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September 2, 2014

Mr. Ben Eastwood
241 Main Street
Montpelier, Vermont 05602

Dear Mr. Eastwood,

Thank you very much for your letter which was presented to the City Council on August 13, 2014 concerning the environmental status of the One Taylor Street parcel, formerly known as the Carr Lot. Your letter raised many important issues and questions. With significant assistance from Jeffrey Tucker, from Dubois & King, and Kenneth Bisceglio, from Weston & Sampson, I have prepared a detailed response for you.

Regarding cleanup, the intention of my memo dated July 10, 2014 was that the previous owner did indeed clean the site up to the point where it could be used as a parking lot. This work, which was conducted in 2012, consisted of the removal of 876 tons of PCB-contaminated soils and the installation of a gravel cap and membrane so it could be used as parking lot. Simply installing a gravel cap would not have been sufficient.

The current state of the property is such that, with implementation of the CAP Amendment #2, the site can be redeveloped as currently planned, which is consistent with what the City has been stating all along. The City has not stated or implied that all contaminated soils have been removed from the site other than the 876 tons of contaminated soils. Indeed, it has been consistently stated in order to advance this project as planned, the site will require implementation of the CAP Amendment #2, which as the July 10th letter clearly states, anticipates the removal and disposal of some contaminated soils.

The statement that the CAP Amendment #2 proposes to cap and contain contaminated soils and prevent their exposure to people is correct, but that "the CAP proposes to cover up toxic soils with a geotextile fabric and a layer of clean soil" is only partially correct. Much of the site will be covered with hardscape, such as the building itself, access roads and parking, the bike path, etc. Green space portions are planned to be covered with clean soil and a high strength geotextile fabric underlying the clean soil.

The statement characterizing placement of a band aid is inaccurate and misleading as it relates to the redevelopment of this Brownfield site. Capping is a nationally recognized, and state and federal government approved method for management of contaminated soils at Brownfields sites. Responsible and long-term safe redevelopment of Brownfields (including this site) utilize a protective capping approach, which is why it was selected and approved for implementation at One Taylor Street. The CAP Amendment #2 clearly states (in section 5.2) that removal of all of the contaminated soil is not economically feasible.

Redevelopment of this Brownfield in accordance with the CAP Amendment #2 has been carefully planned by professional engineers with significant expertise in Brownfield redevelopment and reviewed and approved by state and federal officials at both the Vermont Agency of Natural Resources (VANR) and the US EPA.

One of the several purposes for installing a high strength geotextile fabric is to serve as a warning layer to people. The polypropylene geotextile fabrics that will be used are manufactured for municipal construction, transportation and waste containment applications. These fabrics are extremely rugged as compared to household landscaping fabric. For someone to plant a tree, they would need to purposely cut and remove the fabric.

Being a river front property, there is a remote possibility future flooding could cause erosion at this site. However, this site has withstood numerous flooding events for decades and to date, there have been no known significant erosion or instance of release of contaminated soils. Site improvements (such as reconstruction of the granite block retaining wall) will be integrated into the redevelopment in accordance with generally accepted engineering practices. Combined with implementation of the CAP Amendment #2, we believe the site improvements will significantly improve and strengthen the site and reduce the potential for site erosion compared to existing conditions. The City has known and acknowledged from the beginning of this project it's responsibility to maintain the condition of the CAP Amendment #2 provisions in perpetuity.

The statements in this paragraph regarding removal of soil and floodway are generally accurate. The regrading of the site and any underlying soil will be minimized and as stated my July 10th memo, any excess soil will be either utilized on site in accordance with the CAP Amendment #2 provisions or removed and properly disposed of off-site. The methods to control risk include engineering and institutional controls. The engineering controls include the capping materials and geotextile. According to manufactures literature, polypropylene geotextiles are non-biodegradable and expected to last for over 100 years. It is not intended to be replaced. The institutional controls will include a deed restriction that is integrated, in perpetuity, with future lease agreements that restrict activities that penetrate depths deeper than the geotextile.

The City has conducted preliminary-level estimates of excess contaminated soil that may require removal and off-site disposal. This estimate will be updated once the conceptual level process has been completed and the site plan is updated. Regarding the sub-slab depressurization, its life span will be the same as the building and potential modes of failure will be taken into consideration during its design. It is important to note that the VANR has stated in writing they do not require a sub-slab depressurization system as they do not believe one is necessary to protect human health at this site. The City has elected to include one in the building design as an added, albeit not required, level of redundant protection.

The design of the retaining wall improvements and any associated cofferdam has been advanced to the Preliminary Design level and is not completed. The Preliminary Design estimate to repair the retaining wall, including the cofferdam is $450,000. The final design will include VANR-required soil erosion and sedimentation control plans (ESPC) and specifications. The purpose of these plans and specifications is to prevent any soils from being eroded into the river. Properly trained professionals will conduct independent monitoring of these ESPC measures during construction to confirm they are functioning properly. The City is responsible for the construction oversight of the project and the contractor will be responsible for constructing it in accordance with the engineering pans and technical specifications and associated contract documents.

Soil borings taken to date indicate ground water is well below anticipated construction depths and not expected to influence redevelopment of the site or construction of the building. The only exception to this is repairs to the retaining wall foundation and any required construction protection measures will be accounted for in the final design and details.

