



Toxic Sites: An Overview



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12:00 p.m.

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AGENCY OF COMMERCE & COMMUNITY DEVELOPMENT
DEPT. OF HOUSING & COMMUNITY DEVELOPMENT

Toxics Compliance

24 CFR Part 58.5 (i) (2)

All property in HUD projects should be free of hazardous materials, contamination, toxic chemicals, gases, and radioactive substances.

Topics

- Phase I Environmental Site Assessment (ESA)
- Phase II Environmental Site Assessment
- Recognized Environmental Condition (REC)
- Corrective Action Plan

Toxics Compliance

All projects require Phase 1 except single family (1-4 unit)

What is a Phase I ESA?

- Desk review for determining if there are/were hazards present; non-intrusive process
- Identify Recognized Environmental Conditions (RECs)
- Include a Vapor Encroachment Screening (VES).
- All projects require a Phase I ESA except single-family (1-4 unit) properties.

What is a Phase II ESA?

- Physical testing to rule out or confirm the presence of RECs
- Corrective Action Plan developed if RECs are confirmed.

Important Timeline Notes

Phase I:

- Must be conducted within **one year** of the date of property acquisition.
- If Phase I is more than 180 days old and less than 1 year old → ***must*** be updated.
- Phase I will also reveal if a Vapor Encroachment Screening is needed.

Phase II:

- Completed to confirm that presence of a contaminant release.
- Involves sampling and testing to identify the contaminants to develop the scope of the contamination.
- Use it as a decision-making tool → the property must be recovered to the proposed use's standard.
- **HUD considers a Phase I/II expired after one year.**



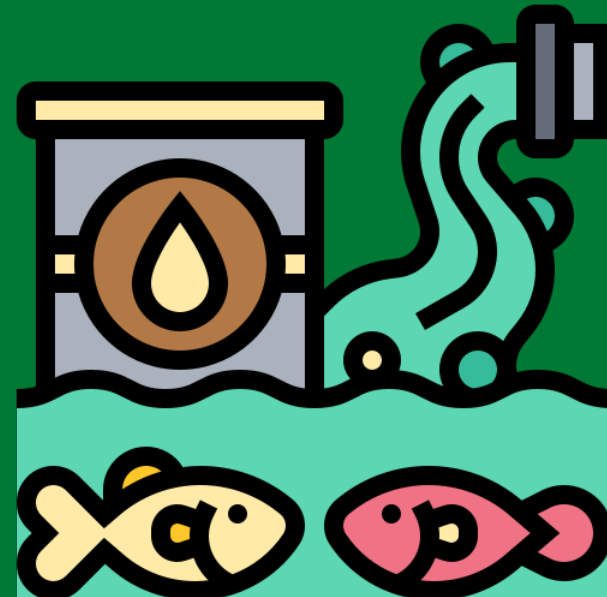
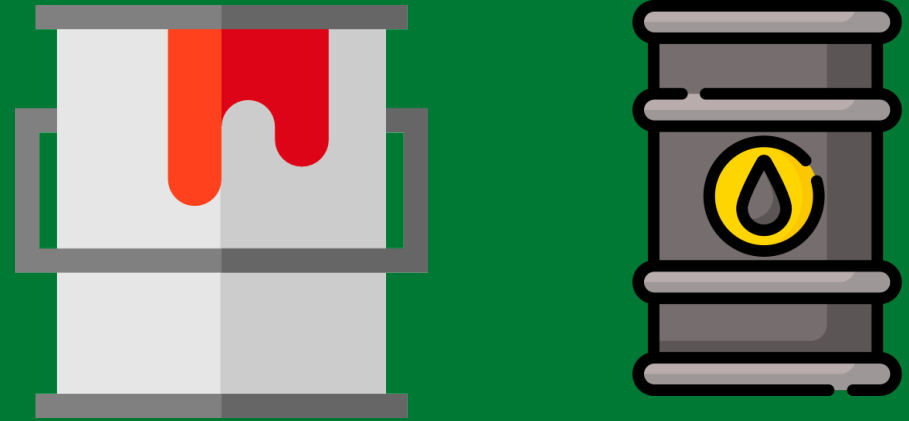
What is a Recognized Environmental Condition (REC)?

