

Environmental Remediation Workshop: Let's Get Creative!

white + burke

VERMONT
DEVELOPMENT
CONFERENCE

The Site – Twin State Fertilizer



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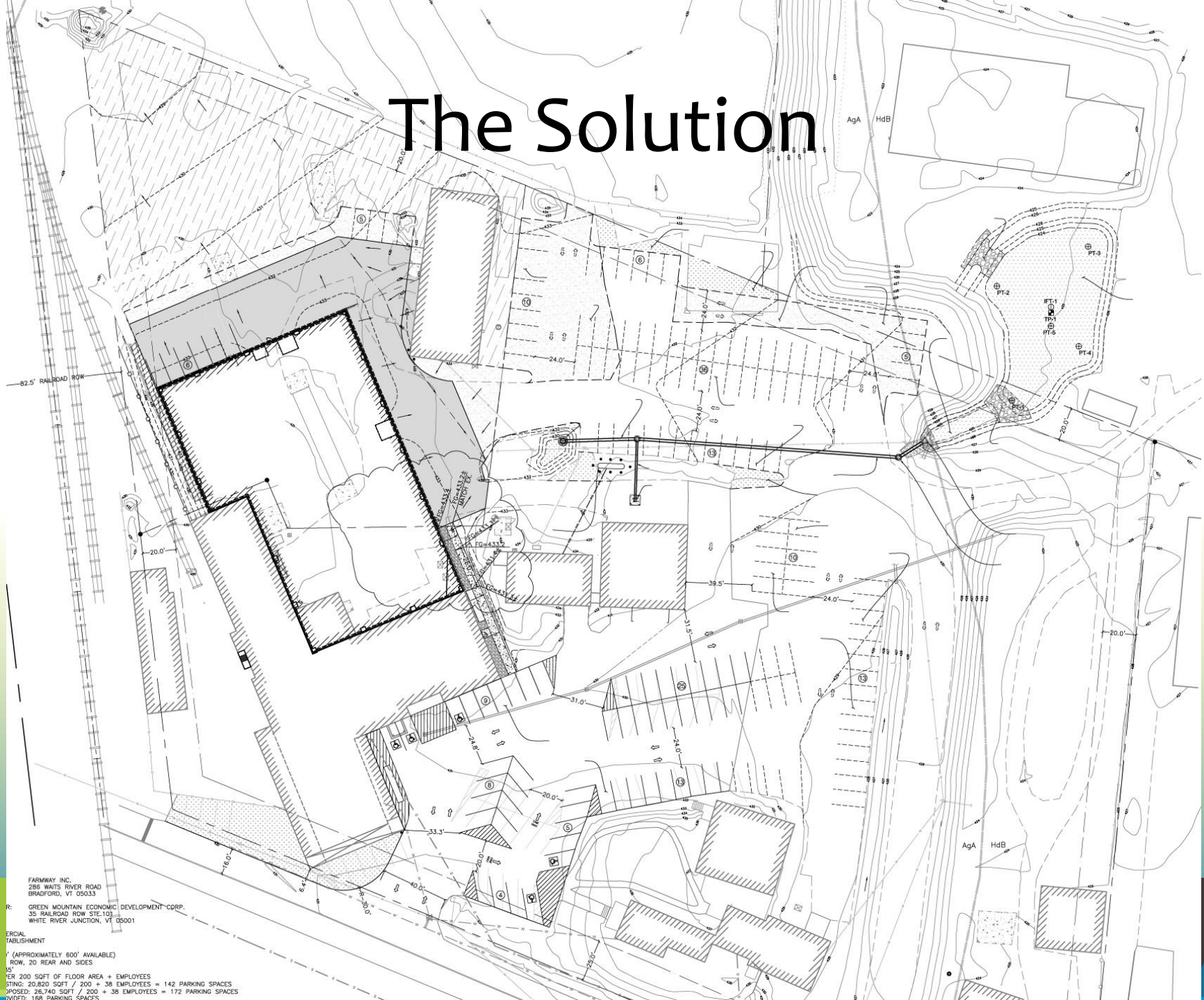
The Site – Twin State Fertilizer



