

Vermont DEC Brownfields Program



**Senate Committee on Economic Development,
Housing and General Affairs**

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Matt Chapman, Director

Sarah Bartlett, Manager, Brownfields Program

Trish Coppolino, Senior Environmental Program Manager,
Sites Management Section

Waste Management and Prevention Division

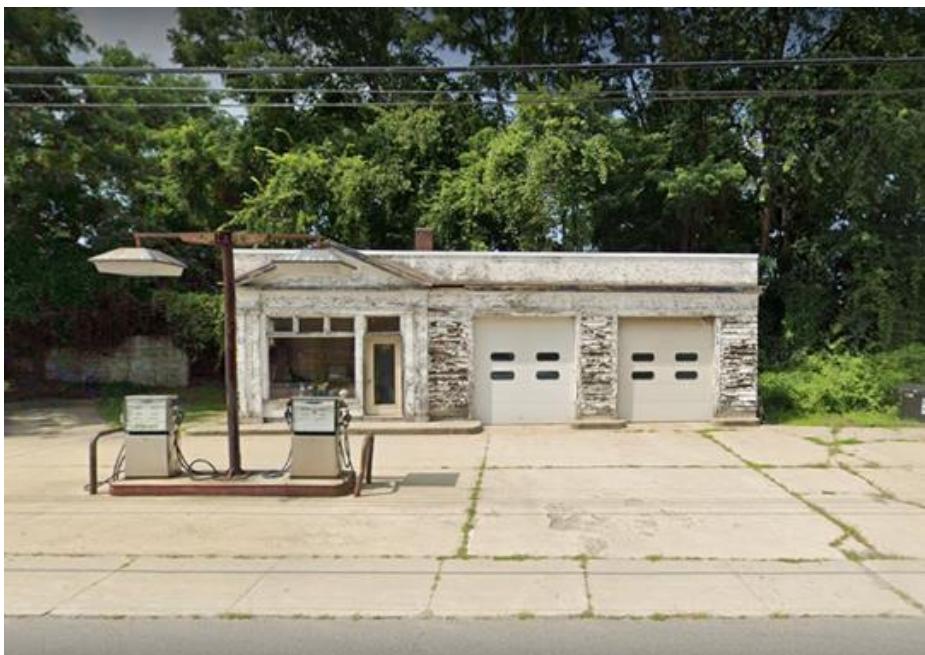
Department of Environmental Conservation, Agency of Natural
Resources

What is a brownfield?

“Real property, the expansion, redevelopment, or reuse of which may be complicated by the **presence** or **potential presence** of a hazardous substance, pollutant, or contaminant” - US EPA

Identifying Brownfields

- The obvious...
 - Former industrial properties
 - Manufacturing facilities
 - Gas stations





Identifying Brownfields

- The less obvious...
 - Downtown office spaces
 - Vacant lands
 - Schools
 - ...and more

The connection between housing and brownfields:



Incentives for developers to pursue projects in areas with existing/previous development



Particularly true for affordable housing redevelopments, where access to pre-existing infrastructure is prioritized



The trade-off: previous use increases the chance that a property has been impacted by contaminants

What is BRELLA, and why does it matter?

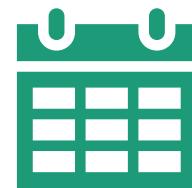
Scan here for a
BRELLA factsheet
that outlines the
program process
and benefits:



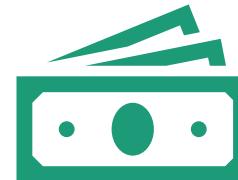
The Brownfields Reuse and Environmental Liability Limitation Act created a tool that:



Protects applicants (Prospective Purchasers and Innocent Current Landowners) from strict state environmental liability



Allows developers greater control over schedule for addressing site assessment and cleanup work and resale options (liability protections transfer to subsequent property owners)



Provides an avenue to access funding resources to complete assessment and cleanup work

Brownfields Process Evaluation

Data collection completed throughout 2025 to inform a response to **Act 169, Sec. 18 (2025)**

Brownfields elements of report compiled in multiple stages

Intended to evaluate real-world experiences redeveloping contaminated properties

Brownfields Report – Stakeholder Survey

Targeted respondents:

- **Developers**
- **Local government officials**
- **RPC staff**
- **Environmental consultants**
- **Attorneys**
- **Nonprofit and affordable housing developers**
- **Funding partners**

Most respondents have **direct experience with BRELLA**, many with **multiple projects (3–10+)**.

Key Survey Findings

Respondents Appreciate:

Liability
protections

Access to funding
resources

Technical
assistance and
collaboration
w/DEC

Avenue to address
idle, abandoned,
blighted properties



Many respondents noted that BRELLA is a critical tool to enable affordable housing and downtown redevelopment projects.