Regarding the CAP Amendment #2 requirement that all equipment is to be decontaminated before leaving the site, the contract documents will detail the specifics of this requirement and the contractor will be responsible for the associated costs, which we anticipate will be included in the contractor's bid price.

The remediation completed in 2012 was conducted to reduce concentrations of PCBs to below 5 parts-per-million (ppm). The purpose for stabilizing the lead was to allow the PCB-contaminated soil to be landfilled as regulated under the federal RCRA and TSCA regulations. During future redevelopment, the risk of lead exposure will be managed as opposed to removing all of the lead-contaminated soil. The VANR-approved CAP Amendment #2 includes a soil management plan so that any soils disturbed for construction purposes will either be relocated on site and capped or removed from the site and disposed of at an approved landfill. Some future testing will be required for waste disposal purposes; however, the cost will be incidental in comparison to the total project cost.

Historical investigations did identify various metals other than lead, such as arsenic, cadmium and chromium and PAH compounds. During the 2012 PCB-remediation project 876 tons of PCB-contaminated soils were removed/remediated from the site. To some extent, these excavated soils also included the above mentioned contaminants. The future soil management strategies identified in the CAP Amendment #2 are being applied site-wide and will therefore manage risk associated with all contaminants (PCBs, metals and PAHs). If you seek further information from historical studies, you may contact the VANR project manager Matt Becker for assistance.

Chlorinated solvents in groundwater are due to an off-site release more than a decade ago north of the railroad tracks. This is an old incident and there are very low levels detected in the groundwater on the northwestern corner of the site near Taylor Street at depths between 10 to 15 feet. Petroleum contamination was observed during the 2012 remediation near the south central portion of the site and there are off-site nearby source(s). All costs associated with the off-site chlorinated and petroleum are incurred by their respective responsible parties. As stated above, the CAP Amendment #2 includes provisions to install a sub-slab depressurization system (SSDS) in the new on-site building. This venting system is similar to a radon removal system and is

being installed as an engineering control to provide an added measure of safety so that if there ever were chlorinated or petroleum vapors under the proposed building they would be recovered and not enter the building. The cost for constructing the SSDS with the new building is estimated at $60K.

The redistribution of the soil has little effect on the overall nature of contamination nor with respect to redevelopment since the site had wide-spread contamination to begin with. This is why the CAP Amendment #2 includes all of the provisions for capping and soil management. The statement "The CAP states that further extensive testing is required…." is incorrect and actually states "The redevelopment plan will require extensive earthwork associated with contaminated soils" all of which are addressed in the approved CAP Amendment #2. Any future testing will be limited to soils that are destined for off-site landfill disposal. All future costs associated with redeveloping the site are borne by the City.

The cost for inspections is less than $500 each. It is likely, based on past experience that the monitoring schedule can be reduced to annual within a few years post construction as the inspections are able to demonstrate the CAP is stable and secure.

The CAP Amendment #2, developed in 2013, allows for "high occupancy" use for transit facility workers on the first floor and commercial/residential use on the upper floors. Staments in this paragraph appear to be referencing an older 2009 PCB Risk-Based Cleanup and Disposal Plan that is now superseded by the 2013 CAP Amendment #2. The 2009 document was intended for the previous owner to reuse the site on a short-term basis as a parking lot; hence the "low occupancy" and non-residential language in that document. The former owner met all remediation requirements of the 2009 plan.

According to discussions with the VANR, there are numerous contaminated sites along the Winooski River and the site improvements are not expected to increase the risk at this site.

This is certainly a Brownfields site with contamination: as multiple environmental studies have been performed under state and federal oversight; there has been remediation to reduce PCB levels to below 5 ppm; and now there is an approved CAP Amendment #2 for the future redevelopment. The CAP Amendment #2 elements are regulatory-approved standard level of care practices to manage risk for properties were it is not economically feasible to cleanup all of the contamination. It is noteworthy to point out again that the former owner removed 876 tons of contaminated soil as a condition prior to the City taking ownership. The City also took action to manage future risk on a state and federal level as discussed in the following two paragraphs.

On a state level, in 2013 the City enrolled the site into the VANR Environmental Liability Limitation Program (ELLP) that protects the City from incurring future assessment or remediation costs if there are changes in regulations. For example, if a contaminant's cleanup criteria are changed to a lower level or if new chemical compounds are added to the list that is regulated the state cannot reopen the site and require the City to pay to meet the new standards.

On a federal level, the City took steps to obtain liability protection as a "bona fide prospective purchaser" (BFPP). The federal Brownfields program developed this provision to remove certain CERCLA liability barriers to purchasers of property with known contamination to encourage

redevelopment. This work included satisfying the programs "all appropriate inquiries" provision by completing a Phase I Environmental Site Assessment (ESA) in June 2013 in addition to a Phase I ESA Update completed immediately prior to closing in December 2013.

The discussions at the City-level to redevelop the site have been on-going for nearly 20-years and the public has been consistently supportive of its redevelopment as currently planned. There have been extensive studies and reviews of this Brownfield site by various professionals and by state and federal officials. As stated above, the CAP Amendment #2 is a state and federally approved method to redevelop Brownfields such as One Taylor Street for its long term use as a publically safe environment.

Thank you, again, for raising these important questions. I appreciate the opportunity to address these concerns and outline to both you and the public the many steps the city has taken for safety and liability protection.

Sincerely,

William J. Fraser
City Manager

cc: Mayor Hollar & City Council Members