Farm-Way



The Solution



FARMWAY INC.
285 WAITS RIVER ROAD
BRADFORD, VT 05033

GREEN MOUNTAIN ECONOMIC DEVELOPMENT CORP.
35 RAILROAD ROW STE-101
WHITE RIVER JUNCTION, VT 05001

ERIAL
TABLISHMENT

Y (APPROXIMATELY 600' AVAILABLE)

ROW, 20' REAR AND SIDES

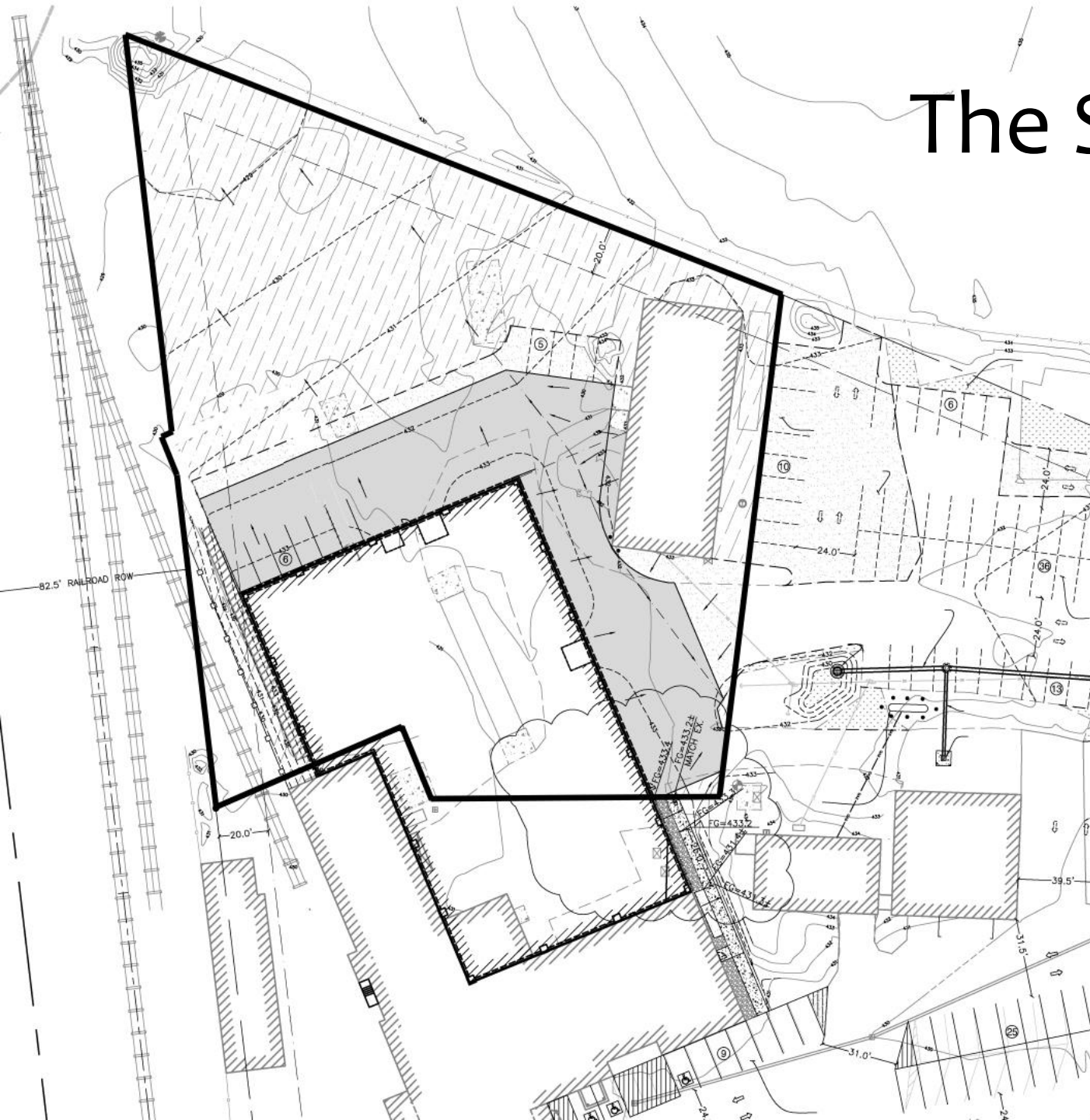
PER 200 SQFT OF FLOOR AREA + EMPLOYEES = 142 PARKING SPACES

STING: 20,820 SQFT / 200 + 38 EMPLOYEES = 172 PARKING SPACES

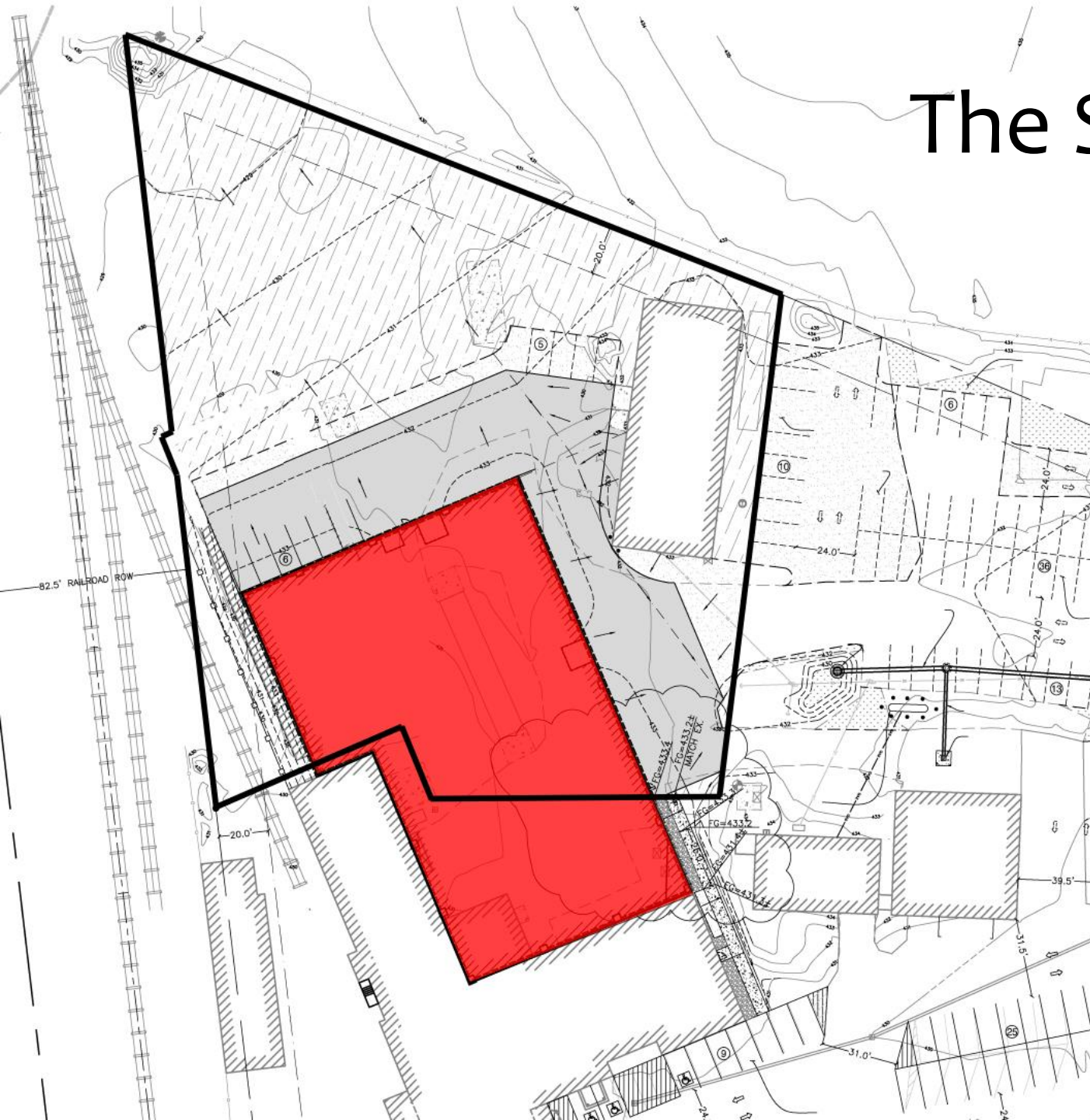
POSED: 26,740 SQFT / 200 + 38 EMPLOYEES = 172 PARKING SPACES

