

Commissioner's Office

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## Certificate of Completion

### Applicants-

Red Clover Commons Limited Partnership  
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Burlington, VT 05401

Brattleboro Housing Authority  
224 Melrose Street  
Brattleboro, VT 05301

Housing Vermont  
100 Bank Street, Suite 400  
Burlington, VT 05401

**SMS # 2013-4455****464 Canal Street****464 Canal Street/30 Fairground Road****Brattleboro, Vermont**

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### **I. Purpose and Applicability**

This Certificate of Completion (Certificate) is issued by the Agency of Natural Resources (Agency) pursuant to its authority under 10 V.S.A. Chapter 159, Subchapter 3 (Brownfields Reuse and Environmental Liability Limitation Program); and § 35-604 of the Investigation and Remediation of Contaminated Properties Rule. This Certificate serves as an institutional control mechanism with the purpose of protection of human health and the environment from a former release(s) of hazardous materials at or from the subject property. Section (VII) of this Certificate creates legally-enforceable restrictions on future uses of the subject property by the Applicant and Applicant's successors and assigns. Failure of the Applicant or any successors or assigns to maintain ongoing compliance with these restrictions may result in loss of liability protection afforded by 10 V.S.A. chapter 159, subchapter 3, and may be subject to additional enforcement action by the Agency pursuant to 10 V.S.A. chapter 201.

### **II. Legal Description of Property Subject to Certificate of Completion**

This Certificate of Completion is issued for the 464 Canal Street property, SMS Site #2013-4455, located at 464 Canal Street/30 Fairground Road, Brattleboro, VT. The property subject to this Certificate of Completion is detailed in the Brattleboro Land Records Volumes 274 Page # 259, Volume 277 Page 15, Volume 277 Page 21, and Volume 280, Page 526.

### III. Site History

The site consists of a parcel totaling 2.79 acres in size. Historical (1925-2010) property use of environmental concern consisted of automotive repair. The property had been vacant since 2013. Redevelopment of the property as senior housing occurred in 2016.

### IV. History and Ownership of the Site in the Brownfield Reuse and Environmental Liability Limitation (BRELLA) Program

Red Clover Commons Limited Partnership, Brattleboro Housing Authority, and Housing Vermont submitted an application to the Brownfields Reuse and Environmental Liability Limitation Act (BRELLA) Program as prospective purchasers of the 464 Canal Street property located at 464 Canal Street/30 Fairground Road, Brattleboro, VT. The BRELLA application was signed on August 25, 2014. A determination of eligibility was granted on October 14, 2014. Red Clover Commons Limited Partnership purchased the property on June 11, 2015.

### V. Site Investigation Activities; Reports

The Vermont Department of Environmental Conservation (VTDEC) has received the following reports regarding site investigation activities:

- *Phase I Environmental Site Assessment, August 20, 2013;*
- *Phase II Environmental Site Assessment, April 18, 2014;*
- *Corrective Action Plan, October 10, 2014;*
- *Completion Report, March 27, 2017;*
- *Vapor Mitigation System Operations and Testing Report, June 14, 2017.*

The VT DEC has reviewed these reports, as well as other sampling data pertaining to the site, and determined that site investigation and remediation activities are complete. During site investigation activities, the following environmental issues were identified during site assessment:

- Soils to depths of 4-feet throughout the subject property are impacted by polycyclic aromatic hydrocarbons (PAHs) in exceedance of Vermont's industrial soil screening values (SSVs).
- Soils to depths of 2-feet within the former drum storage area adjacent to the north end of the former automotive facility building are impacted by polychlorinated bi-phenyls (PCBs) in exceedance of Vermont's industrial SSVs.
- Concrete flooring associated with the former automotive facility is impacted by PCBs in exceedance of Vermont's industrial SSVs.
- Soil gas beneath the central portion of the parcel is impacted by the volatile organic compound tetrachloroethylene (PCE) in exceedance of Vermont's vapor intrusion screening value.
- Sludge contained within a former septic tank is impacted by total petroleum compounds in exceedance of Vermont's industrial SSV.

- Groundwater beneath the property (JMW-1) is impacted by residual petroleum contamination (trimethylbenzenes) in exceedance of Vermont's Groundwater Enforcement Standard from a historical off-site up-gradient release.

## VI. Corrective Action and Remedial Activities

In accordance with the *Corrective Action Plan* submitted on May 11, 2015 and approved by the Agency on June 9, 2015, remediation activities intended to address the above-mentioned contamination were completed between June 2015 and December 2016. The following activities were completed per the approved *Corrective Action Plan*:

- Impacted soils have been capped in the following manners to prohibit direct contact risk. Capping configurations include (1) 6-12 inches of clean fill material and topsoil throughout much of the property grounds (2) 21-inches of stabilized turf cap in the southeast property corner and (3) concrete sidewalks and pavers around the newly constructed building.
- Impacted concrete was crushed, buried on site, and capped with 26-inches of subbase and 2-inches of asphalt to create a parking lot.
- Impacted soil gas was addressed by installing a vapor barrier and passive sub slab depressurization (SSD) system throughout those areas of the building not occupied by an indoor parking garage.
- The former septic tank containing impacted sludge was filled in place with concrete.

