

STATE of VERMONT
AGENCY of NATURAL RESOURCES
DEPARTMENT of ENVIRONMENTAL CONSERVATION
~ Commissioners Office ~

MEMORANDUM

Tel: (802) 828-1556

TO: Jeb Spaulding, Secretary, Agency of Administration

THRU: Jim Reardon, Commissioner, Department of Finance & Management
Jason Aronowitz, Budget Analyst, Department of Finance & Management

FROM: David K. Mears, Commissioner, Department of Environmental Conservation

DATE: April 16, 2013

SUBJECT: Dept. of Environmental Conservation Request for Authorization to Conduct
Emergency Remedial Actions

Attached is request for authorization to conduct emergency remedial actions at the former Fillipo Dry Cleaners as detailed in the attached memorandum from our Waste Management and Prevention Division. On rare occasions we are faced with site clean-up work exceeding the statutory limits as outlined in 10 V.S.A. 1283(b), and Fillipo Dry Cleaners in Rutland, Vermont unfortunately is projected to do so.

Should you have any questions on this request, or require additional information please do not hesitate to contact us.

Thank you.

Attachment

Cc: George Desch, Waste Management & Prevention Division Director
Matt Chapman, DEC General Counsel
Joanna Pallito, DEC Financial Director

APR 18 2013

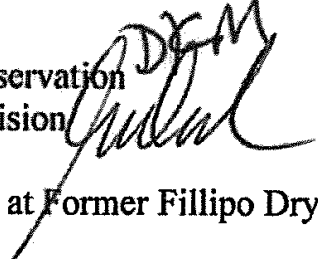


State of Vermont
Department of Environmental Conservation
Waste Management and Prevention Division
1 National Life Drive-Davis 1
Montpelier, VT 05620-3704

AGENCY OF NATURAL RESOURCES

MEMORANDUM

To: Deb Markowitz, Secretary, Agency of Natural Resources
Thru: David Mears, Commissioner, Department of Environmental Conservation
From: George Desch, Director, Waste Management and Prevention Division
Date: March 20, 2013
Subject: Request for authorization to conduct emergency remedial actions at Former Fillipo Dry Cleaners, 84 Woodstock Avenue, Rutland, Vermont



Background

The Environmental Contingency Fund (ECF) is a fund administered by the Agency of Natural Resources (ANR) to respond to releases of hazardous materials that pose a threat to human health or the environment. The ECF has certain limited purposes established by statute for which funds can be spent. See 10 V.S.A. 1283(b). The ECF limits the authority of the ANR to spend funds greater than \$100,000.00 per work activity authorized by law.¹ Requests greater than \$100,000.00 must be included in the ANR budget or authorized by the joint fiscal committee when the legislature is not in session.

The Fillipo dry cleaner site (Site) is a dry cleaner located in Rutland, Vermont. The facility used tetrachloroethylene (PCE) within the drycleaning process at the facility. PCE is a likely human carcinogen and the ANR regulates PCE to a groundwater standard of 5 ug/L and a soil screening value of 0.8 mg/kg. PERC has been found at the Site in concentrations of 22,000 ug/L in groundwater and 380 mg/kg in soils.

A cleanup plan was approved for the Site, however the Site owner failed to implement cleanup plan resulting in an emergency order from Vermont Superior Court-Environmental Division ordering performance of this work and a following final order fining the property owner for failure to implement corrective action and authorizing a State lien on the subject property in order to secure refundable costs of implementing cleanup plan.

Over the winter, the WMPD confirmed that the groundwater contamination poses a real and imminent threat to off-site residential properties. Concentrations of PCE have increased by an order of magnitude at down gradient well locations since the original corrective action plan was drafted.

Cleanup activities and request for authorization to spend funds

The proposed cleanup includes two significant response activities: (1) physical removal of contaminated soils and (2) installation of groundwater treatment system referred to as a permeable reactive barrier (PRB).

The installation of the PRB is critical, as its installation will serve to stem the further migration of PERC contaminated groundwater from extending towards residential properties located "downstream" from the Site.

¹ 10 V.S.A. § 1283(b) allows the ANR to spend in excess of \$100,000.00 in emergency situations. While the situation presented by releases from the Fillipo dry cleaner represent a risk to human health that warrants a prompt response by the ANR it does not constitute an emergency that would remove this funding from legislative review.

Further migration of the plume will result in additional off-site adverse impacts to groundwater quality and may present significant indoor air hazard risks to residential properties.

PRB costs are estimated between \$257,000.00 and \$530,000.00 with a construction schedule for the PRB in Summer 2013. Source area excavation of contaminated soils is estimated between \$527,000.00-\$677,000.00. The ECF has sufficient funds to pay for this remedial work and this request for an authorization of spending authority to perform the above referenced tasks.

Costs Anticipated/Schedule

In accordance with 10 V.S.A. Section 1283. Contingency Fund:

Action	Cost	Date
1283 (b)(2) Investigation (assessment)	\$29,000 (incurred)	December 2012
1283 (b)(2) Investigation (assessment)	\$20,000	May 2013
1283 (b) (1) Remedial Action (PRB)	\$257K- \$530K	July 2013
1283 (b) (3) Removal Action (Soil Removal)	\$527K-\$677K	September 2013 or 2014

Requested Language to the Appropriations Bill

Sec. XXX. AUTHORIZATION FOR EXPENDITURES AT THE FORMER FILLIPO DRY CLEANER SITE

(a) Pursuant to 10 V.S.A. § 1283(b), the following expenditures are authorized at the Fillipo Dry Cleaner Site located at 84

Woodstock Avenue, Rutland, Vermont:

(1) \$ 530,000.00 of total expenditures to conduct remedial actions at the site; and

(2) \$ 677,000.00 of total expenditures to conduct removal actions at the site.