

Vermont Brownfields Program

Brownfield Definition: *Real property* for which *redevelopment* or *reuse* may be *complicated* by the *presence (or potential presence)* of *contamination*.

The focus of the Brownfields Program is on the following areas:

- **Limitation of environmental liability**
- **Technical assistance**
- **Financial assistance**
- **Outreach/education**

WHAT: The environmental liability limitation program is established under the **Brownfields Reuse and Environmental Liability Limitation Act (BRELLA)**; codified at [10 V.S.A. §6641-§6656](#). Administered by VT Dept of Environmental Conservation; collaboration with VT Agency of Commerce and Community Development, Regional Planning Commissions, and the US EPA.

WHY: Participation in Vermont's environmental liability limitation program (BRELLA) provides a way out of the liability chain and enables redevelopment to proceed knowing that legal and financial risks associated with contamination have been put to rest.

WHO: Participation in the program is open to those who intend to purchase a brownfield property, as well as those who already own a brownfield property, provided that they did not cause or contribute to the contamination.

Information and Contacts

PLEASE – Call us before you buy!

For information, assistance, and next steps:

VT Dept. of Environmental Conservation
Waste Management & Prevention Division
1 National Life Drive – Davis 1 Building
Montpelier, VT 05620-3704

<http://dec.vermont.gov/waste-management/contaminated-sites/brownfields>

Program Contacts

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Brownfields Response Program

Brownfields and Municipalities



Before Redevelopment

Windsor Welcome Center



After Redevelopment

Liability Provisions for Brownfields

Several provisions related to liability exist for both State and Federal liability. These provisions were created to facilitate the development of these key properties.

VERMONT

Acquisition of Brownfield through Tax Sale:

If a municipality takes a property through tax sale, several provisions exist to assist during the redemption period: defense to liability during redemption, ownership, marketing (10 V.S.A. § 6615(d)), access to property during redemption (10 V.S.A. §5259) and recovery of funds spent during redemption (10 V.S.A. §5260)

Acquisition of Brownfield for Development:

If a municipality purchases a property for development, liability protections can be achieved through the Brownfields Reuse Liability Limitation Act (BRELLA) 10 V.S.A. §6641-§6656. BRELLA provides liability protection from the State of Vermont upon completion of corrective action.

Federal Liability Protection

To obtain liability protection under CERCLA (a.k.a. SUPERFUND) purchasers of property MUST do a PHASE I Environmental Site Assessment **BEFORE** purchase.

Funding Assistance

VTDEC receives funding from the USEPA to assist with the following:

- **Phase I Study:** Background research and site inspection to document past uses, current conditions, and whether areas of the property need further investigation.
- **Phase II Study:** On-site tests to look for hazardous substances. Samples of soil, water, indoor air and building materials are taken to look for contamination.
- **Corrective Action Plan:** Documents the best way to clean up the property for reuse and estimates clean-up costs.
- **Cleanup Implementation:** Completion of the Corrective Action Plan.
- **Area Wide Planning:** Comprehensive evaluation of defined area (usually within a downtown/developed area), to determine potential environmental conditions and create a redevelopment plan.

ACCD receives funding from EPA to manage the Brownfields Revitalization Fund (BRF).

- **BRF:** A loan/grant program for implementation of corrective action plans. Grants available for non-profits and municipalities. Low interest loans available for non-profits, municipalities, and for-profits.
- **ACCD Contact:** Brett Long (802)461-9353 brett.long@vermont.gov

Brownfields Success Story

Brattleboro Multimodal Transportation



Depot Street



2012 Ribbon Cutting