Subsequent to the completion of corrective action activities, and as detailed in the areas of concern boundary survey presented in the *Corrective Action Completion Report*, the following environmental issues remain on-site:

- Impacted soils, sludge, concrete, and soil gas remain at depth as described above in Section VI.
- Groundwater monitoring wells remain on site as part of monitoring activities associated with a historical off-site release.

A *Corrective Action Completion Report* for this site was prepared by KAS dated March 27, 2017; this report documents that all activities were performed in accordance with the approved *Corrective Action Plan* dated May 11, 2015

Based on the findings in the reports referenced in Section V of this document, and pursuant to the completion of activities identified in Section VI, the VT DEC has determined that no further investigation, abatement, removal, remediation, or monitoring activities are required to adequately protect human health and the environment. This decision is supported by the following findings:

- The planned development of the site will not cause, contribute to, worsen, or delay any releases or threatened releases on hazardous materials on the site.
- The releases that are not abated, removed, or remediated (i.e., residual contamination) do not pose an unacceptable risk to human health and the environment, and all applicable remediation standards are met.
- The long-term site monitoring, maintenance, and/or reporting requirements outlined in the *Corrective Action Completion Report*, in addition to the restrictions on future uses of the site detailed in Section VII of this

document, are adequate to ensure the effectiveness of the remedial or corrective actions taken and to prevent sensitive receptor exposure to any residual on-site contamination.

## VII. Land Use Restrictions

Pursuant to 10 V.S.A. § 6652(b) and § 35-604 of the Investigation and Remediation of Contaminated Properties Rule, and consistent with the institutional controls identified in the *Corrective Action Plan* approved on June 9, 2015, the Agency is requiring the implementation of certain Land Use Restrictions at this site based on the remaining environmental issues as outlined in this Certificate. Such use restrictions are necessary for construction, operation, and maintenance of the response actions at the site and to ensure that future activities at the site do not interfere with the response actions or in any way increase the ecological, human, or environmental risks at the site. The release of liability afforded by 10 V.S.A. § 6653 and this Certificate shall be contingent on ongoing compliance with the land use restrictions identified below: such release of liability shall not extend to any failure to comply with any of these restrictions.

### LAND USE RESTRICTIONS

- A. Red Clover Commons Limited Partnership, Brattleboro Housing Authority, and Housing Vermont, and all successors and assigns, shall not take or authorize any of the following activities or actions on the site without the prior express written consent from the Agency of Natural Resources:
1. Construction, substantial improvement, or stabilization of buildings or any work on the foundations of buildings in the areas of concern;
  2. Plowing, tilling, ditching, draining, diking, filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials in the areas of concern;
  3. Construction activities which will materially change hydrogeologic conditions or will likely cause migration of contaminated groundwater;
  4. Installation of water supply wells;
  5. Any other use that may impact or adversely affect the implementation, construction, operation, and maintenance of the remedy;
- B. Red Clover Commons Limited Partnership, Brattleboro Housing Authority, and Housing Vermont, an all successors and assigns, shall ensure that the integrity of all site remedial infrastructure, including the soil and asphalt caps are maintained per long-term site monitoring, maintenance, and/or reporting requirements outlined in the *Corrective Action Completion Report*.

Red Clover Commons Limited Partnership, Brattleboro Housing Authority, and Housing Vermont, and all successors and assigns, shall permit Agency personnel to access the site at all reasonable times to inspect compliance with the land use restrictions identified herein, as well as to assess the need for, planning, or implementing additional response actions at or near the site. These environmental restrictions and rights of access shall run with the land, and any portion thereof, in perpetuity. Red Clover Commons Limited Partnership, Brattleboro Housing Authority, and Housing Vermont shall incorporate these Land Use Restrictions, in full or by reference, into all leases, licenses, occupancy agreements, or any other instrument of transfer by which a right to use the Parcel, or any portion thereof, is conveyed.

These Land Use Restrictions may be modified or terminated in whole or in part only upon written agreement between Red Clover Commons Limited Partnership, Brattleboro Housing Authority, and Housing Vermont, its successors or assigns, and the Agency, signed by the Agency and recorded in the Land Records in Brattleboro. The Agency may terminate, in whole or in part, these Restrictions when the Agency, in its sole discretion, determines that termination is necessary or that the purposes for which these Restrictions were created have been achieved.

**VIII. Long Term Operation, Monitoring, Maintenance and Reporting**

As detailed in the *Corrective Action Completion Report*, an annual inspection of the area subject to the corrective action must be completed and a report submitted to the VT ANR by October 1st of each year. The annual report must include the results of a physical inspection of the property to ensure that repairs to the various cap configurations and SSD system are required.

