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**VERMONT
DEVELOPMENT
CONFERENCE**



VT BRELLA:
IT'S WORKING!

Presented by Will Dodge, 10/30/2025

DRM

DOWNS
RACHLIN
MARTIN



What is BRELLA?



Peter Van Oot, Esq.

Brownfields

Reuse and

Environmental

Liability

Limitations

Act of 2007

T.10 § 6646

CONSERVATION AND DEVELOPMENT

Ch. 159

who is registered as a Vermont professional engineer or by an individual who is responsible for the processes and operation of the site.

Historical Citation

Added 1989, No. 282 (Adj. Sess.), § 17, eff. June 22, 1990; amended 1991, No. 100, § 8; 2011, No. 139 (Adj. Sess.), § 11, eff. May 14, 2012; 2017, No. 113 (Adj. Sess.), § 49b.

History

Revision note—2023. Subsec. (a): substituted "House Committee on Environment and Energy" for "House Committee on Natural Resources, Fish, and Wildlife" in accordance with 2023, No. 6, § 395(5).

SUBCHAPTER 3.

BROWNFIELDS REUSE AND ENVIRONMENTAL LIABILITY LIMITATIONS

§ 6646. Forbearance

Provided that the applicant has been determined to be eligible for the Program and is working in good faith toward meeting the obligations required by this subchapter:

(1) the State may not bring an action against an applicant based on liability as an owner pursuant to subdivision 6615(a)(1) of this title; and

(2) with respect to prospective purchasers, no person may bring a claim for contribution pursuant to subsection 6615(i), provided:

(A) the prospective purchaser's liability is limited to liability as an owner pursuant to subdivision 6615(a)(1) of this title; and

(B) the Secretary has approved a corrective action plan for the site pursuant to section 6648 of this title.

Historical Citation

Added 2007, No. 147 (Adj. Sess.), § 7; amended 2021, No. 170 (Adj. Sess.), § 9, eff. July 1, 2022.

History

Amendments—2021 (Adj. Sess.). Section amended generally.

§ 6654. Brownfield Revitalization Fund; creation; assistance

(a) There is created a Brownfield Revitalization Fund that shall be a special fund created pursuant to 32 V.S.A. chapter 7, subchapter 5 to be administered by the Secretary of Commerce and Community Development to aid applicants in the redevelopment of the Brownfield Cleanup Program by assessing and remediating sites. Monies received by the Secretary of

Pre-BRELLA

1. Strict Liability
2. Contribution Claims
3. Enforcement Actions
4. Lack of Expertise
5. Funding Sources
6. Sprawl Factor



PROCESS (GROSSLY OVERSIMPLIFIED)



- Acquire contaminated property



- Determine end use / buyer



- Work with RDC / RPC / Town



- Initial Site Assessment



- If RECs, apply for BRELLA



- Develop a Corrective Action Plan (CAP)



- Obtain approval for CAP from DEC



- Undertake cleanup work (or hold off)



- At end, obtain Certificate of Compliance



- Transfer title from RDC / RPC / Town



Why this topic and why now?

- 25 years of practice in VT enviro law
- Stormwater permitting changes
- Telecomm permitting changes
- Act 250 / permit reforms
- Solar energy program changes
- Hard to get it right
- But BRELLA:

IT'S WORKING!



BRELLA Lyndonville: GROUND-MOUNTED SOLAR Northeast Tool Facility, 3 Commercial Lane, 2017