WIVED: 169 PARKING SPACES

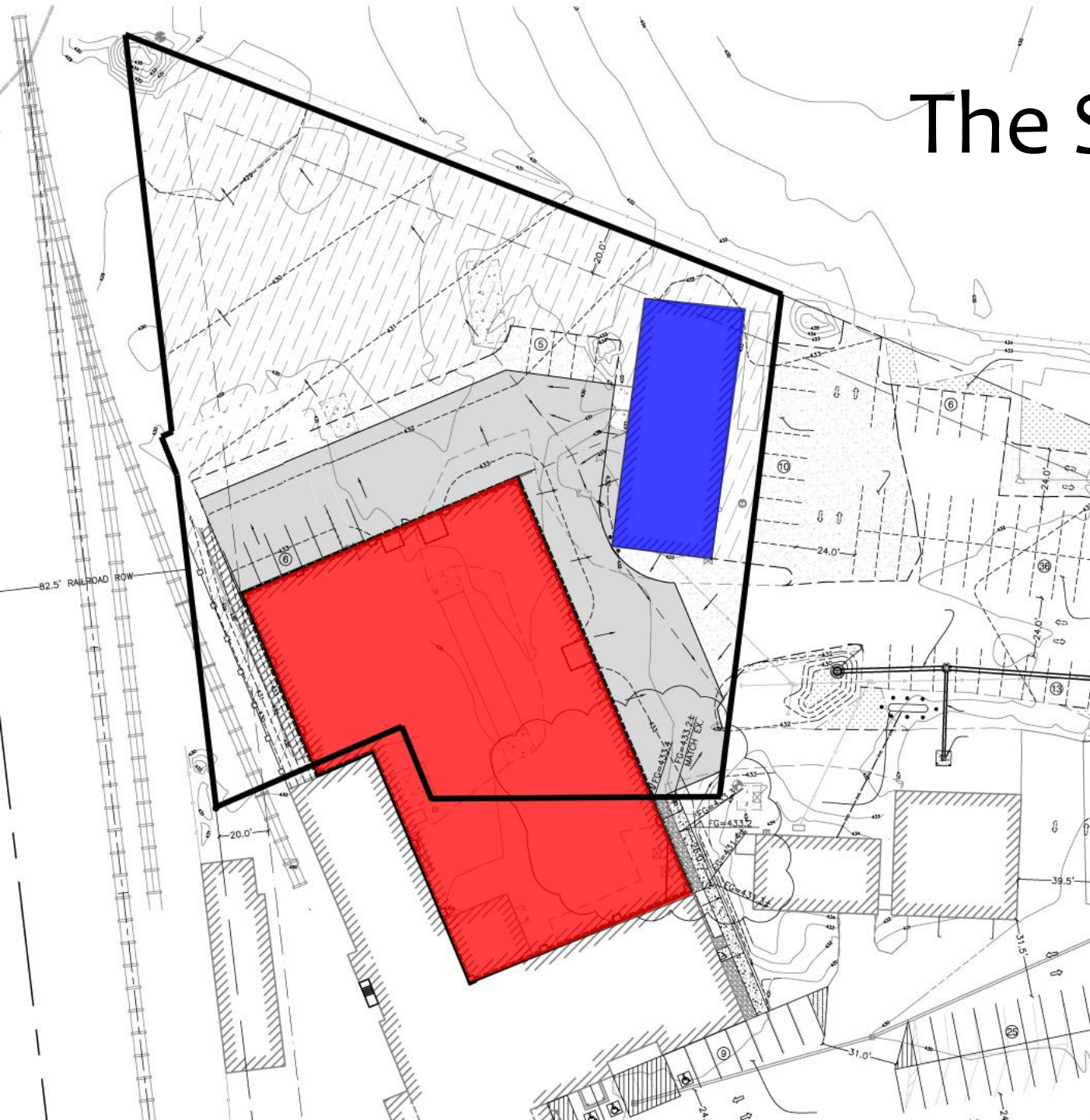
The Solution



