

Agency of Natural Resources  
Department of Environmental Conservation  
Compliance & Enforcement Division  
VSAC Winooski

**MEMORANDUM**

To: Elizabeth Miller, Commissioner, Department of Public Service  
Through: David Mears, Commissioner, Department of Environmental Conservation  
From: Gary Kessler, Director, Environmental Compliance & Enforcement Division  
Date: December 5, 2011  
Re: Vermont Yankee Silt Removal Investigation

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On November 15, 2011 Commissioner Mears received a memorandum from you requesting information for the Vermont State Nuclear Safety Advisory Panel regarding a CED investigation into silt removal from Vermont Yankee (VY) property. The following is a timeline of the investigation into this matter.

On September 15, 2011 CED staff received e-mails from Lt. Kraig LaPorte, Commander of the Vermont State Police Barracks in Brattleboro. The e-mails forwarded from Lt. LaPorte concerned material being removed from VY in Vernon, VT. The Brattleboro Reformer had also passed on information to Lt. LaPorte from an anonymous source reporting that VY was hauling unknown material from their property to a location on West Road in Vernon. The contractor named in the report was Larock, an excavating contractor based in Guilford, VT.

The matter was assigned to Environmental Enforcement Officer (EEO) Tim McNamara. EEO McNamara made contact with Richard Spiese of DEC WMD Radiological Response Team and also with DOH Chief Radiologist Bill Irwin who agreed to meet with EEO McNamara in Vernon that afternoon.

EEO McNamara traveled to VY within a few hours of receiving the initial complaint. Once onsite EEO McNamara conducted surveillance and observed trucks leaving the VY main gate. During the surveillance operation he further observed over a dozen dump truck loads of what appeared to be dirt or mud leave VY. All except two trucks drove south on Governor Hunt Rd. Two trucks dumped loads across from the Vernon Elementary School on what was later learned to be VY property. The trucks observed being used were a Larock dump truck VT reg 31C49, another Larock truck with unknown registration, and a BELLCO truck VT reg BKW108.

EEO McNamara followed Larock truck VT reg 31C49 to a sand pit, located on West Road across from Sak Road. EEO McNamara observed the driver dump a load of the material in the sand pit on top of other dark material that was similar in appearance. EEO McNamara estimated that there were 4000+ cubic yards of this material dumped at this site. EEO McNamara spoke with the driver of the Larock truck which had transported and dumped the most recent load of material from VY. The driver identified himself as John Nebelski. He confirmed the material

came from VY and told EEO McNamara that VY have been cleaning out the intakes in the river. He said the material is all river silt they are hauling and dumping at the pit. He said they were doing this yesterday too and that today they are using three trucks. Two are Larock trucks and one is owned by BELLCO, who has leased the truck to Larock.

Nebelski provided company and pit property owner Rocky Larock's cell phone number. EEO McNamara contacted Mr. Larock and spoke to him about the operation. Mr. Larock stated that material was coming from the river intakes at VY. Mr. Larock agreed to leave the gate to the pit open to allow DEC staff access for the purpose of obtaining soil samples for testing.

EEO McNamara observed Larock truck 31C49 arrive at the pit. Driver Justin Larock confirmed that the material was coming out of the river by the VY intakes. He described the process: they use a large pump in the river to move slurry from the river and pump it into large filtration socks which are left to dry for a time, then emptied into trucks and hauled off the site. Justin Larock estimated that they have hauled about 5000 cubic yards to this site so far, and a few loads to other sites including employees who want it for top-soil.

EEO McNamara observed the two Larock trucks and the BELLCO truck dump several loads at the site over the next hour.

EEO McNamara examined the material that had been dropped off. It appeared to be silt, consistent with river bed material. There was a small amount of solid waste debris mixed in with the silt, including a paper cup and a can and what was later determined to be the remnants of the fabric dewatering socks.

At approximately 1630 EEO McNamara met Dr. Irwin at the sand pit. Dr. Irwin collected several samples of the soil for laboratory analysis. Using a portable Geiger counter Dr. Irwin found no radiation reading above background.

EEO McNamara informed Rocky Larock that the dewatering sock material was solid waste and was not allowed to be dumped at the site and should be separated out from the soil. Mr. Larock agreed to separate out the dewatering sock material in all future loads.

EEO McNamara left the sand pit after the sampling was completed. Later that day CED received electronic copies of US Army Corp. of Engineer's permit and a VT DEC Stream alteration permit SA-1-0803 for the activities related to the cleaning out of the intakes. CED staff contacted DEC Stream Alteration Engineer Todd Menees who confirmed that VY had complied with the pre-construction conference condition of the permit.

Approximately two weeks later CED received an email from Dr. Irwin stating that the lab analysis of the soil samples collected from the sand pit had detected no unusual radioactivity

CED has closed the investigation into this matter without further action or referral having found no evidence of a violation of Vermont law other than a very minor solid waste violation, which had no known environmental impact and was promptly and voluntarily corrected.