

The Vermont Agency of Natural Resources (Agency) prepared a Draft Hazardous Waste Facility Permit for the Green Mountain Power facility (GMP), located at 296 Greens Hill Lane in Rutland, VT. The Agency opened public comments on the draft permit on August 8, 2024, and held a public information hearing in Rutland, Vermont, on September 12th, 2024. The public comment period closed on September 24th, 2024. The Agency received three oral comments and one written comment from three interested parties. Written summaries of received oral comments and the complete written comment, and the Agency’s responses are provided below.

Comments concerning the facility’s proximity to the confluence of East Creek and Otter Creek, the potential for future flooding of the property and the associated contamination that could result:

Oral Comment 1 provided by Christopher Rawls, resident of Rutland:

Mr. Rawls had concerns regarding the location of the permitted facility. Mr. Rawls stated that the facility should “not be in Rutland, build one anywhere else but in Rutland”. He commented on the reality of climate change, and the changing weather patterns stating that it “is getting worse and causing more flooding”. Mr. Rawls also had concerns regarding GMPs operations, stating that “there is a lot of imperfection and failures that occur”. Mr. Rawls stated that he did not agree that the GMP permitted facility should be allowed to operate in its current location.

Oral Comment 2 provided by members of the of the Rutland City Planning Commission:

The Planning Commission stated that their concern is the proximity of the permitted facility to waterways, residences, and the Rutland wastewater treatment facility. They are worried about possible fire/explosion hazards impacting the local wastewater treatment facility and are concerned about flood waters and changes to floodplains in recent years. They are also concerned that the facility could be flooded and the potential of flood waters to transport waste drums, as had happened during past flood events around the state.

The Planning Commission stated that they wanted a proactive approach for GMP to find another location for this waste storage facility at one of GMP’s other facilities in the state. The Commission also requested that the State issue only a five-year permit, and for GMP to plan for an alternative site during those five years.

Written Comment Made by Rebecca Mattis on behalf of the Rutland City Planning Commission:

“The Rutland City Planning Commission (RCPC) received notice of the draft permit renewal for a hazardous waste storage facility, located at 296 Greens Hill Lane in Rutland, owned by Green Mountain Power (GMP).

Members of the RCPC have concerns about the facility’s location and the permit’s 10-year term. The facility is in close proximity to a major waterway, a flood zone, a wastewater treatment plant, and residences. A term of ten years is too long for a facility so poorly sited.

We are concerned about possible spills entering the waterways, since the facility is at the confluence of East Creek and Otter Creek. Further, as floods become more frequent and more damaging, we believe it is unwise to locate a hazardous waste facility so near a flood zone. At the very least, GMP should have a flood plan for the facility.

Rutland City is the most densely populated area in our entire region of the state. We understand GMP's need to collect hazardous waste in a central location ahead of final processing, but this location is too sensitive for that purpose.

When members of the RCPC attended the public hearing in Rutland on September 12th, we requested that the permit's term be shortened, in order that GMP can find a more appropriate location for the hazardous waste facility. Even if the state will not shorten the term, we still believe that GMP should move the facility's location to a less sensitive area.

Of greatest concern to us is the facility's location where East Creek enters Otter Creek. Although we know it is not required, we request that a flood plan for the facility be submitted by GMP as part of their permit application.”

Agency Response to comments regarding flood risk and facility location:

The Agency has reviewed all available flood maps for the area where the GMP permitted facility is located. According to the available Federal Emergency Management Agency's (FEMA) flood hazard maps, the facility's location falls outside of both the 100-year and the 500-year flood plains. The permitted building's first floor is positioned approximately 10 feet above the projected 100-year flood levels and 8 feet above the projected 500-year flood levels. The Agency acknowledges that the best available flood maps were developed prior to 2008 and may show outdated information. The Agency is aware that FEMA is currently updating Vermont's flood insurance maps; this project is happening across the state in stages. The Agency is aware that new flood maps for the entire state will be available in the future; however, the Agency does not know when the maps for the City of Rutland will be finalized and released to the public.