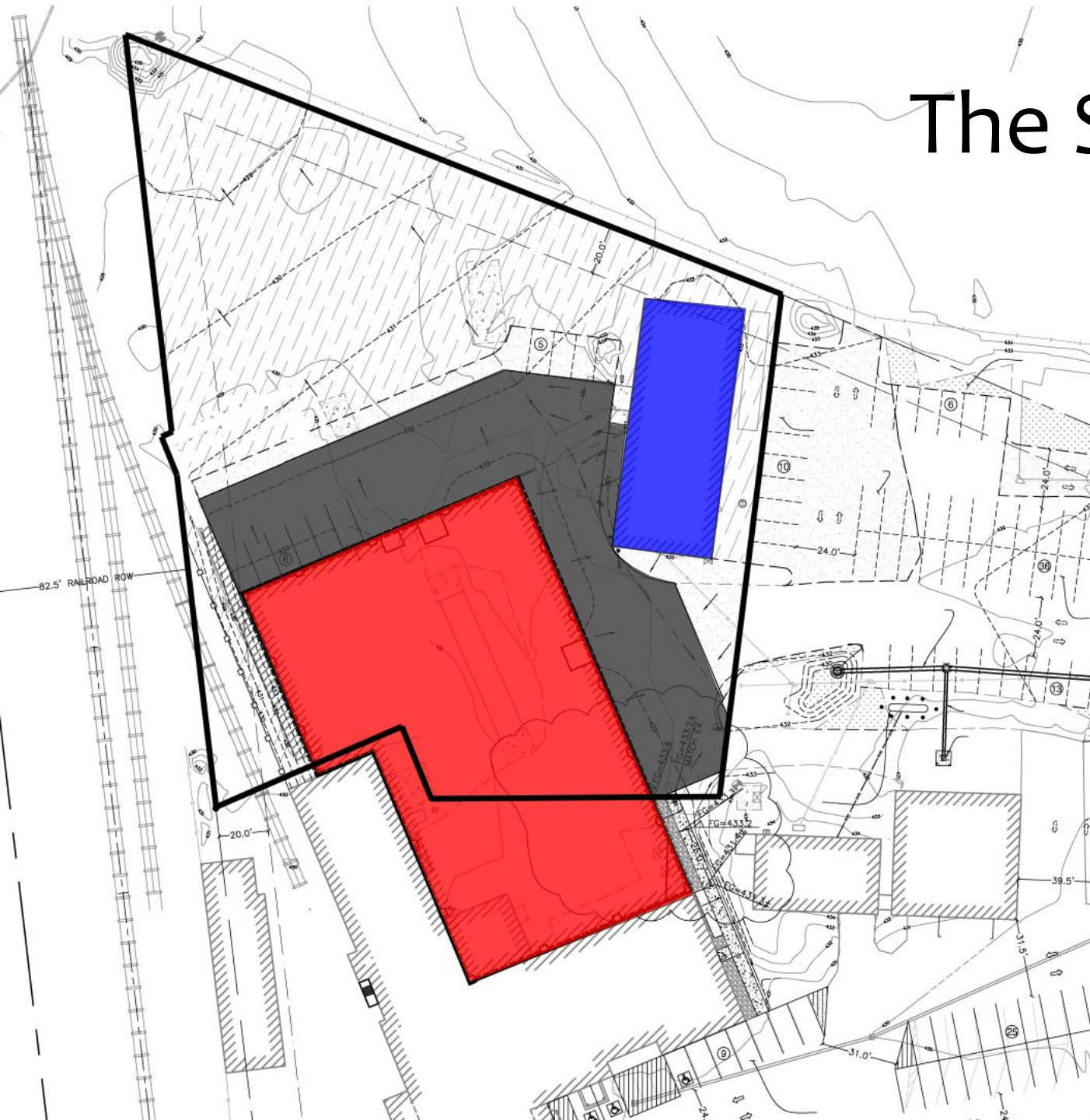
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