Key Survey Findings – Biggest Challenges



CONTAMINATED SOIL
MANAGEMENT



PROCESS COMPLEXITY
AND TIMEFRAMES



REGULATORY
OVERLAP



COSTS/FUNDING
AVAILABILITY

Challenge One

Contaminated Soil Management



Past site uses in developed areas often leave behind contaminants in soil



Urban redevelopment sites tend to be smaller and require soil removal to accommodate new infrastructure



Historically, disposal options have been limited

Challenge Two

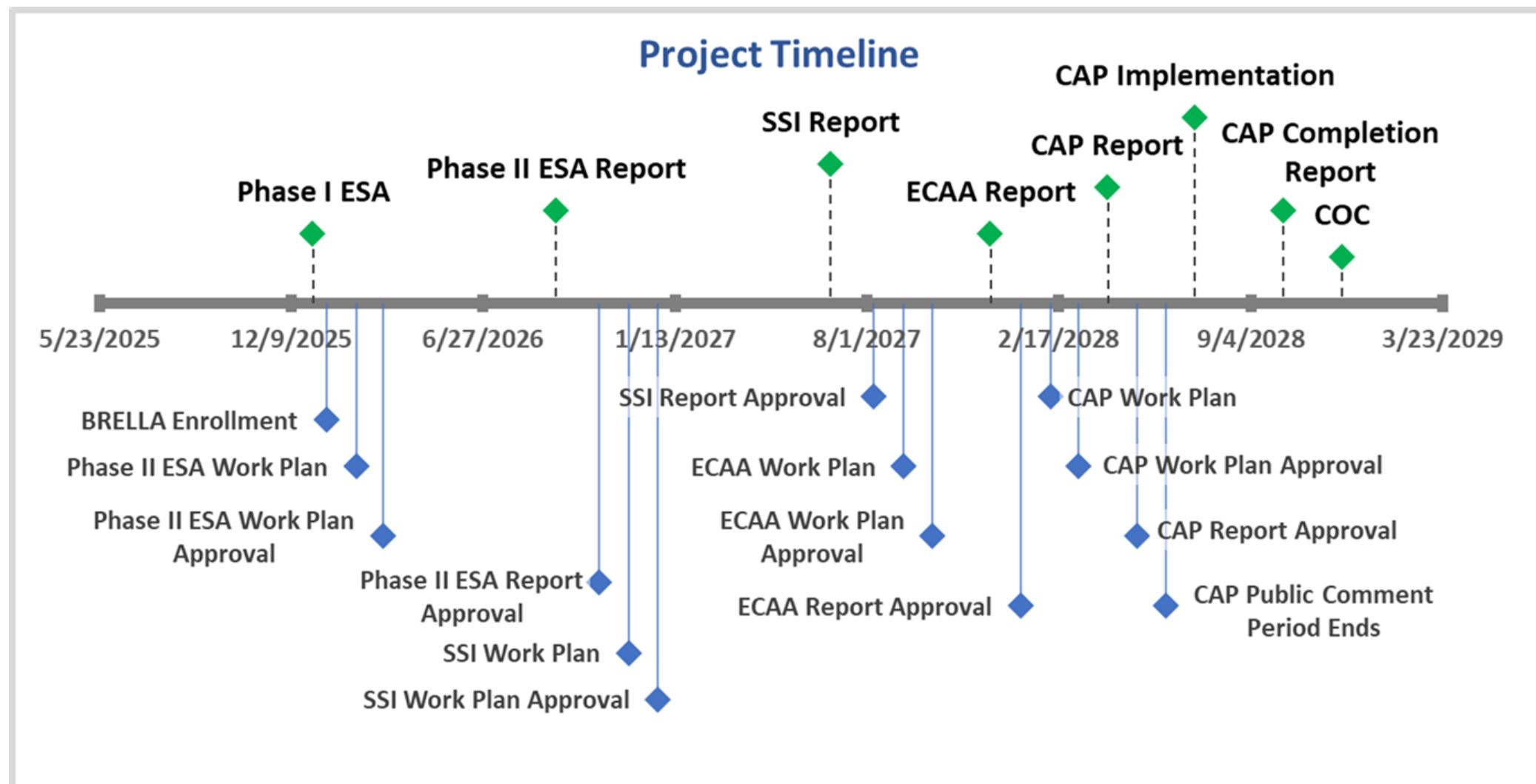
Process Complexity and Timeframes

2025 Legislative Study evaluated average timeframes from multiple states in the northeast

| Location | Avg. Time to Closure (years) |
|------------------------|------------------------------|
| Vermont | |
| <i>Brownfields</i> | 3.9 |
| <i>Non-brownfields</i> | 6.4 |
| Massachusetts | <6 |
| New Jersey | 5.8 |