- **REC**: Presence or likely presence of hazardous substances or petroleum products on a property that indicate the release or potential release of these substances into the structure or water sources of the property.
- The presence of a REC will require further investigation through a Phase II ESA to further identify them and to direct the site in the correct direction for remediation.



What might a REC look like on a property?

- A leaking underground storage tank.
- Prior release of hazardous substances on/adjacent to the property.
- Property nearby is a hazardous waste site (Ex: Old auto garage).
- Lead paint observed in building- could mean lead presence in soil.
- Unknown fill material on site that requires further investigation.



What should I do if RECs are Identified?

1. Have your consultant develop a Phase II Work Plan.
2. Phase I and Phase II Work Plans sent to Vermont Department of Environmental Conservation (DEC) for review.
3. Receive approval of Phase II Work Plan from DEC, (edits may be required), consultant can move forward with performing Phase II ESA.
4. Once complete, Phase II ESA is sent to DEC for review.
5. Edits/additional testing may be required. Once approved, consultant can move forward with developing Corrective Action Plan (CAP).
6. Once complete, the CAP is sent to DEC for review.
7. Any substantial comments from DEC need to be addressed before finalizing the ER.
8. **Draft CAP that has been reviewed by DEC is adequate to finalize the ER and move forward with publication of the notice (if there is compliance with all other ER factors).**
9. Cleanup/implementation of the CAP happens after ER Release, during implementation of the project.

Plan for 30 Days



For DEC Review...

What should I do if RECs are Identified?

1.)

Have your consultant develop a Phase II Work Plan



2.)

Phase I and Phase II Work Plans will be sent to Vermont DEC for review.



3.)

Edits may be required, once you receive approval of Phase II Work Plan from DEC, consultant can move forward with performing a Phase II ESA.



For DEC Review...



Plan for 30 Days

What should I do if RECs are Identified? (Continued)

4.)

Once complete, the Phase II ESA report is sent to DEC for review.



5.)

Edits/additional testing may be required. Once approval of phase II from DEC is received, the consultant can move forward with developing a Corrective Action Plan (CAP).



6.)

Once complete, the CAP is sent to DEC for review.

For DEC Review...



Plan for 30 Days

What should I do if RECs are Identified? (Continued)

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Any substantial comments from DEC need to be addressed before finalizing the ER.



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For DEC Review...



Plan for 30 Days

Corrective Action Plans (CAP)

- Details proposed cleanup strategies based on the ESA.
- The CAP should reflect the current site conditions.
- **Common Types of Corrective Action:**
 - Removal of contaminated soil
 - Cleaning up groundwater
 - Engineering Controls
 - Institutional Controls
- **Important CAP Reminders:**
 - Must be reviewed and approved by DEC (within 30-day window) and requires its own public notice.
 - Implementation of CAP happens *after* the ER Release is received.
 - If you require CAP, check and plan accordingly if your Phase I will pass the original 180-day threshold.



Toxics Conditions

- If your project has a Corrective Action Plan (CAP) that has been implemented, the site will receive a Sites Management Activities Completed (SMAC) or a Certificate of Completion (COC).

SMAC

- The typical designation issued by DEC once all RECs are remediated at a hazardous site, when it is **NOT** in **BRELLA**.
- States that no additional work at the time of this designation is needed.

