

Vermont Department of Environmental Conservation

Agency of Natural Resources

WATER INVESTMENT DIVISION National Life Building, DAVIS 3 1 National Life Drive Montpelier, VT 05620-3510 FAX: (802)828-1552

TO:	Eric Blatt, P.E., Director of Engineering, Water Investment Division
FROM:	Celia Riechel, DWSRF Project Lead, Water Investment Division
SUBJECT:	Environmental Assessment, Bennington RF3-401 Lead Service Lines Replacement Project, Contract 1
DATE:	1/19/2021

Project Identification

Project Name:	Town of Bennington Lead Service Lines Replacement Project, Contract 1, Drinking Water State Revolving Fund Loan RF3-401
Address:	Stuart Hurd, Bennington Town Manager 205 South Street Bennington, VT 05201 <u>shurd@benningtonvt.org</u> 802-442-1037
Project Location:	Bennington, Vermont

Summary of Environmental Review

The Department of Environmental Conservation, Water Investment Division (Department), has reviewed this proposed project in accordance with the Department's *Environmental Review Procedures* for Projects Funded Through the Vermont/EPA Drinking Water State Revolving Fund Loan Program.

The Department has reviewed the following planning documents:

- Environmental Information Document titled "Environmental Report and Environmental Information Document," dated 1/12/2021, by MSK Engineering and Design, Inc.
- Preliminary Engineering Report titled "Preliminary Engineering Report, Lead Service Line Replacements," dated 2/13/2020, prepared by Jason Dolmetsch, P.E., MSK Engineering and Design, Inc.

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- Design Basis Report titled "Lead Service Line Removal 2020 Pilot Project," dated October 2020, prepared by Patrick C. Smart, P.E., MSK Engineering and Design, Inc.
- 90% Lead Pilot Design Set, Contract 1, no date, prepared by MSK Engineering and Design, Inc.
- "Updated Archaeological Resources Assessment for the proposed Town of Bennington Lead Service Lines Replacement Project, Bennington, Bennington County, Vermont," Report No. 1262, dated 12/15/2020, prepared by Charles Knight, Ph.D., University of Vermont Consulting Archaeology Program.

Project Description

The Town of Bennington is located in Bennington County, Vermont. The proposed project consists of replacement of 140 service connections that contain lead or are suspected to contain lead along Branch Street, County Street, Division Street, Gage Street, Maple Street, Park Street, Spring Street, Washington Avenue, and Weeks Street. The pipes are located on both private property and the public right-of-way. The service line upgrades are intended to eliminate lead service lines from the drinking water system. Lead is toxic to humans and is a drinking water contaminant regulated by federal and state rules. While the Town of Bennington is able to maintain compliance with the EPA Lead & Copper Rule through corrosion control; comprehensive lead service line replacement is the best strategy to achieve the goal of eliminating lead in the drinking water system.

A brief description of each construction contract follows:

• Contract 1: Replacement of 140 service connections along Branch Street, County Street, Division Street, Gage Street, Maple Street, Park Street, Spring Street, Washington Avenue, Observatory Street, and Weeks Street. The pipes are located on both private property and the public right-of-way. Also referred to as Phase 1.

Subsequent contracts will be reviewed separately.

Finding of No Significant Impact (FNSI) Required

The Department of Environmental Conservation, Water Investment Division has established the *Environmental Review Procedures for Projects Funded Through the Vermont/EPA Drinking Water State Revolving Fund Loan Program* in accordance with the National Environmental Policy Act (NEPA), for projects receiving drinking water revolving loan funds. Under these environmental review procedures, projects that are known to have significant unusual characteristics or are known to cause significant public controversy are not eligible to receive categorical exclusion and are subject to more detailed environmental review requirements.

A Finding of No Significant Impact (FNSI) is the appropriate environmental review response for this project. This project is not eligible for categorical exclusion from detailed environmental review because the project is significantly greater in scope than is normally the case for projects funded through the Vermont DWSRF. The proposed work is unusual in nature when compared to other projects funded

through the DWSRF because of the number of service lines involved. While the separate contracts and phases of this project will be reviewed individually, they will collectively cover the entire system. The project's direct and indirect environmental effects do not meet criteria for issuance of an Environmental Impact Statement (EIS), as described in section XI of the Department's environmental review procedures.

Alternatives to the Project

Three primary alternatives were considered to eliminate lead in drinking water. The primary alternatives are outlined below. Please refer to the PER for a full description of alternatives considered.