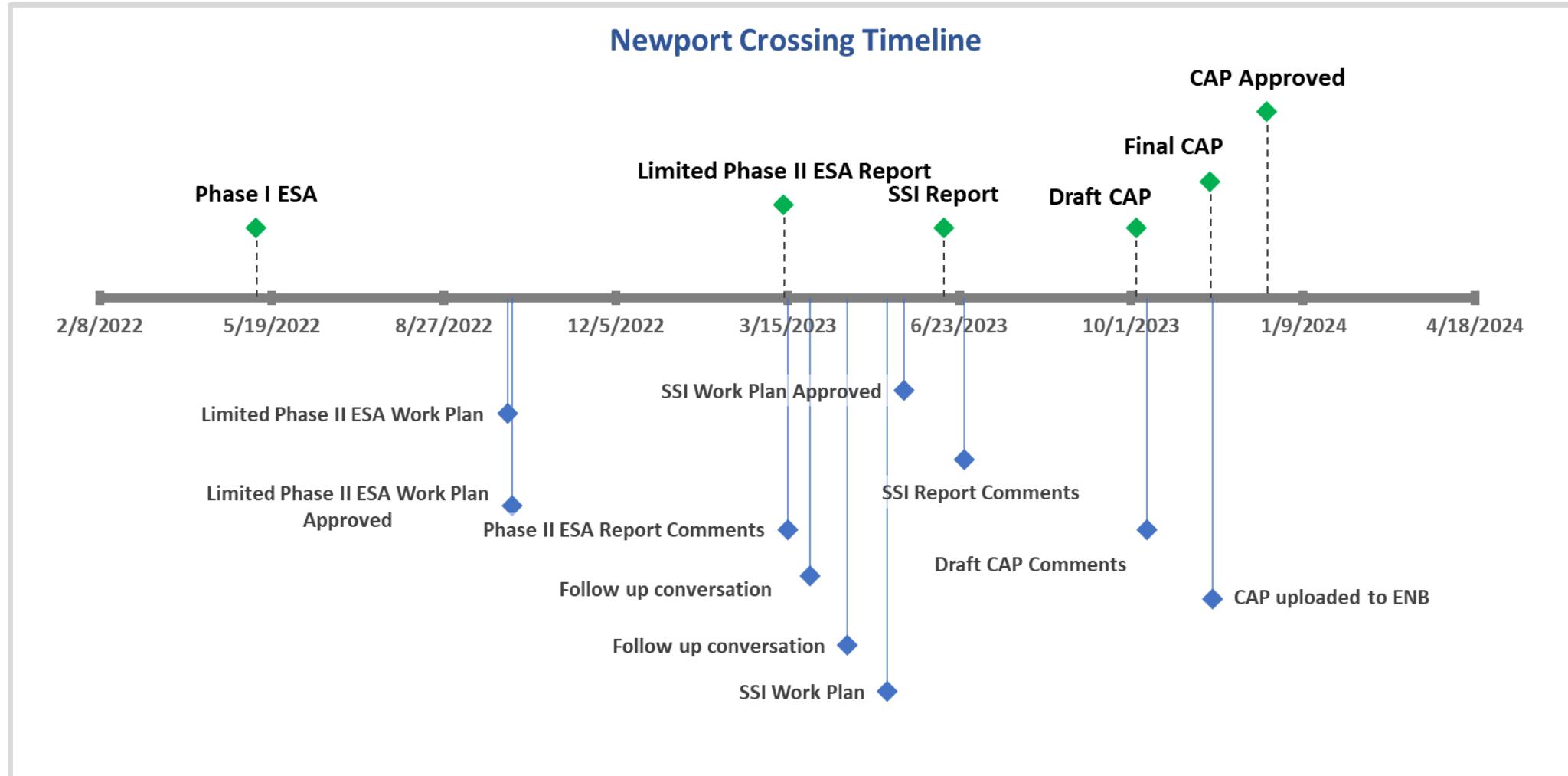
Challenge Two

Process Complexity and Timeframes



Challenge Two

Process Complexity and Timeframes



Challenge Three Regulatory Conflicts

Most brownfield
redevelopments intersect
with a variety of other
regulatory programs and
requirements.



