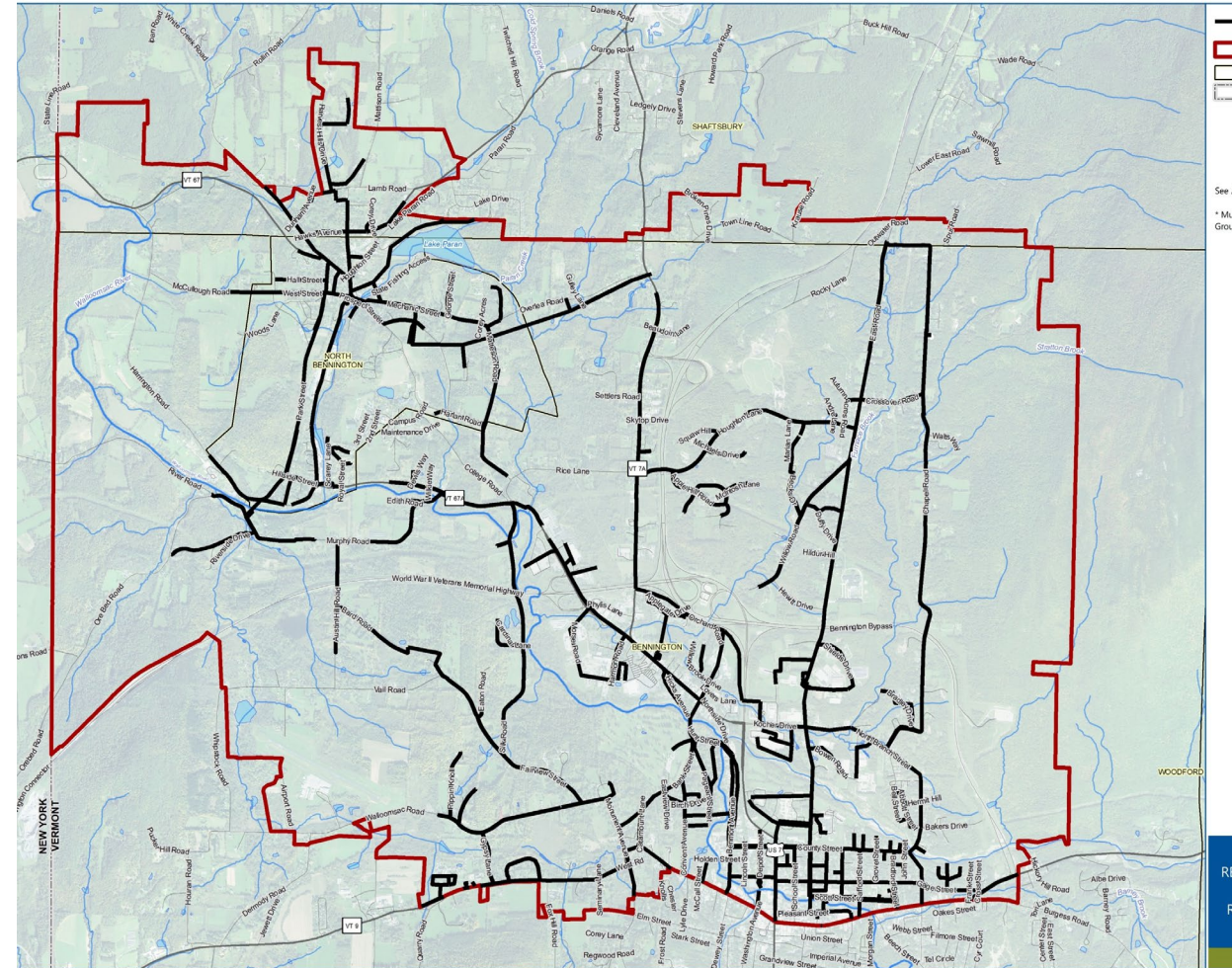


Proposed Groundwater Reclassification-Revisions based on Public Comment Bennington and Shaftsbury VT

DEC Public Meeting

May 11, 2021

VT Department of
Environmental Conservation



Why is the Groundwater Being Reclassified to a Class IV?

1. To Protect Human Health due to unacceptable levels of PFAS in groundwater
2. PFAS is expected to be in some parts of groundwater for 5+ years, likely decades
3. Part of the remedy in the approved Corrective Action Plan(s) to address future groundwater use from new water supply wells
4. Notifies landowners, well drillers, and permitting agencies that groundwater in some parts of aquifer have or suspected to have PFAS levels above the standard
5. Provides criteria and restrictions for drilling new drinking water wells in the reclassification area
 - Prohibits drilling wells within 200' of an existing water line (some exceptions)
 - Well construction, monitoring and treatment requirements (if needed)

The Proposed Class IV Groundwater in Bennington Area must account for the following:

1. Potable groundwater is available within the proposed area
2. 140+ drinking water wells within the proposed reclassification area do not have PFAS or have PFAS below the standard
3. In several areas within the proposed reclassification, the installation of a well is the only feasible option for a water supply for a given property
4. To ensure measures are in place for providing potable water for future water supply wells

