

State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
1 National Life Drive – Davis 3
Montpelier, VT 05620-3521
(802) 828-1138

MEMORANDUM

To: Senator Alison Clarkson, Chair, Senate Committee on Economic Development, Housing and General Affairs

CC: Ciara Mead, Committee Assistant

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

Date: January 28, 2026

RE: Testimony on January 20, 2026

During testimony provided to the Senate Committee on Economic Development, Housing and General Affairs, representatives from the Vermont Housing & Conservation Board provided statements regarding “CAP” (Corrective Action Plan) approval times for projects enrolled in the Brownfields Reuse and Environmental Liability Limitation Act (BRELLA) program, and presented an opinion that six months for the process should be “long enough.”

VT DEC would like to ensure the Committee is aware that the vast majority of brownfields funding that is distributed throughout the State (through DEC, ACCD, and RPCs) are federal funds (USEPA or HUD). As such, the process for assessing and remediating brownfield sites in Vermont mirrors the process required by US EPA and is consistent with the practices employed across the country. Because each brownfield has a unique site use, history and landscape, there is a degree of uncertainty at the outset of the process that makes it difficult to fully predict the assessment and cleanup timeframes. Due to this, during the BRELLA enrollment process, VT DEC requires applicants to provide a project schedule and works with applicants to adhere to the aspects of project schedules that are within our control. The Sites Management Section (SMS) has also indicated that we are committed to collecting baseline information on our project timelines and then evaluating the need for time limited actions within our processes for site management.

Additionally, 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.

The project schedule submitted with the BRELLA application for Newport Crossing is provided below:



Environmental Tasks

Phase I ESA

Phase II ESA/Site Investigation

Supplemental Site Investigation

Evaluation of Corrective Action Alternatives (and/or EPA ABCA)

Corrective Action Plan development and approval

Corrective Action Plan implementation

Acquisition of Property

Project Completion

Completed May of 2022

Fall of 2022

N/A

Fall of 2022

Fall 2022/Winter 2023

2023

November, 2022

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 cannot 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 ensures 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.