

My name is Ben Eastwood, I live on main street, and sit on the Conservation Commission. I have some concerns and questions, both as a citizen and as a member of the commission, regarding the development of 1 Taylor Street, commonly referred to as the Carr Lot, based on the current CAP, the PCB cleanup plan, and EPA regulations, that contradict claims and misleading statements made by the Mayor and City Manager regarding this site, the levels of existing contamination on site, the remediation needed to clean the site up, and the costs associated with that remediation.

First of all, the site does NOT meet the EPA definition of "cleaned up". According to the EPA Brownfields Profile Glossary, the definition of cleanup is "The removal or control of hazardous materials at the site." In his memo on the subject, the city manager made the misleading statement that there is a difference beyond semantics between what needs to be done and "cleanup" saying that instead, we need "soil Management". As the EPA definition shows, there isn't even a semantic difference between the two, soil management is a type of cleanup.

There is, however, a vast difference between the city Managers claims that cleanup is complete, and the current state of the property. The City Manager's claim that the previous owner completed all of the cleanup is quite simply, FALSE; and it is clearly and repeatedly contradicted by the CAP, which states that "Soil contamination is ubiquitous at the Site. Soils are impacted with PCBs ( $\leq 5$  mg/kg), PAHs and metals (primarily lead) at levels which if there is exposure pose a risk to human health." There are also plumes of contaminated groundwater containing chlorinated solvents and petroleum which pose risks to future occupants of the site.

The current conditions require remediation to meet EPA regulations for PCB contaminated soil in high occupancy areas under 40 CFR 761.61. The regulations require remediation for any soil contaminated between 1 and 10 ppm with PCB's and the CAP clearly and repeatedly states that there are soils on site which are within that remediation zone, and therefore require remediation. The CAP proposes a plan to cover up the toxic soils with a geotextile fabric and a layer of clean soil. This would meet EPA minimum guidelines to build, but would not actually deal with the underlying problem. It is a bandaid, in a very real and meaningful way. One of the worse things you can do is put a bandaid on top of an infected wound, because the infection gets trapped in, and festers, and that is exactly what will happen under the proposed plan.

Under the proposed CAP, that contaminated soil will remain on site. If a well meaning, but uninformed citizen were to plant a tree, it would pierce the cap, and expose toxic soils, and the city would be responsible for the cleanup costs. If we have a flood and the bank is eroded, the contaminated soils would be exposed and the city would be required to clean up the site. According to EPA regulations, the owner of the property is responsible to maintain the integrity of the cap in perpetuity. Capping the soil simply kicks the can, and puts the potentially devastating economic and environmental risks and responsibility for this current toxic waste site on our children's backs. We have an ethical responsibility to deal with this problem, now that we have bought the property, we own the problem too, "in perpetuity", to quote the EPA regulations.

The plan calls for either paving the lot, or, in areas of green space, using the geotextile and soil cap, which requires a foot of clean soil to be placed on top of the fabric. Because much of the site is floodway, this will require first removing a substantial amount of soil just to maintain the current grade. That does not include any carve out, or other landscaping which might lower the grade further, nor does it include the excavation needed to build the building, this is just to put in greenspace at the current level. This is according to 5.2 in the CAP

This plan requires the use of a geotextile fabric. What is the estimated lifespan of this product? What will the cost to replace it be when the fabric degrades and needs to be replaced?

The Mayor and City Manager have claimed that the costs for this are in the budget, but there is no

budget posted, despite the City Managers claims that all the relevant information is available on the website. Regardless, the CAP repeatedly states that there is no way to estimate the costs of this, because there is no site plan yet and thus no way to determine the amount of soil which will need to be moved, cleaned or disposed of. The ONLY budget so far, is the estimated cost of the slab decompression system in the CAP, which is estimated at 60 grand. What is the lifespan of this system, what happens if it is breached, (such as by flooding damage, or frost heaving, soil shifting or other common phenomenon and what is the cost to repair it if that occurs?

Where can the budget be found so we can look at it, and how did the city come up with estimated costs considering the CAP states it cannot be done?

The CAP states that there will need to be a coffer dam built around the retaining wall to reinforce and restore the wall to meet proposed uses. None of the surveys posted in the CAP include samples of the riverbed to determine the levels of contamination there. What are the costs of this cofferdam, and how were those costs estimated? What remediation will have to occur to insure that construction of the dam does not contaminate the Winooski River? Who bears the responsibility if this construction project contaminates the river?

