

State of Vermont
Department of Environmental Conservation
Waste Management Division
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MEMORANDUM

To: Neil Lunderville, Secretary, Agency of Administration *Neil Lunderville*

Through: Jonathan Wood, Secretary, Agency of Natural Resources
Justin Johnson, Commissioner, Department of Environmental Conservation *Justin Johnson*

From: George Desch, Director, Waste Management Division *George Desch*

Date: June 17, 2010

Subject: Request for additional authority for expenditures from the Environmental Contingency Fund for the former JARD site in Bennington, Vermont (Site #77-0138)

The Agency of Natural Resources (Agency) requests to appear before the Joint Fiscal Committee of the General Assembly to discuss expenditures from the Environmental Contingency Fund (ECF) on the JARD site in Bennington. In this appearance the Agency requests:

Approval of an additional \$100,000 to be spent under subdivision (b)(2) (investigations). The details of this request are more fully explained below.

Site Background

The Site formally hosted the JARD Company facility, a manufacturer of small capacitors, small non-fluid transformers, and small motors from 1969 to 1989. Capacitors manufactured at the facility were coated with zinc and filled with oils containing PCBs. In the 1970s PCBs were replaced with dioctyl-phthalates (DOP; aka DEHP). During a routine industrial waste survey performed by the State of Vermont in October, 1979, inspectors noted an area of dark, oil-stained soil located near a vent pipe on the outside of the south wall of the building. Analysis of soil collected from the approximate 100 square foot area indicated the presence of PCBs. A similar inspection in 1987 identified zinc oxide in the vicinity of a dust collector and a dry well that reportedly had received PCB-contaminated wastewater. In September 1989, the Agency conducted a final Resource Conservation and Recovery Act (RCRA) inspection at approximately the same time that JARD, Inc. announced that it was in bankruptcy. Ultimately, the Agency failed to obtain relief against JARD to clean the property and as a part of the Bankruptcy proceeding, the property was abandoned and JARD dissolved.

Over the intervening years, a number of investigations and investigation and cleanup actions were conducted by the USEPA, the Agency, and the Town of Bennington to characterize Site conditions and abate imminent threats to human health and the environment. USEPA ultimately conducted three soil removal actions; the most recent culminating with a cap of imported soils and vegetative cover.

There is a request to redevelop the JARD property to supplement parking for an adjacent industrial building. This re-use of the property is appropriate based upon the contaminants found at the property. The redevelopment proposal would require the purchaser to manage the current cap and groundwater contamination at the site. Surface water samples collected by the

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Agency prior to settlement discussions with a redeveloper indicated that PCBs were entering the Roaring Branch of the Walloomsac River and a Duck Pond located on Park Street at concentrations greater than the Surface Water Quality Standards. The Waste Management and Water Quality Divisions of the Department of Environmental Conservation, as well as the Department of Fish and Wildlife have reviewed the existing data and have determined that additional information is required to determine whether any adverse impacts exist from these releases. Additional work may be required as a result of the environmental sampling planned under this request.

Request for Joint Fiscal Committee Approval.

The funds spent at this site have been allocated to the following categories, as indicated in 10 V.S.A. § 1283, as follows:

- 10 V.S.A. §1283(b)(9) To pay costs of required capital contributions and operation and maintenance when the remedial or response action was taken pursuant to 42 U.S.C. § 9601 et seq:

The Agency has currently spent \$10,130 to monitor the groundwater at the site after the CAP was installed. These funds were used to determine if concentrations of PCBs had declined at the site since the removal and capping efforts were conducted by the EPA.

- 10 V.S.A. § (b)(2) To investigate an actual or threatened release to the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health and welfare or to the environment. The secretary may use this fund for those investigations necessary to: (A) determine the magnitude and extent of the existing and potential public exposure and risk and environmental damage; (B) determine appropriate remedial action to prevent or minimize the impact of such release; or (C) to prescribe other environmentally sound measures to protect the long-range public health and welfare or to ensure environmental protection, or to prescribe additional investigations to determine same:

The Agency has not spent any funds under this subdivision. At this time, the Agency requests approval to increase the allowable \$100,000.00 under this subdivision to add an additional \$100,000. The current cost to conduct a full groundwater, surface water, and sediment assessment is estimated to be 156,880. The results from this investigation will be used to determine extent of contaminated groundwater migrating off of the site, locations of groundwater discharge to surface water bodies, concentration of groundwater discharging to surface water bodies, and guidance to develop additional sampling, risk characterization, biomonitoring studies and remediation efforts.

APPROVED

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Secretary of Administration

Date