Public Comments focused primarily on:

1. Adverse affect on re-sale values with proposed Class IV designation
2. Status of Existing wells that have been clean: Inconsistency of having a well located in area where the groundwater is considered non-potable due to PFAS levels yet the well is clean, that is, no sampling results ever with PFAS above the standards
3. Status of wells in the future once PFAS levels diminish over time to below the standards
4. Clarification on when owner is responsible to install a new well following the well construction requirements proposed in the reclassification- *(new development or if need a new well other than due to PFAS contamination, such as the existing well goes dry)*

Proposed Revisions to Formal Reclassification Order in response to Public Comment

1. Clarify that the Class IV designation does not apply to existing water supplies with potable water and continue to test below the regulatory standard for PFAS
2. Specify the criteria on which a water supply that has or has had PFAS will be considered potable in the future, meaning that the Class IV designation would no longer apply to this water supply.
3. Clarify the conditions on which newly permitted wells are considered a potable water supply, meaning the Class IV designation does not apply.

Finding of Facts

proposed changes highlighted in yellow

1. Petition and other referenced documents support the proposed reclassification
2. Based on environmental investigations, the zone of PFAS contamination is defined.
3. The major source of PFAS appears to be the leaching of PFAS through the soils, adversely affecting groundwater from past air emissions.
4. Within the reclassification area, there's a high likelihood that PFAS is in the aquifer (particularly in the shallow groundwater) at levels above the standard.
5. PFAS is predicted to persist for more than five years or longer in groundwater.
6. Potable water can be found within reclassification as evidenced by the 130 plus wells that are non-detect for PFAS or below the standards.
7. PFAS in groundwater could adversely affect potable and non-potable groundwater uses.
8. Connecting to municipal lines is the preferred long-term remedy. However, connecting to waterlines isn't possible in every case given scale of proposed Class IV Area.

Proposed Additions to Reclassification Order

The Secretary of the Agency of Natural Resources (ANR) hereby makes the Findings of Fact identified above and reclassifies the groundwater to Class IV for the area identified on the map in Attachment A subject to the following clarifications and conditions:

1. All existing water supplies that have not had an exceedance from testing above the applicable regulatory standard for per- and polyfluoroalkyl substances (PFAS) and continue to test below the applicable regulatory standard are considered a potable water supply with respect to PFAS, which means the Class IV designation does not apply to these water supplies. The applicable regulatory standard is the Maximum Contaminant Level (MCL) for public water supplies and the Vermont Groundwater Enforcement Standard (VGES) for all other water supply wells.

Proposed Additions (Continued)

2. For water supplies that have or have had PFAS concentration above the applicable regulatory standard, a water supply will be considered a potable water supply with respect to PFAS, as defined in #1 above, once the following criteria are met:
 - a) testing shows that PFAS levels have met the performance standards in Appendix A of the Consent Order (CO) for being eligible to remove a treatment system from a water supply. This performance standards is eight (8) consecutive rounds of quarterly sampling showing an overall downward trend in PFOA, PFOS, PFHxS, PFHpA, and PFNA contaminant levels in the water supply or a flat trend if the contaminant levels are below the applicable regulatory standard.
 - b) continued testing shows PFAS levels below the applicable regulatory standard.

Proposed Additions (Continued)

proposed changes to existing paragraph highlighted in yellow

4. All newly permitted wells that are consistent with the conditions outlined in #3 above and have PFAS levels below the applicable regulatory standard and continue to test below the applicable regulatory standard are also considered a potable water supply with respect to PFAS, as defined in #1 above.
5. **New** overburden wells, springs, or shallow dug wells for drinking water wells are prohibited.

A draft of the proposed revisions to the finding of fact and formal reclassification order can be found on the website

<https://dec.vermont.gov/bennington-groundwater-reclassification>

Next Steps

- **Comment Deadline is May 28, 2021**
- ANR will Review Comments and questions on the proposed reclassification and Draft Decision
- ANR (Secretary) will issue a final decision to reclassify groundwater and response to public comments through the Environmental Notice Bulletin. Final decision will also be place on website
- The final decision shall include a final reclassification order, if applicable
- Notify all Vermont licensed well driller if final decision reclassifies Groundwater and place reclassification area on VT ANR Atlas
- Fact Sheets and copy of the order will be available on our Bennington Reclassification website