**IX. Certificate of Completion; Release of Liability**

The rights, obligations, covenants, and restrictions granted in this Certificate of Completion shall run with the land, and any portion thereof, and shall be binding on the Agency of Natural Resources and successor Agency, and shall inure to the benefit of Red Clover Commons Limited Partnership, Brattleboro Housing Authority, Housing Vermont and their authorized representatives, successors and assigns. All required assessment has been completed at this site and no further active remediation is required, with exception of the requirements in Sections VI and VII of this document.

This Certificate of Completion and all supporting documentation and exhibits shall be recorded in the Brattleboro Land Records for this property. Recording shall be completed in accordance with § 35-604(d) of the Investigation and Remediation of Contaminated Properties Rule. Once recording is complete and copies of all recorded documentation is provided to the Agency, the protection from liability provided in 10 V.S.A. § 6641, et. al. is in effect.

Pursuant to 10 V.S.A. §6653, failure to comply with the land use restrictions and/or the general obligations established in section 10 V.S.A. § 6644 shall be a basis for loss of liability protection afforded by this Certificate.

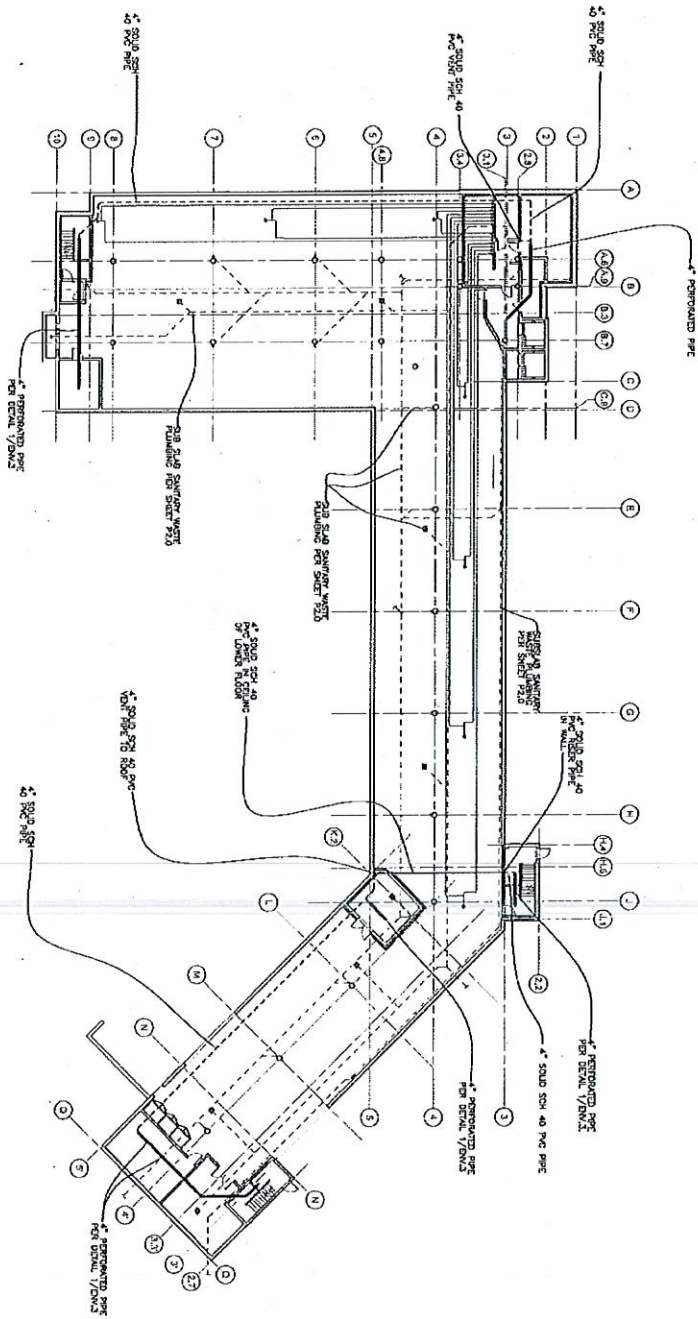
Signed: Rebecca M. Ely for Date: Jan. 5, 2018

Emily Boedecker, Commissioner  
Department of Environmental Conservation





## SUB-SLAB DEPRESSURIZATION SYSTEMS RECORD DRAWING



1 SUB-SLAB VENTING AND DEPRESSURIZATION SYSTEMS RECORD DRAWING  
ENV 2 SCALE: 1/8" = 1'-0"

**RECORD DRAWINGS ON SEPARATE SHEETS**

THIS DRAWING IS A RECORD DRAWING AND DOES NOT REPRESENT ANY NEW WORK. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS BEFORE CONSTRUCTION OF THE PROJECT.

ENV 2	

**FORMER RS ROBERTS**  
 464 CANAL STREET  
**BUILDING PROTECTION PLAN**  
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