Much of the soil work will likely require dewatering, to deal with the ground water contamination, and to deal with the cofferdam construction. What is the expected cost of such operations, and who will bear those expenses? The City Manager and Mayor have maintained that all of these costs have been accounted for in the budget, but, again, there is no budget, and without a site plan there is no way to estimate the amount of work needed, so how were the figures reached?

The Corrective Action Plan states that all vehicles leaving the site and all equipment leaving the site must be decontaminated, and that a decontamination pad must be built. Who is responsible for the costs associated with the decontamination?

There are other contaminants on site as well, including heavy metals. Lead is listed predominantly in the report, at levels higher than allowed, but the report also says the testing has been "limited". These contaminated soils will also have to be remediated, and further extensive testing will have to be conducted. The CAP states that some remediation has been done to reduce the leachability of lead on site. How extensive was this remediation? How much more remediation will be required to meet safety and environmental levels, and what will the expense be? The CAP states that more testing is required, what will the cost be, and who will bear that expense? The CAP also states that soil "south of the floodway" was used to backfill the pcb remediation work, however the soil south of the floodway is some of the most contaminated soil. What are lead contamination levels of the soil that was scraped from the floodway and backfilled?

The report also lists Arsenic, Cadmium and Chromium contamination, yet provides no data for these contaminants. What are the levels of contamination, and where is the data located?

The CAP also lists PAH's. "Concentrations of PAHs were recorded to be above regulatory criteria in the historical reports. The following 7 PAHs are present at the Site: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)-fluoranthene, chrysene, dibenzo(a,h)anthracene and indeno(1,2,3-cd)pyrene"

Again, there is limited testing and data shown. What remediation has been done to deal with these carcinogenic (cancer causing) contaminants?

The CAP also lists chlorinated solvents and petroleum contamination. What are the levels of contamination? Where is the data? What remediation has been done, and what further remediation is required? What is the cost, and who bears the expense of fixing these serious problems?

The CAP repeatedly states that the site contamination surveys cannot be relied on because so much soil movement has taken place during the remediation that has occurred. The CAP states that further extensive testing is required before construction can begin. Who will bear the expense of these tests?

The CAP will require semiannual inspection, in the spring and in the fall, to insure that all parts are operational. Any deficiencies in the remediation will require **that** the city fix them within 72 hours, and will be at the expense of the city. What are the projected costs to do the recommended inspection schedule?

Troubling is the PCB cleanup plan, posted on the city website, which details the remediation plan proposed and performed by the previous owner. The plan repeatedly says that a deed restriction will be included, which restricts the use of the property to low occupancy uses and prevents residential use, and that the remediation would be to meet low occupancy use requirements. It also indicates that the cleanup would be limited to the central area of the site (which is borne out in the subsequent CAP). Did the previous owner fail in their obligation to enact a deed restriction? If so, are we, as the current owners not required to abide by it? Since the cleanup only focused on one area of the property, what has been done to clean up the high levels of lead located elsewhere on site?

These are just a few of the concerns I have regarding this project. The Winooski River is a state treasure, and needs to be protected. Any development that disturbs the contaminated soil puts that river, and the people downstream of the site at risk. Every farmer who irrigates with river water could be unknowingly spreading contamination washed down stream onto the fields which feed our livestock and people. Any municipality which derives all or part of its drinking water from the river, or Lake Champlain face contamination from the development of this site.

There are simply too many unknowns to make any definitive statements about extent of much of the contamination, the costs associated with the cleanup needed, and the risks associated with allowing the toxic waste to remain on site. This IS an active toxic waste site, and will remain so even when developed if we follow this CAP. It is imperative that we are open and honest about this indisputable fact. We must be open and up front about the potential risks and costs that developing this property pose.

It may very well be that the residents of our city decide that the potential benefits of this site are worth the risks associated with developing it without finishing the clean up needed, however, until we have an accurate and honest accounting of these issues, and give the people of Montpelier a chance to decide whether to clean the site or kick the can to our grandkids, it is reckless and premature to continue development.

I am speaking both as a resident of the city, and as a member of the conservation commission when I raise these concerns. I would love to see the site made safe, and clean and useful, so that we can gather there as a community, let our kids play there, and get close to the river that defines our home, but I cannot, in good conscience, support this current plan based on the information available.

Thank you.  
Ben Eastwood