More Information

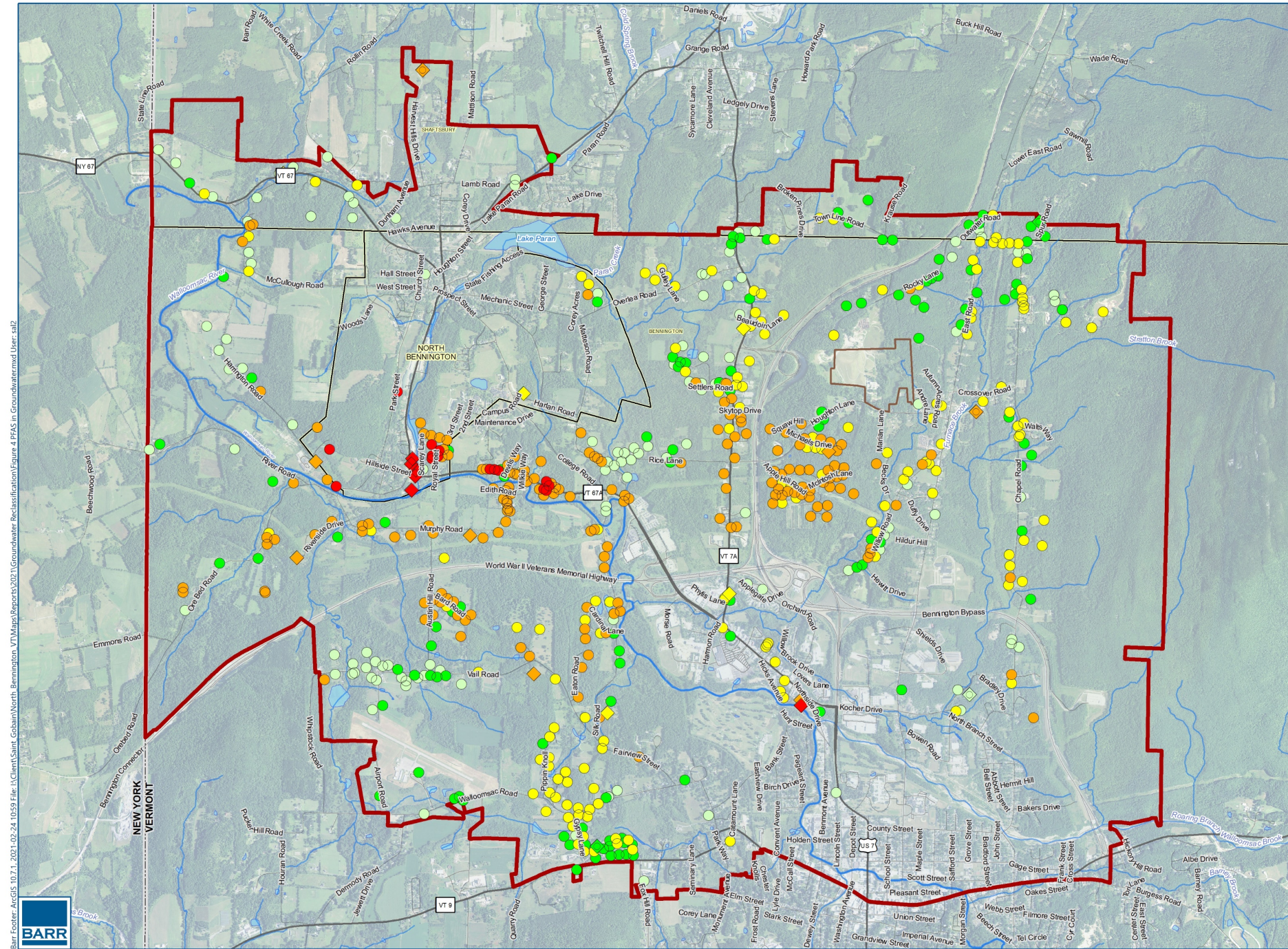
- For more information about the proposed reclassification go to our website <https://dec.vermont.gov/bennington-groundwater-reclassification>
 - The Petition and other supporting documentation
 - The Draft Decision, including a proposed reclassification order
 - Links to Environmental Notice Board
 - Fact Sheets/FAQs
- Copies of reclassification documents at the Bennington Town Offices at 205 South Street. Please contact Town to arrange an appointment at 802 442-1037 to set up an appointment

Formal Comments on Reclassification can be made through the Environmental Notice Board or can be sent via e-mail to:

John Schmeltzer 802 249-5620 john.Schmeltzer@vermont.gov

Richard Spiese 802 249-5083 richard.spiese@vermont.gov

Deadline for comments is May 28, 2021

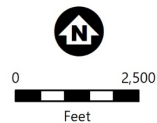


- PFAS (ng/l), Max Value
(as of 1/25/2021) ***
- > 1000
 - 100 - 1000
 - 20 - 100
 - < 20
 - ND
 - Water Well
 - Compliance Point
 - Current Class IV Groundwater
 - Groundwater Reclassification Area
 - Township/Village Boundary
 - State Boundary

Notes:
PFAS: per- and poly-fluoroalkyl substances

* Includes the combined levels of
perfluorooctanoic acid (PFOA),
perfluorooctane sulfonic acid (PFOS),
perfluorohexane sulfonic acid (PFHxS),
perfluoroheptanoic acid (PFHpA), and
perfluorononanoic acid (PFNA).

ng/l = parts per trillion (ppt)



**PFAS CONCENTRATIONS
IN GROUNDWATER
Groundwater
Reclassification Petition
Bennington, VT**

FIGURE 4