Permitting (wetlands, stormwater,
ACT 250, local)



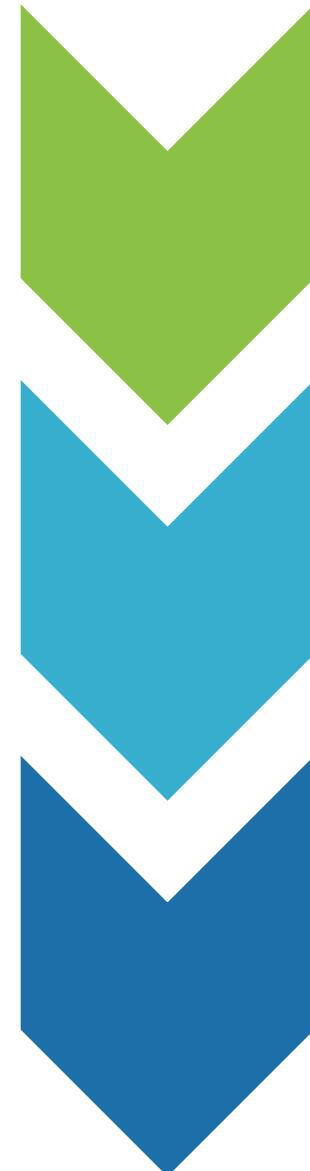
Section 106/Historic Preservation



NEPA Environmental Reviews

Regulatory Conflicts

NEPA



If Environmental Review (ER) Phase I identified Recognized Environmental Conditions, the ER process requires DEC signoff on a Phase II ESA and (if necessary) a CAP

CAP must be approved before ER public comment period can begin

Per HUD requirements, the ER public comment period cannot run concurrently with CAP public comment required by 10 V.S.A. § 7711

Challenge Four Funding



Assessment &
Planning

WHO

DEC (State + Federal \$)

RPCs (Federal \$)

Grants of services

Rolling applications

Must be enrolled in BRELLA or
BRELLA eligible*

Cleanup
Implementation

WHO

DED (State + Federal RLF)

RPCs (Federal RLF)

Grants (non-profits), loans (for-
profits)

Rolling applications

Must be enrolled in BRELLA

Challenge Four

Funding

Complicated funding stacks needed to ensure project successes. In addition to brownfield specific funds, projects often tap:

- CDBG
- NBRC
- Tax Credits
- TIF
- Housing specific funds (VHCB, HOME, NMTF)
- Private investments

Brownfield funds rarely cover **full remediation costs**

Rising construction and cleanup costs worsen funding gaps

Timeframes & Funding Impacts Due to Source



Best case scenario
(No NEPA ER, no federal funding)

Use of federal funding extends this timeline, on average, by 1 year

Total Project
Time = 1,330 days
or 3.6 years

Challenge Four Funding

There are an estimated 36 BRELLA enrolled projects that would be “shovel-ready” for cleanup implementation with funding availability

Total funding need is estimated to be ~\$10M



Of these, 15 have a housing component

Recommendations for 2026 and Beyond

Contaminated Soil Management

Increased options
for management of
“development soils”

IWMEA through Solid
Waste Program

Increase
accessibility of
information

Develop new online
hub relating to
contaminated soil
management

Outreach and
education

Promote thoughtful site
designs that can
incorporate appropriate
reuse of contaminated
soils on-site

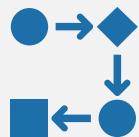
Process Complexity and Timeframes



Evaluate options to allow a consultant directed “fast-track” for certain projects



Gather baseline data on current DEC (brownfield) review times to evaluate areas for improvement



Evaluate need for specific steps in the process to include time-certain reviews/responses



Develop compliance tools to ensure that consultants and responsible parties meet statutory timeframes for submittals

Regulatory Conflicts

DEC agrees that this is a problem, no clear solution

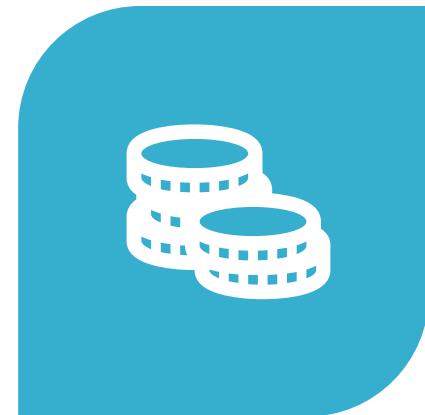
Ensure that the potential for timing issues are identified early in planning process

Continued collaboration with HUD Environmental Officer in ACCD

Costs and Funding Availability



EVALUATE NEED TO TRACK
FUNDING NEEDS FOR INCOMING
PROJECTS UP-FRONT



CONTINUE TO SEEK FUNDING
FROM EPA



ASSESSES STRATEGIES FOR
REDUCING ASSESSMENT AND
REMEDIATION COSTS