Brownfield

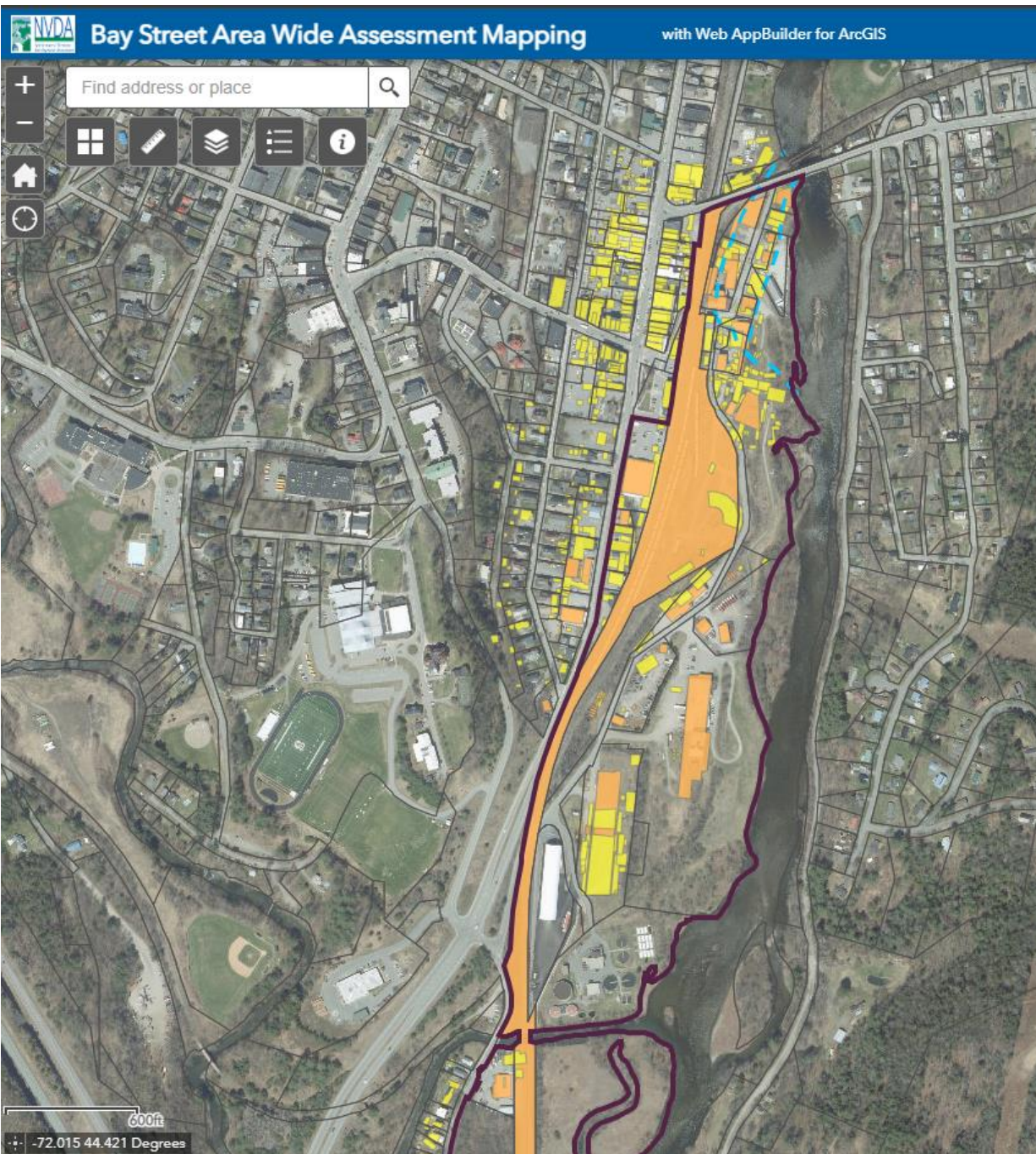


Solar

BRELLA Bennington: RESIDENTIAL / COMMERCIAL



Former Energizer Facility, 401 Gage Street – 2025 (Pending)



BRELLA St. Johnsbury DT: Bay St Area Wide Assessment Mapping

Legend

Assessment Area



Parcel Boundary (NVDA 2007)



