

State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
1 National Life Drive – Davis 1
Montpelier, VT 05620-3704
(802) 461-5857
kimberly.caldwell@vermont.gov

October 21, 2024

Town of Westford
Attn: Holly Delisle, Town Administrator
1713 VT Route 128
Westford, VT 05494

RE: Pigeon Property, 1705 Route 128, Westford, VT; **SMS Site #2019-4863**

BROWNFIELDS REUSE AND LIABILITY LIMITATION ACT DETERMINATION OF ELIGIBILITY

Dear Ms. Delisle,

The Vermont Department of Environmental Conservation (DEC) has determined that the Town of Westford is eligible to participate in the Brownfields Reuse and Environmental Liability Limitation Act “BRELLA” as a prospective purchaser of the above referenced property. This determination is based on the application and supporting documentation submitted on September 17, 2024 and revised on October 3, 2024.

BRELLA provides participants with DEC staff assistance in the review and oversight of activities to investigate, abate, remediate and monitor, when necessary, a brownfields site. A Certificate of Completion is issued upon performance of all actions required to attain cleanup levels established in the corrective action plan developed for the property. Statutory liability protections become effective upon issuance of the Certificate of Completion. Forbearance from state enforcement action is in effect during BRELLA participation provided that all required activities are being implemented in good faith.

Submittal and approval of a corrective action plan will be required to adequately protect human health and the environment at this property. The above referenced SMS Site number should be included in all correspondence. A final redevelopment plan that shows the type and location of buildings and improvements, and describes their intended use, must be submitted with the proposed corrective action plan. BRELLA requires that the public be provided with an opportunity to comment on the proposed corrective action plan prior to approval. Experience has shown that early involvement of, and continued communication with the public is integral to ultimate project success. Please keep me involved in all site related activities that may inform corrective action at the site. Periodically we will hold technical review meetings with BRELLA participants to ensure successful completion of each project.

As a participant in BRELLA you are required to follow the statutory provisions for this program that are codified at 10 V.S.A. §6641-§6656. Specifically, under § 6644 - *General Obligations*, any person participating in the program shall do all the following:

- (1) Not provide any information required under this subchapter by fraud, intentional misrepresentation, failure to disclose material information, or providing false certification.
- (2) Not engage in any activity that is inconsistent or interferes with monitoring, investigation, abatement, removal, or remediation activities or the conditions or restrictions in a certificate of completion.



(3) Provide access to and cooperate with the secretary and any person liable pursuant to section 6615 of this title acting subject to the approval of the secretary for investigation, abatement, removal, remediation, or monitoring activities at the property. The grant of access and all other provisions that the secretary determines necessary may be memorialized in the form of an interest in real property that runs with the land and is binding against successors and assigns.

(4) Comply with all rules and procedures required by the secretary and obtain all necessary permits, certifications, and other required authorizations prior to beginning any site investigation or corrective action plan activities.

(5) If an innocent current owner, pay any additional costs of the secretary's review and oversight of the site investigation or corrective action plan, or both.

(6) Provide the secretary with all documents and information relating to the performance of the investigation, abatement, removal, remediation, and monitoring activities.

(7) Defend, indemnify, save, and hold harmless the state from all claims and causes of action related to, or arising from, acts or omissions of the applicant in performing the site investigation and corrective action plan except in the case of either of the following:

(A) Reimbursement of fees or costs improperly required by and paid to the secretary by the eligible person or successor.

(B) A cause of action related to the state's liability pursuant to subsection 6615(a) of this title.

Failure to adhere to the requirements dictated in the BRELLA statute may result in removal from the BRELLA program and all liability protection.

On behalf of the Vermont DEC, please accept my congratulations on this determination of eligibility. We greatly appreciate your interest and wish you success with your project. Brownfields redevelopment projects such as yours continue to revitalize and strengthen Vermont towns and communities. I am here to help make your project as effective and uncomplicated as possible. Please contact me if I can be of any assistance in this regard or to discuss any funding options that may be available for your project. I can be reached at 802-461-5857 and e-mail at kimberly.caldwell@vermont.gov.

Sincerely,



Kimberly Caldwell, Environmental Analyst
Sites Management Section
Waste Management and Prevention Division

cc: Sarah Bartlett, VTDEC (electronically)
Kristie Farnham, ACCD (electronically)
Dan Albrecht, CCRPC (electronically)
Angela Emerson, LE Environmental (electronically)
Pigeon Family Trust (electronically)