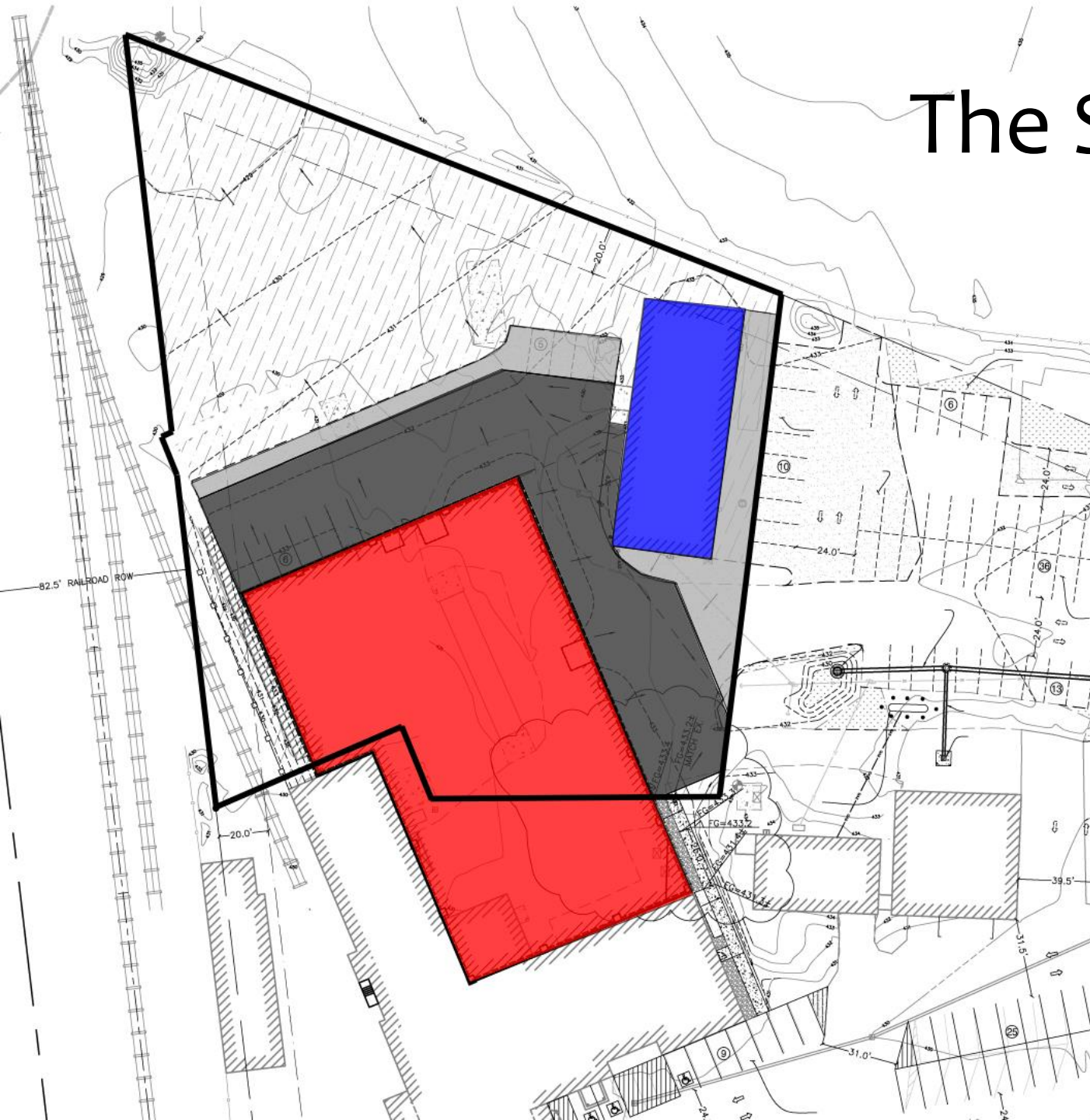
The Solution