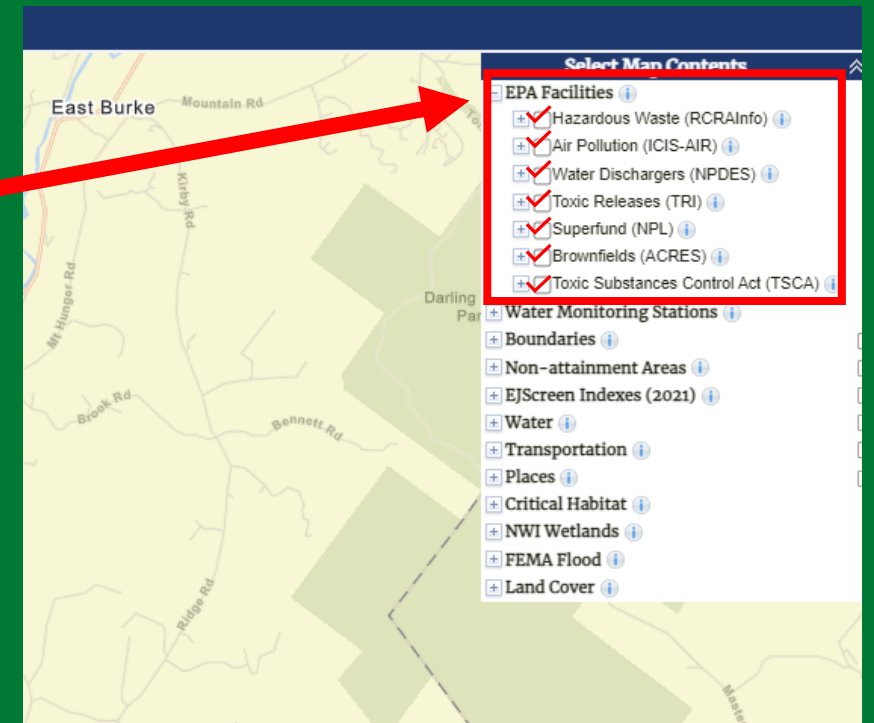
COC

- Issued following the identification and remediation of all recognized environmental conditions.
- Issued to projects within the state brownfield program: **BRELLA**.
- May include land-use restrictions.



What is NEPAssist? How do I use it?