- 1. Corrosion control (status quo). Continue with corrosion control regime currently used. This would pose no new environmental or financial impacts; however, corrosion control treatment typically does not provide total control of lead especially given the dynamic environments within distribution systems. Since the Bennington distribution system has experienced many decades without corrosion control, there is pre-existing pipe damage and particulate lead. Corrosion control can also pose operational challenges. It is also noted that the lead service lines identified at the time of the PER preparation were over or approaching 100 years old, prone to breakage, and often adjacent to sewer pipes that are also prone to breakage. When pipes burst and are excavated for repairs, there is the added risk of disrupting the other distribution or collection system.
- 2. Filtration program. Install built-in water filtration units inside buildings served by a lead service line, and/or distribute replacement filter cartridges or similar to maintain filtration units. While technically feasible, this was determined to have excessive environmental impacts in the form of perpetual generation of waste from spent filters, etc. Additionally, there could be some challenges associated with installing filters in basements. It should also be noted that a solution that relies in part on regular maintenance and upkeep by property owners and/or residents themselves could result in uneven outcomes, particularly for vulnerable populations such as renters, those with disabilities, or anyone who is not diligent in their home maintenance.
- 3. Replacement. Remove and replace all lead water service lines. This alternative is technically feasible, cost effective, and will not have significant adverse environmental impacts from its construction or operation. It is anticipated that the construction of these improvements will result in the desired objective to permanently eliminate the public health risk from lead in the public drinking water.

Direct and Indirect Environmental Effects of the Project

The direct environmental effects of construction and operation of this project are adequately addressed by the 1/12/2021 Environmental Information Document and the PER. These documents provide a thorough assessment of the direct environmental impacts and conclude there are no significant environmental consequences resulting from the project. There are no significant environmental impacts on general land use, important farmland, or formally classified lands. There are no significant environmental impacts on floodplains, streams, or wetland resources. There are no significant Town of Bennington, Vermont RF3-401 Lead Service Lines Replacement Project, Contract 1 Environmental Assessment

environmental impacts on biological resources, including endangered species, or sensitive natural community types. Construction erosion and runoff control measures will be incorporated into the project. Due to the proposed project construction, there will be minor, temporary environmental impacts relating to air quality, transportation, noise, and vibration.

Regarding historic resources, the archeological study conducted of the project areas concluded that no further study is required at this time. Historic preservation concerns include the potential that historic structures may need to be modified. The Vermont Division of Historic Preservation in its review noted that its determination that historic resources will not be affected is based on the assumption that no modifications to historic structures will occur during project implementation. The concerns will be adequately addressed by inclusion in construction contracts that any changes in project scope that involve structural changes to a historic building such as a temporary or permanent removal of any building element will require additional review.

The indirect environmental effects of construction and operation of this project are expected to be minimal.

Socio-Economic Effects of the Proposed Project

The proposed project will not have a negative effect on the quality of the human environment, require relocation of people, or otherwise cause significant changes to the socioeconomic makeup of the area. The proposed project is cost-effective. A general obligation bond in the amount of \$9,500,000 was approved by the Town of Bennington voters on March 3, 2020. It is anticipated that the total project cost will be funded through a loan provided through the Drinking Water State Revolving Fund that is eligible for 100% forgiveness. No increase in the user rate is anticipated to be required. As stated above, the selected alternative represents the most cost effective and technically feasible solution to achieving the objective.

Mitigation of Adverse Impacts

Concerns about the potential to alter the structures of historic buildings will be adequately addressed by inclusion in construction contracts that any changes in project scope that involve structural changes to a historic building such as a temporary or permanent removal of any building element will require additional review.

List of Agencies and Groups Consulted

State of Vermont:

- <u>Department of Environmental Conservation</u> River Management Engineer, Rivers Program Regional Floodplain Manager, Rivers Program Drinking Water and Groundwater Protection Division
- <u>State Historic Preservation Office</u> Senior Historic Preservation Review Coordinator

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 <u>University of Vermont</u> Consulting Archaeology Program

Summary of Public Involvement

A public hearing is scheduled for January 25, 2021 at 6:15 pm, as part of the Town of Bennington Selectboard meeting. For public health reasons, this meeting will be held by videoconference, with public viewing by TV and online, listening by phone, and public participation by phone. The notice for the meeting was included in the Notice of Intent to Issue a Finding of No Significant Impact for the Town of Bennington water system improvements project that is being published in the Bennington Banner. The meeting notice will be posted on the Water Investment Division's website, the Department of Environmental Conservation electronic meeting calendar, and the Vermont Department of Libraries' electronic state public meeting calendar.