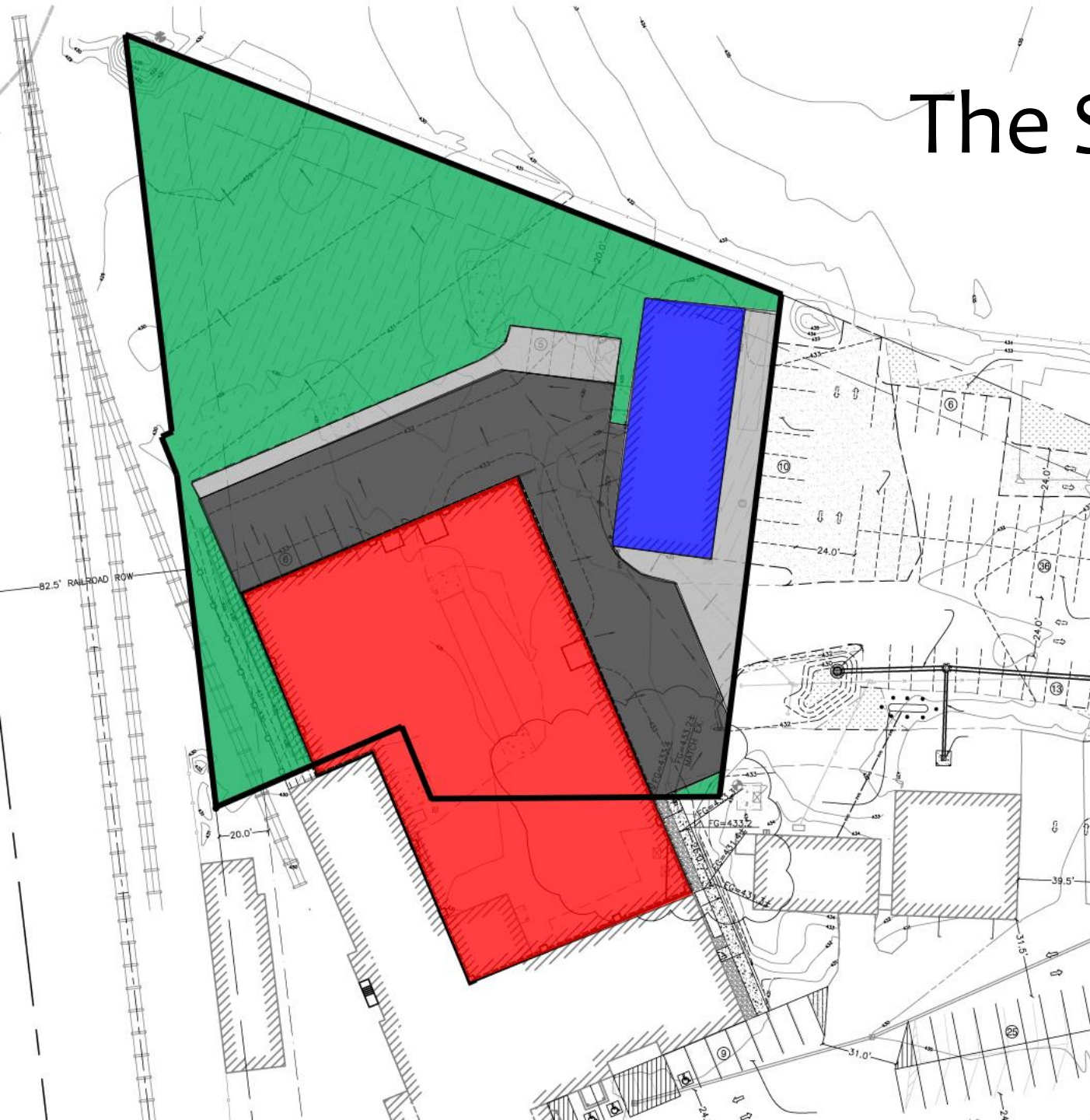
The Solution



The Solution



The Solution



The Solution – How was this possible?

- Partnership: Green Mountain Economic Development Corporation (GMEDC) and Farm-Way
- Vermont BRELLA (Brownfields Reuse and Environmental Liability Limitation Act)
- 10 V.S.A. § 6615 – Vermont Waste Act Liability
- EPA Brownfield Investigation and Cleanup Grants – through Two-Rivers Ouattaquechee Regional Commission (TRORC) and GMEDC

Key Participants

- Farm-Way – Paul & Bobbie Gallerani; Skip & Carol Metayer
- GMEDC – Joan Goldstein (Past Director), Bob Haynes (Current Director), and Peter Van Oot (Board Chair)
- TRORC – Kevin Geiger (Senior Planner) and Peter Gregory (Director)
- VTDEC, Brownfields Program – John Schmeltzer (Site Manager) and Trish Coppolino (Program Manager)
- EPA Region 1 – Joe Ferrari, Region 1 Brownfields Program Lead – Revolving Loan Fund
- KAS, Inc. – Environmental Consultant
- NRC (formerly ENPRO) – Environmental Contractor
- Lajunesse Construction – Building Contractor

