

State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
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MEMORANDUM

To: Representative Marc Mihaly, Chair, House Committee on General and Housing

CC: Miriam Eliberg, Committee Assistant

From: Patricia Coppolino, Senior Program Manager, Waste Management & Prevention Division, VT DEC

Date: January 22, 2026

RE: Testimony on January 8, 2026

During testimony provided to the House Committee on General & Housing on January 8, 2026, representatives from the Vermont Housing & Conservation Board provided multiple statements regarding “CAP” (Corrective Action Plan) approval times for projects enrolled in the Brownfields Reuse and Environmental Liability Limitation Act (BRELLA) program.

Specifically, the second bullet on slide 14 of the VHCB presentation indicates that “Newport Crossing took **18 months** to receive CAP approval.” However, please note that DEC received a Draft CAP on October 4, 2023, and provided comments on the document on October 10, 2023. Following additional discussion, a finalized CAP was submitted to DEC on November 16, 2023, and was approved on December 19, 2023, following the 30-day public comment period required by 10 V.S.A. § 7711.

During the BRELLA enrollment process, VT DEC requires applicants to provide a project schedule. The project schedule submitted with the BRELLA application for Newport Crossing is provided below:

<i>Environmental Tasks</i>	
Phase I ESA	Completed May of 2022
Phase II ESA/Site Investigation	Fall of 2022
Supplemental Site Investigation	N/A
Evaluation of Corrective Action Alternatives (and/or EPA ABCA)	Fall of 2022
Corrective Action Plan development and approval	Fall 2022/Winter 2023
Corrective Action Plan implementation	2023
Acquisition of Property	November, 2022
Project Completion	

Our review of the project related documents indicates that deviations from the original Newport Crossing project schedule were not due to delays in DEC response times. Actual completion dates for the project are as follows:



- Phase I ESA - May 10, 2022
- Limited Phase II ESA workplan - October 3, 2022
 - DEC approval - October 6, 2022
- Limited Phase II ESA completion report – March 13, 2023
 - DEC comments – March 15, 2023
 - Follow-up conversations outlining next steps occurred between March 28 and April 19, 2023
- Supplemental Phase II ESA workplan – May 12, 2023
 - DEC approval – May 22, 2023
- Supplemental Phase II ESA completion report – June 14, 2023
 - DEC comments – June 26, 2023
- Draft CAP – October 4, 2023
 - DEC comments – October 10, 2023
- Final CAP – November 16, 2023
 - Uploaded to ENB – November 17, 2023
- CAP approved – December 19, 2023

It is our understanding that CAP implementation has been ongoing.

Finally, it is important to note that the potential need for supplemental assessment work can not be predicted at the start of the process, and there are steps that can be taken during the Phase II assessment process to minimize the need for supplemental assessment. This includes the completion of full (not limited) Phase II assessments and ensuring that appropriate sampling methodologies and sample processing procedures are followed. Supplemental assessment is only required in cases where the initial Phase II assessment was insufficient to evaluate the degree and extent of contamination and to allow the project team to develop CAPs that will align with the redevelopment plans and be protective of site users and the environment.