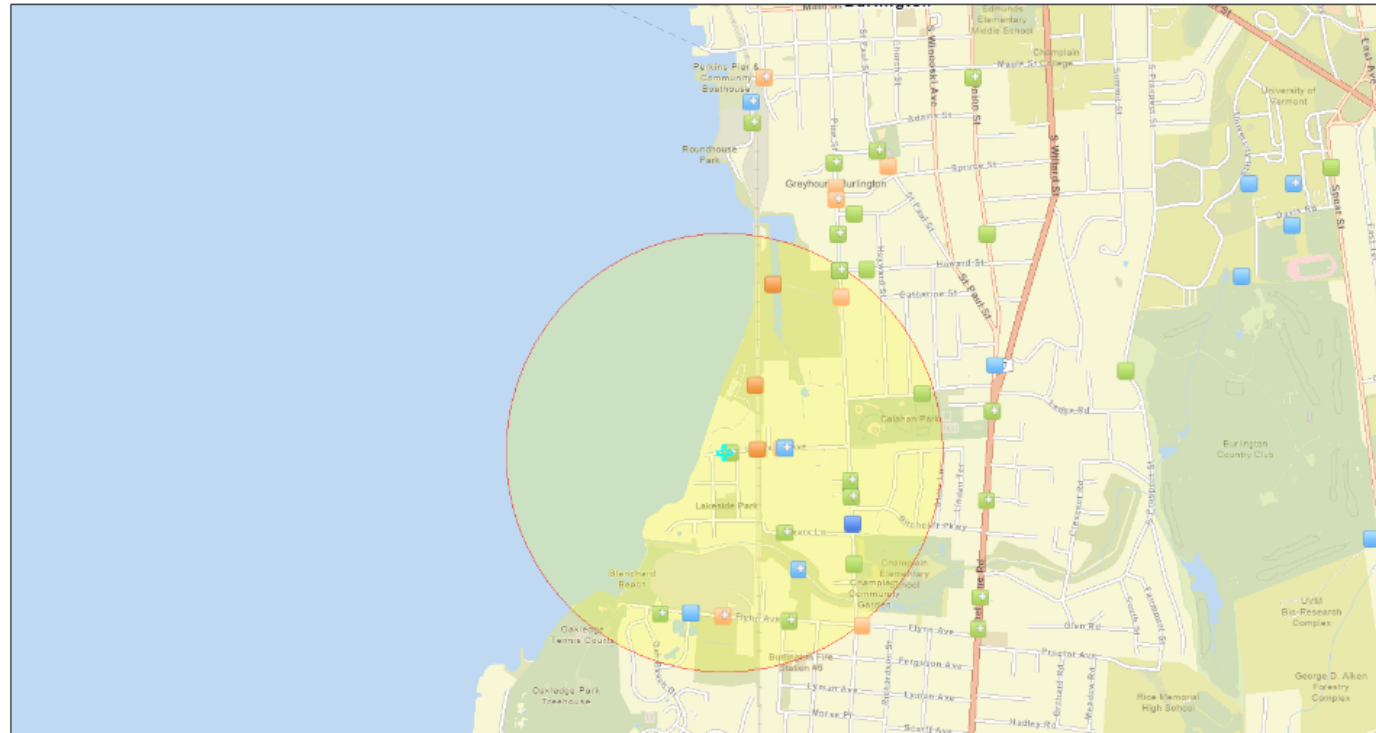
- NEPAssist is a tool to use to help guide you through the ER process and visualize data about your project site.
- For Toxic Sites → You can input your project address and select EPA Facilities to populate different toxic sites on your map and report.
- After inputting your address and selecting ALL EPA Facilities, a “pink plus sign” will appear. This represents your project location.
- Click on the pink plus and a box will appear. You will be able to input a project name, select the buffer (ex: 0.5 miles) and add it to the map, and finally you will click on the “NEPAssist Report” button.
- A report will generate, and you will be able to download it as a PDF.
 - In a Tier II Environmental Review, the generated report and map will serve as your supporting documentation.



Example of a Finalized NEPAssist Report

Sample NEPAssist

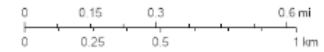
Map



January 20, 2023

- Water Dischargers (NPDES)
- Water Dischargers (NPDES)
- Hazardous Waste (RCRAInfo)
- Hazardous Waste (RCRAInfo)
- Brownfields (ACRES)
- Brownfields (ACRES)
- Superfund (NPL)
- Toxic Releases (TRI)
- Toxic Releases (TRI)
- Air Pollution (ICIS-AIR)
- Air Pollution (ICIS-AIR)
- Sample NEPAssist
- Project Buffer

1:17,796



Esri Community Maps Contributors, Chittenden County RPC, VCGI, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/MASA, USGS, EPA, NPS, US Census Bureau, USDA

Example of a Finalized NEPAssist Report

Project Location	44.46111,-73.22031
Within 0.5 miles of an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a Federal Land?	no
Within 0.5 miles of an impaired stream?	yes
Within 0.5 miles of an impaired waterbody?	yes
Within 0.5 miles of a waterbody?	yes
Within 0.5 miles of a stream?	no
Within 0.5 miles of an NWI wetland?	Available Online
Within 0.5 miles of a Brownfields site?	yes
Within 0.5 miles of a Superfund site?	yes
Within 0.5 miles of a Toxic Release Inventory (TRI) site?	yes
Within 0.5 miles of a water discharger (NPDES)?	yes
Within 0.5 miles of a hazardous waste (RCRA) facility?	yes
Within 0.5 miles of an air emission facility?	yes

Questions?

Thank you for attending today's Toxic Sites Webinar!
To access the recorded webinar, please visit: [ADD LINK]

If you have additional questions, suggestions, or concerns; Please reach out to:

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