

Memorandum



To: Mayor and Town Council

From: Ryan Spitzer

Date: 6/9/2023

Re: Recognized Environmental Consultant Program (REC)

Overview:

A Phase I and Phase II Report on the Grower's Outlet site shows that there is potential contamination present, which was known before purchase. The contamination at the site is located at the back of the site and around the large metal building where there was a repair shop (outlined in green on the map). The contaminants appear to be groundwater contaminants and some oil-based soil contaminants. The groundwater contaminants can be handled by putting a groundwater restriction on the site where public water must be used, but the soil contaminants will likely have to be dug up and removed. The groundwater contaminants are labeled "PCE" on the map and the soil contaminants are labeled "SB-1". In order to be able to put the Fire Department and Public Utilities on the site the town must clean it up. There are two programs the DEQ will potentially allow the town to enter into for clean-up; the Brownfields Program or the REC Program.

Town staff is recommending entering into the REC Program for several reasons. The timeframe to get to a conclusion of the program is less than with the Brownfields Program. The REC Program will take approximately 9-12 months. The town can also clean up the site at our own pace and will not have to have the site cleaned up before construction starts. Finally, the REC Program is cheaper because you only pay for the acreage that has to be cleaned up (\$5,000 per acre and a \$3,000 administrative fee). The town will also have to hire a consultant to write the program for DEQ, which is an added benefit because we are not relying on the state to write the remediation program as with the Brownfields Program.

The process for the REC Program is as follows:

1. Subdivide property
2. Retain consultant for REC
3. Have consultant (REC) prepare and submit Site Conditions Questionnaire for acceptance into REC
4. Execute Administrative Agreement with DEQ if accepted into program and pay preliminary fee
5. Have consultant prepare Remedial Investigation Work Plan to further delineate extent of contamination in soil and groundwater and have approved:

-Will have to consult with REC but the assessment would be expected to involve further evaluation of:

-Known soil contamination (additional site investigation may expand this list):

-exceedances of Preliminary Soil Remediation Goal standards for:

Dibromochloromethane

Cis, 1-2-dichloroethene

Methylene Chloride

PCE

TCE (also exceeded residential and industrial standards)

1-methylnaphthalene (also exceeded the Maximum Soil Contaminant Concentration Standards)

-Known groundwater contamination:

-PCE

-Additional assessment will delineate the existing known contamination and assess the likelihood of impact in areas previously not evaluated (i.e. extended aeration during the Tillett Chemical operations on the property adjacent to the southwestern boundary)

6. Have consultant prepare Remedial Investigation Report and if needed (not anticipated at this time) repeat steps 5 and 6 until contamination is sufficiently delineated
7. Have consultant prepare Remedial Action Plan to address contamination
8. When approved will have to mail notification to necessary parties for 30-day comment period regarding the proposed Remedial Action Plan
 - a. If comments are received, they will need to be addressed and this may involve additional rounds of proposed Remedial Action Plan and comment period – this is not anticipated at this time
9. Implement the Remedial Action Plan measures
 - a. This may include additional notice periods for land use restrictions if necessary
10. Have the consultant complete the Final Report and submit to DEQ for approval and pay additional fee for program.
11. Await issuance of the concurrence of closure.

Preliminary cost estimates look to be around \$215,000 for consultant fees, there are also DEQ fees of \$3000 to enter REC and \$5000/acre of contaminated area to be closed out in the program, and legal fees

Attachments:

Map showing contamination locations

Recommendation:

Allow staff to begin the process to see if DEQ will allow the Town to enter into the REC Program and proceed with subdividing the lot.