Regulatory Framework

- BRELLA – VTDEC Brownfields Program Management (Corrective Action Plan)
- Vermont Act 250
- Bradford Planning and Zoning
- VTDEC Stormwater Discharge
- VTrans ROW Access Permit
- VTDEC Water / Wastewater

Vermont Waste Management Act Liability

10 V.S.A. § 6615. Liability states, in pertinent part, as follows:

- (a) Subject only to the defenses set forth in subsections (d) and (e) of this section:
 - (1) the owner or operator of a facility, or both;
 - (2) any person who at the time of release or threatened release of any hazardous material owned or operated any facility at which such hazardous materials were disposed of; ...
- ... , from which there is a release, or a threatened release of hazardous materials shall be liable for:
 - (A) abating such release or threatened release; and
 - (B) costs of investigation, removal, and remedial actions incurred by the state which are necessary to protect the public health or the environment.

RDC/RPC “Safe Harbor” under Vermont Waste Management Act

- 10 V.S.A. § 6615 (d)(4) states, in pertinent part, as follows:
- (d)(4) A regional development corporation or regional planning commission shall not be liable under [10 V.S.A. § 6615. Liability] as an owner provided that the regional development corporation or regional planning commission can show all the following:
- (A) The regional development corporation or regional planning commission did not cause, contribute to, or worsen a release or threat of release at the property.
- (B) The regional development corporation received, in the 12 months preceding the acquisition of the property, a performance contract for economic development pursuant to 24 V.S.A. chapter 76. The requirement of this subdivision (d)(4)(B) shall not apply to regional planning commissions.

RDC/RPC “Safe Harbor” under Vermont Waste Management Act

- (C) (i) The regional development corporation or regional planning commission has entered into an agreement with the Secretary, prior to the acquisition of the property, requiring the regional development corporation or regional planning commission to conduct a site investigation with respect to any release or threatened release of a hazardous material and an agreement for the regional development corporation's or regional planning commission's marketing of the property acquired.
- (ii) The Secretary shall consult with the Secretary of Commerce and Community Development on the plan related to the marketing of the property.
- (iii) The regional development corporation or regional planning commission may assert a defense to liability only after implementing a site investigation at the property acquired and taking reasonable steps defined by the agreement to market the property.
- (iv) In developing an agreement regarding site investigation, the Secretary shall consider: the degree and extent of the known releases of hazardous materials at the property; the financial ability of the regional development corporation or the regional planning commission; and the availability of state and federal funding when determining what is required by the agreement for the investigation of the site.

Note “Preferred Locations” Siting Incentives under 2016 Energy Siting Legislation (eff. January 1, 2017)

- 30 V.S.A. § 8005a. (D) Pilot project; preferred locations provides, in pertinent part, as follows:
 - (D) Pilot project; preferred locations. For one year commencing on January 1, 2017, the Board shall allocate one-sixth of the annual increase to new standard offer plants that will be wholly located in one or more **preferred locations** ...
 - (iv) As used in this subdivision (D), "**preferred location**" means a site within the State on which a renewable energy plant will be located that is one of the following:
 - ... (IV) **Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642.**
 - (V) **A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant.**

Note “Preferred Locations” Siting Incentives under 2016 Energy Siting Legislation (eff. January 1, 2017)

- (VI) **The disturbed portion of a gravel pit, quarry, or similar site for the extraction of a mineral resource, provided that all activities pertaining to site reclamation required by applicable law or permit condition are satisfied prior to the installation of the plant.**
- (VII) A specific location designated in a duly adopted municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets any siting criteria recommended in the plan for the location.
- (VIII) **A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms each of the following:**
 - (aa) The site is listed on the NPL.
 - (bb) Development of the plant on the site will not compromise or interfere with remedial action on the site.
 - (cc) The site is suitable for development of the plant.
- 30 V.S.A. § 8005a. (D)(emphasis added).

Grand Opening – July 2016



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QUESTIONS?

SPEAKERS

Robert Haynes, Executive Director
Green Mountain Economic Development Corporation
rhanes@gmedc.com

Joshua Leckey
Downs Rachlin Martin PLLC
jleckey@drm.com

Erik Sandblom, PE, Principal Engineer
KAS, Inc.
eriks@kas-consulting.com