



October 16, 2012

Ms. Susan McMahon
 Windham Regional Commission
 139 Main Street, Suite 505
 Brattleboro, VT 05301

Re:

56 Elm Street, Brattleboro, VT SMS 2010-4099	100 Flat Street Brattleboro, VT SMS 2011-4209
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Dear Ms. McMahon:

The Vermont Department of Environmental Conservation (VTDEC) has completed a review of the New England EnviroStrategies' Supplemental Investigation Report, Analysis of Brownfields Cleanup Alternatives and Corrective Action Plan (SIR/ABCA/CAP), presented July 3, 2012, for the abovementioned properties. In part my review did not take place until now, as the property owners, prospective buyers, USEPA, Windham Regional Commission, and our office have been working on a comprehensive approach, to the redevelopment objectives of the three conjoined parcels (including 64 Elm Street/now 48 Elm Street), currently owned by New England Youth Theatre. These parcels were once part of a truck repair facility, and previously part of a C.E. Bradley varnish and paint facility. Below are my comments to the document (**herein referred to as the CAP**).

Other adjacent hazardous waste sites listed at the SMS office, associated with the proposed redevelopment include:

64 Elm St. <i>now</i> 48 Elm St. Brattleboro, VT SMS 2008-3834	80r Flat Street Brattleboro, VT SMS 2011-4204
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Because these sites are mentioned in the NE2S CAP, reference to these in the Introduction and Site Description sections should include the Sites Management Section (SMS) number for each. The "80 Flat Phase I" addressed what is informally named 80r Flat Street, not the entire parcel. Similarly there should be a table clarifying that, for example, the Livery Building and 56 Elm are one and the same, etc. Please note that the Remedial Option descriptions do not clearly identify which building will be demolished.

The implementation of the described Option B, as presented in the CAP generally meets the objectives of the VTDEC Corrective Action Plan guidance document. The Draft CAP is deemed suitable to the needs of opening the Four Week ABCA/CAP public comment period. The suitable public comments, along with the VTDEC comments below, will be incorporated to the final ABCA/CAP document. A copy of this letter, along with the request for public notice will be forwarded to the Town of Brattleboro. The VTDEC asks that you submit a copy of the Draft ABCA/CAP to the Town Clerk of Brattleboro. A public meeting regarding the CAP measures is called at NEYT on October 30, 2012 at noon. The public comment period will end November 16, 2012.

The default compound-specific soil guidance levels established in VTDEC guidance are the USEPA Residential Risk Screening Levels (RSLs). The Phase II ESA refers a few times to the Industrial RSLs. Although those levels may provide an indication of scale, the default objectives are those in the Residential RSLs. The report should be corrected to provide a data presentation relative to those residential soil levels.

Specifically, although the **Section 2.4.1.2** discussion of PAHs and SVOCs refers to industrial RSLs, VTDEC wishes to clarify that the default risk management objective are the residential RSLs. The Corrective Action measures should manage direct contact soil risk so as to meet the Residential RSLs.



The objectives of the known redevelopment include educational and recreational activities for children. Consequently the default risk management of *Residential* RSLs seems appropriate to this future use. The CAP language should be edited to acknowledge the default risk management objective.

Section 2.4.1.2 discussion of PAHs and SVOCs indicates that SVOCs were evaluated to determine whether there was localized soil impact from the former lacquer use operations, in the vicinity of the NEYT building and alleyway. There was no discussion of whether the analytical results indicated a soil impact.

Along with the above guidance considerations: PCBs can be regulated either under the Federal TSCA guidance, or State jurisdiction, depending on observed concentrations; Lead in soil can be under different jurisdiction, depending on the known source, and Arsenic, for which the Vermont Department of Health has stated that natural causes in parts of Vermont can potentially result in up to 10ppm concentrations in native unworked soils. Wherever PCBs concentrations are observed, the consultant should also declare their opinion as to whether the TSCA thresholds were exceeded for notification (irrespective of the RRSLs).

Groundwater Contamination discussed in Section 2.4.2 only mentions two site well samples.

General comment: Please include a section that describes the Supplemental Site Investigation workplan objectives. Given that there are multiple parcels discussed as part of some or all of the redevelopment it becomes confusing to read Section 2.0 without knowing if the report is confirming that the sampling matched the SSI workplan. A section to this effect could be introduced after Section 2.2.

Section 3.2 regarding the qualitative assessment of risks posed by the contaminants of concern should include a consultant summary of which areas or conditions are considered as needing risk mitigation or removal actions. For example the data presentation sections mention PAHs in soils above the RRSLs. These are risks in need of management, yet Section 3.2 does not indicate this as a management objective. Whether these are petroleum related or from another source, the direct contact risk management objective is pertinent.

Risks during Site Work section should include those risks associated with rain or flood events, which may encounter the partially demolished building.

Section 4.2.1 mentions removal of contaminated soils in excess of the respective RRSLs. An exception is possible for Arsenic, if the land use can demonstrate an absence of arsenic related process waste. The areas established for topsoil removal and capping should be shown on a scaled engineering drawing, conveying the verifiable limits of said areas.

Similarly the PCBs soil removal area should be delineated and shown on a map. All other features described in Section 4.2.1 need the specificity of location and extent, described in a design drawing.

Underground Storage Tanks on the 48 Elm Street property have been out of service for more than a year. Consequently any suspect geophysical signature suggestive of the existence of an UST requires the proper closure of said tanks.

Section 4.2 describes two CAP alternative options as complete removal of the 56 Elm structure, with one other option involving partial demolition. The cost estimate presented in Appendix F describes the partial removal option in each of the CAP options.

The Permitting section of the CAP should indicate that the required permits for the corrective action implementation are in place, or can be secured within the timeframe indicated in the implementation schedule. Securing the permits necessary for CAP implementation are the responsibility of the responsible party and therefore delays in implementation due to lack of permits is not considered justifiable.

Figure 9 represents the area of differential cap materials for the campus-wide direct risk control measures. The Figure should indicate how these areas address those areas of known contamination.

CAP implementation options should describe how each cap will be constructed. A typical description is necessary for each cap modality. The section of the CAP dedicated to the details of the constructed cap sections should clarify how these capped areas will be delineated and recorded in the Land Record.

The CAP text should describe how the cap area extents were determined to address the direct contact risks.

The “earthen cap” detail shown on Figure 9 is insufficient to ensure that erosion will not be an issue. A description of the vegetative cover is necessary. If this option includes a geotextile indicator fabric, the Figure legend should declare it. The descriptive language section of the CAP should provide the conceptual design details, as is the case with all other cap sections.

Section 5 description of the selected remedial actions should specify how soils will be sampled, and with what frequency, to establish suitability for onsite burial. This description should clarify that soils contaminated with substances which could produce vapor issues shall not be included in the allowable fill material. The proposed Land Use Control (LUC) shall indicate that excavation of this fill material will be restricted by the conditions of the LUC.

The CAP should delineate which property access measures will remain in place, until the CAP implementation takes place. These measures should describe management measures for the contents of the building.

The external perimeter of the 56 Elm Street property should be controlled to prevent inadvertent contact with lead and PAHs and PCBs contaminated surface soils, until the redevelopment, and its long term operation and management, are in place.

Sincerely,



Hugo Martínez Cazón, P.E.
Environmental Analyst

Cc: Bari Shamas
Susan McMahon
Joe Ferrari

New England Youth Theater
Windham Regional Commission
USEPA