Historic Condition: River Bank

— Historic river bank

Structures with Potential Contamination



Historic Structure



Current Structure

BRELLA ST. Johnsbury Downtown: DINING / TOURISM



St. Johnsbury Distillery, 74 Eastern Avenue, 2017

BRELLA ST. Johnsbury Downtown: RESIDENTIAL / RESTORATION



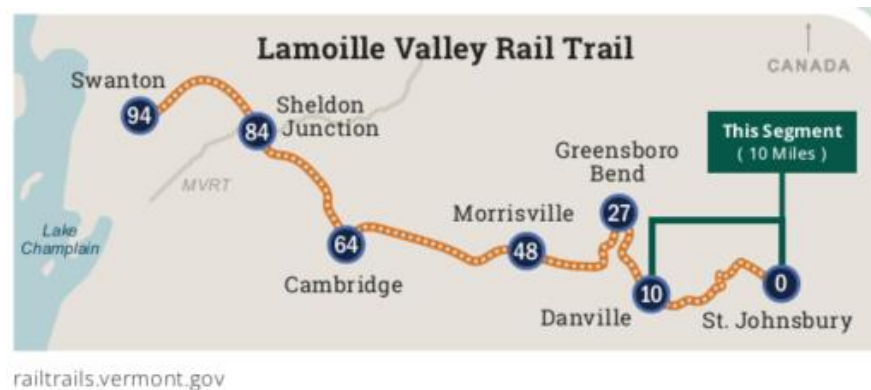
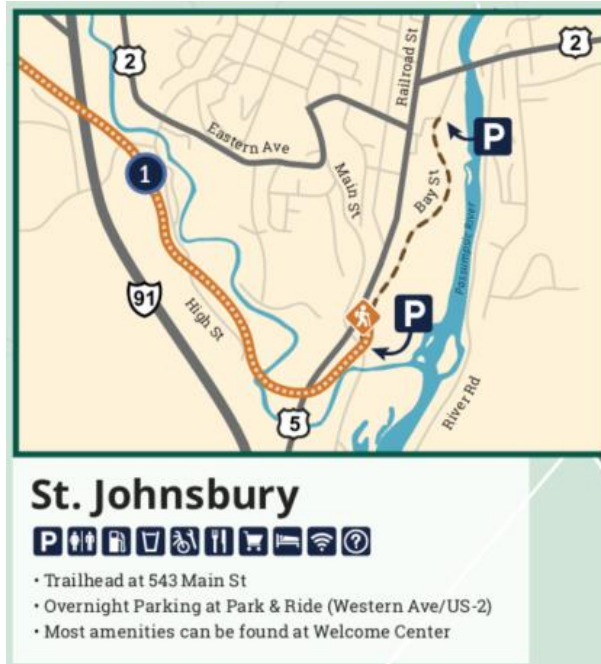
New Avenue Apartments, 10 Eastern Avenue, 2021

