

**From:** Ellis, Rebecca  
**Sent:** Tuesday, March 29, 2016 10:50 AM  
**To:** Pallito, Joanna  
**Cc:** Duggan, Jen; Chapman, Matt; Lafrance, Tracy; Blatt, Eric  
**Subject:** Re: Potential ECF cap waiver

**Categories:** PFOA

Hi Joanna,

Here's another request - maybe for the capital bill? - related to North Bennington. This comes from Eric Blatt.

DEC needs authority to extend planning loans for drinking water systems to Bennington through the "Vermont Drinking Water Planning Loan Fund." Current state law limits eligibility to towns with populations under 10,000; federal law does not impose any population limits. North Bennington and Pownal are eligible for loans under this program, while Bennington, with population at 15,764 (2010 Census) is not eligible. Given needs in these communities following the discovery of PFOA in private and public drinking water, DEC requests that the Legislature strike the population threshold.

The fund was created in 1997 and the population limit has not been adjusted since that time. There is currently about \$3 million in the fund, and DEC does not anticipate any shortage. DEC has authority to prioritize planning loans (which to date, DEC has not done) and could limit loans through the prioritization process if necessary.

The loan fund and statutory limitations are found at 24 VSA §4753(a)(5).

*24 V.S.A. §4753(a)(5). The Vermont Drinking Water Planning Loan Fund which shall be used to provide loans to municipalities and privately owned, nonprofit community water systems, ~~with populations of less than 10,000,~~ for conducting feasibility studies and for the preparation of preliminary engineering planning studies and final engineering plans and specifications for improvements to public water systems in order to comply with State and federal standards and to protect public health. The Secretary may forgive up to \$50,000.00 of the unpaid balance of a loan made from the Vermont Drinking Water Planning Loan Fund to municipalities after project construction is substantially completed. The Secretary shall establish amounts, eligibility, policies, and procedures for loan forgiveness in the annual State Intended Use Plan (IUP) with public review and comment prior to finalization and submission to the U.S. Environmental Protection Agency.*

Sent from my iPhone

**Rebecca Ellis**

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**Respect.Protect.Enjoy.**

On Mar 29, 2016, at 7:19 AM, Pallito, Joanna <[Joanna.Pallito@vermont.gov](mailto:Joanna.Pallito@vermont.gov)> wrote:

Thank you so much Jen and I've copied Rebecca and Tracy as the timing is ripe potentially as AoA/Finance is preparing their annual letter to the Senate regarding any items/issues concerning the money bills that have recently passed out of the House (Big Bill, Capital Bill, Fee Bill, Misc Tax). Possibly we'll want this included and

unfortunately we probably won't have confirmation before our budget testimony in Senate Appropriations which is scheduled for this Thursday afternoon. Thanks again!

Matt – let me know if you want to sit down with Alyssa for a few minutes on this – thanks!

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**From:** Duggan, Jen  
**Sent:** Monday, March 28, 2016 4:41 PM  
**To:** Pallito, Joanna <[Joanna.Pallito@vermont.gov](mailto:Joanna.Pallito@vermont.gov)>  
**Cc:** Chapman, Matt <[Matt.Chapman@vermont.gov](mailto:Matt.Chapman@vermont.gov)>  
**Subject:** RE: Potential ECF cap waiver

Hi Joanna:

Here are suggested edits that incorporate all three existing locations of PFOA contamination. Matt and I discussed also including approval for addressing PFOA contamination generally. He will follow up with you and Alyssa on this.

Best,

Jen

<image001.jpg>

**Jen Duggan**, ANR General Counsel

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*To preserve, enhance, restore, and conserve Vermont's natural resources, and protect human health for the benefit of this and future generations.*

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**From:** Pallito, Joanna  
**Sent:** Wednesday, March 23, 2016 11:24 AM  
**To:** Duggan, Jen <[Jen.Duggan@vermont.gov](mailto:Jen.Duggan@vermont.gov)>  
**Subject:** Potential ECF cap waiver  
**Importance:** High

Hi Jen – attached is my first draft at the memo to AoA for potentially requesting through the legislature a waiver on the ECF caps for the PFOA site. I've also attached what we submitted for a packet on the Elizabeth Mine site which is of course a superfund site and is different on many levels. You'll see that the memo notes the previous waiver on the Pownal site and that we have Elizabeth Mine in for this year. You'll also see we provided much more context to AoA on the Elizabeth Mine site for obvious reasons since it has been a site we've been working on for years.

Let me know your thoughts!

<image002.jpg>

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