trust and includes three mobile homes and a permanent structure that until recently operated as a restaurant and an apartment. The Site structures consist of an approximately 75-foot by 28-foot restaurant building with an additional approximately 35-foot by 30-foot wing extending from the main building at a right angle, three mobile homes

measuring approximately 15-feet by 72-feet, and small garages and sheds. The restaurant is located on the northeastern portion of the property and the western portion of the property is heavily forested with pine trees. The mobile homes are located between the forested portion of the property and the former restaurant. The Site previously hosted small rental cabins prior to both the installation of mobile homes and restaurant operation.

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?

Phase I ESA completed in January 2019 identified 55-gallon drum, an AST and discarded auto battery as potential RECs. ESA also identified asbestos-containing building materials, lead-based paint, and/or PCB containing building materials and universal hazardous wastes as potential RECs. Phase II ESA conducted in August 2020 to investigate locations of three RECs. Analytical laboratory results for shallow soil identified no exceedances of the applicable Vermont Soil Standard ("VSS") for residential soils as of 2019. Data has not been compared to current 2024 IRule standards.

5. Are there any known ongoing or anticipated environmental enforcement or other actions (at the federal, state or local level) related to the site? ☐ Yes ☒ No If yes, please explain and provide any known information regarding the responsibility of any party for contamination or hazardous substances at the site: [Click or tap here to enter text.](#)
6. Describe the proposed expansion, redevelopment, or reuse of the property and how it aligns with the community's reuse plans:
- Acquisition of the property by the Town of Milton. Reuse of the property to create a new, safer, roadway intersection and green space.

C. SITES NOT ELIGIBLE FOR FUNDING

1. Is the property within the bounds of a Superfund site on the National Priorities List? ☐ Yes ☒ No
2. Is the property subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered by parties under CERCLA?
☐ Yes ☒ No
3. Is the property 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 or entered into a unilateral administrative order, a court order, an administrative order on consent, or a judicial decree or to which a permit has been issued 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 for more information on how to prepare a property specific determination. Refer to Section 1.5 of the [Information on Sites Eligible for Brownfields Funding Under CERCLA 104\(k\)](#).

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

E. PROPERTY OWNERSHIP ELIGIBILITY – HAZARDOUS SUBSTANCES 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 CCRPC has no relationship with the owner nor any prospective purchaser other than that one or more of these parties has requested CCRPC's support via CCRPC's Brownfields Assessment grants.

Answer the following if the assessment grant recipient owns the site or will own the site during the grant performance period. If not, go to Section G.

4. For the purposes of their assessment grant, how is the grant recipient best defined?
- a. ☐ State or other Local Unit of Government that acquired the property prior to 1/11/2002.
 - b. ☐ State or other Local Unit of Government that acquired the property after 1/11/2002.
 - c. ☐ Non-Profit
 - d. ☐ Other: Click or tap here to enter text.
5. How was the property acquired (or how will it be acquired)?
- e. ☐ Negotiated purchase from a private individual
 - f. ☐ Purchase or transfer from another governmental unit
 - g. ☐ Tax foreclosure
 - h. ☐ Eminent domain
 - i. ☐ Abandonment
 - j. ☐ Seizure or other law enforcement action
 - k. ☐ Donation
 - l. ☐ Other (explain): Click or tap here to enter text.
6. What was the date when the property was acquired (or the anticipated date when it will be acquired)? Click or tap to enter a date.
7. What is the name and identity of the party from whom the property was (or will be) acquired? Click or tap here to enter text.
8. 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: Click or tap here to enter text.
9. Did disposal of all hazardous substances at the site occur before the assessment grant recipient acquired (or will acquire) the property? ☐ Yes ☐ No
10. 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

11. Did the assessment grant recipient ever cause or contribute to any releases of hazardous substances at the site? ☐ Yes ☐ No
12. Did the assessment grant recipient uphold their continuing obligations (*See Section III.B of the [Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners \("Common Elements"\)](#)*) after ownership, including exercising appropriate care and complying with any land use restrictions? ☐ Yes ☐ No
13. Did the assessment grant recipient perform any environmental inquiry prior to the purchase of the property? ☐ Yes ☐ No
14. If pre-purchase inquiry in accordance with EPA's All Appropriate Inquiry rule (or ASTM E1527-13, or its equivalent at the time of purchase) was performed, what is the date of the report? [Click or tap to enter a date.](#)
15. Describe the types and dates of any assessments performed and indicate on whose behalf the assessments were performed: [Click or tap here to enter text.](#)

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. See Section 1.3.2 of the [Information on Sites Eligible for Brownfields Funding Under CERCLA 104\(k\)](#). 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, or own the subject property during the dispensing or disposal of, any petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? ☐ Yes ☐ No
If Yes, explain: [Click or tap here to enter text.](#)
2. If the answer to question F.1 is yes, did the responsible party take reasonable steps to address the petroleum contamination on site? ☐ Yes ☐ No Explain: [Click or tap here to enter text.](#)
3. If the answer to question F.1 is yes, is the responsible party financially capable to assess and clean up the site? ☐ Yes ☐ No Explain: [Click or tap here to enter text.](#)

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. 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
5. 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.4 or F.5 is yes, the site is **not** eligible.*

It is the grantee's responsibility to provide as much information as needed by the state to make the determination. It is not the responsibility of the state to do the research to determine liability or viability. If enough information cannot be provided, there is a possibility the determination will be delayed.

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

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. VULNERABILITY CONSIDERATIONS

1. Is the property located in an area with potential environmental justice issues? ☐ Yes ☒ No

To see if your property potentially impacts an area with these issues, see

<https://www.epa.gov/ejscreen>

2. Is there infrastructure potentially being upgraded or reused because of this project? ☐ Yes ☒ No

3. Is the property or surrounding area potentially vulnerable to extreme weather and/or projected climate change? ☐ Yes ☒ No *Uncertain? More vulnerability information can be found at <https://resilience.climate.gov/>*

4. If the answer to the previous question is yes, will climate adaptation be incorporated into the design of cleanup and/or reuse planning for the site? ☐ Yes ☐ No ☐ Not Known *If adaptation guidance is needed, more information can be found at <https://www.epa.gov/land-revitalization/climate-smart-brownfields-manual> Note that including climate vulnerability consideration in the cleanup alternative analysis is required if EPA Brownfield funding is used for cleanup.*

J. PROPERTY ELIGIBILITY CONCURRENCE

(To be filled out by the Assessment Grant recipient)

The information provided above is accurate to the best of my knowledge.

Click or tap here to enter text.

Title: Click or tap here to enter text.

Click or tap to enter a date.

Date

Milton Hourglass, [Property address]

(To be filled out by EPA Project Officer.)

The information provided above is consistent with the site eligibility requirements for assessment funding: ☐ Yes ☐ No

Click or tap here to enter text.

Project Officer

Click or tap to enter a date.

Date

Need for Attorney Consultation: ☐ Yes ☐ No Notes: Click or tap here to enter text.

Additional Information: Click or tap here to enter text.