BRELLA ST. Johnsbury Downtown: COMMERCIAL / VETERINARY

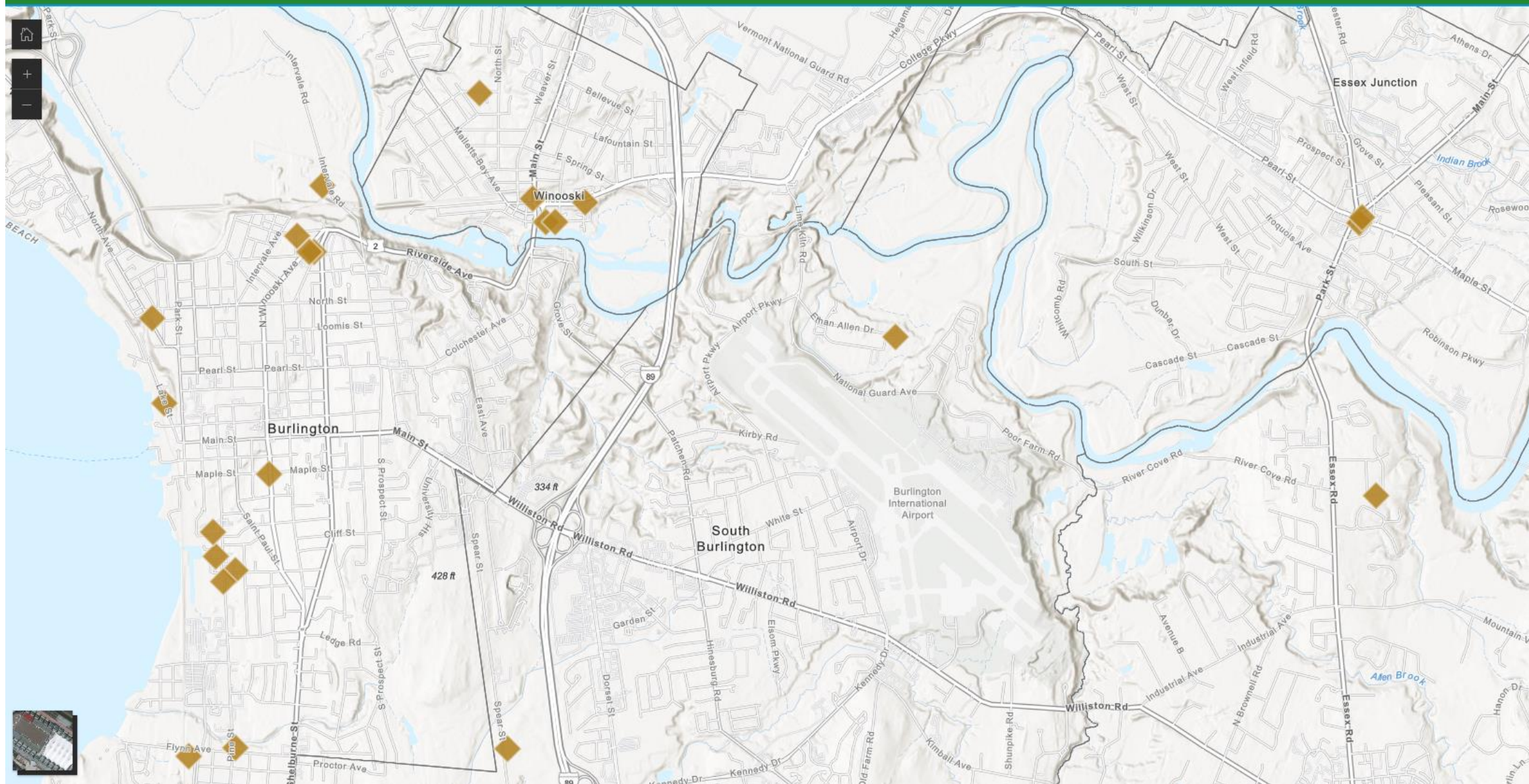


Kingdom Animal Hospital, 131 Railroad Street, 2021

BRELLA ST. Johnsbury Downtown: RECREATIONAL



Lamoille Valley Rail Trial Trailhead Pavillion, 195 Bay Street, 2024



BRELLA Chittenden Cty:
Brownfield Sites Map (CCRPC)

BRELLA Chittenden County: Winooski – HOTEL / COMMERCIAL



9 Abenaki Way, Winooski, In Construction!

BRELLA Chittenden County: Winooski -- RECREATIONAL



Kenneth R. Meyers Memorial Pool, 62 Pine Street, 2016

BRELLA Chittenden County: Winooski – DINING / TOURISM

Before:



Four Quarters Brewing, 70 Main Street, 2021

BRELLA Chittenden County: Burlington – MIXED USE



The Vaults: 2 Apartments, Office, Studio Space
20 Howard Street (2017)



South End Apts: Retail plus multiple apartments
316 Flynn Avenue (2019)

BRELLA Chittenden County: Burlington – MIXED USE

Before:



evernorth
Investing in communities. Building possibilities.



Post Apartments (former VFW), 176 S. Winooski Ave (In Construction – across from DRM)

BRELLA Chittenden County: Essex Junction

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Come ask me and my DRM colleagues how BRELLA can work!



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Firebird Cafe, Five Corners, 2019