The Agency also notes that this facility has had a hazardous waste permit at this location since 1988; the permit was first issued to the Central Vermont Public Service company which operated the facility until 2012, when it merged with Green Mountain Power. Since 2013, GMP has held a hazardous waste permit. The Agency has completed a search of its available records and found no previous public comments regarding the siting of this facility's location.

The Agency also searched for records of past flooding events that either did or may have historically impacted the location of the GMP permitted facility. No records showing that the land where this facility is located has ever been subject to flooding were discovered. Since the issuance of the first hazardous waste facility permit in 1988, the Agency has received no reports of any direct impacts from local, regional or state-wide flood events on the facility's waste storage operations and has no knowledge of any flood-related hazardous material releases to the environment at this location.

Based on the flood prone areas delineation on available flood maps, the elevation of the GMP building, and other historic flood-related data, the Agency does not agree that the facility permit must be limited to five years, or that the existing permitted facility must seek an alternate location for their waste storage operations. However, due to the fact that flood projection maps have not been recently revised, and due to the facility's geographic proximity to the currently designated flood hazard zones, the Agency has

added the following (underlined) operating condition to the GMP permit, Section 4: Duties of the Permit Holder:

Condition 4.5: The Contingency Plan contained in Appendix G shall be reviewed and, if necessary, amended in accordance with Condition 2.5 of this permit, whenever:

(f) Updates to the federal or state flood projection maps are issued and contain revisions to the designated boundaries of a projected 100-year flood that include the permitted location of the facility, or if the facility is directly impacted by a flood event. In such events, GMP shall amend its Contingency Plan to include Procedures for predicted 100-year flood emergencies within 90 days. If federal or state flood projection maps do not change to include GMP facility within the designated flood boundaries, by January 1, 2030, GMP shall amend its Contingency Plan to include emergency procedures for flooding.

This added permit condition will require GMP to develop flood preparedness procedures and incorporate those procedures into the facility's emergency contingency plan either at the time that flood maps are revised to show that the property falls within a 100-year flood plain, a flood event with direct impact to facility occurs, or by January 1, 2030, whichever occurs earliest.

Comment concerning soil contamination at the permitted site:

Oral Comment provided by Joe Barbagallo, Rutland City Board of Aldermen:

Mr. Barbagallo first provided historical information of the site as a retired Central Vermont Public Service (CVPS) employee who used to work in the Control Room and at the facility (when it was owned by CVPS). He stated he was concerned about soil contamination (with PCBs or oil) that might be present, since during his CVPS employment, he saw transformers and other equipment sitting outside on the ground. He added that GMP seemed to be a very responsive company that was reachable 24 days/7 days per week.

Agency Response regarding soil contamination on GMP property:

In October 2019 and January 2020, a site investigation was performed in response to Polychlorinated biphenyl (PCB) concentrations identified in soils east and south of Green Mountain Power's (GMP) Electrical Maintenance Facility at concentrations above Vermont Department of Environmental Conservation's (VT DEC's) non-residential Vermont Soil Standards (VSS) of 0.68 mg/kg. The source of the contaminated soils was thought to be from historic releases of PCB oil to surface soils from leaking oil-filled equipment stored on site and/or from oil transfer activities.

Based on the results of the site investigation, the facility developed a Corrective Action Plan and Self Implementing Plan (CAP/SIP) in September 2020. The CAP/SIP was implemented in December 2020. A total of 641,491 kilograms (706 tons) of soil with PCB contamination ≥ 1 mg/kg were excavated during the implementation of the CAP/SIP. Contaminated soils ≥ 1 mg/kg were disposed of at US Ecology's Wayne Disposal Facility, a Toxic Substances Control Act (TSCA) approved facility located in Belleville, Michigan, in accordance with required transportation and waste manifest requirements. Additionally, a total of 74 tons of < 1 mg/kg PCB soils were excavated and disposed of at Casella's Subtitle D landfill located in Coventry, Vermont.

The following was determined by the VT DEC based on the data presented in the CAP/SIP Completion Report:

- The excavation was performed in accordance with the Vermont Investigation and Remediation of Contaminated Properties Rule and the CAP/SIP.
- Post-excavation sampling confirmed that concentrations of total PCBs were below the non-resident VSS, indicating that the excavation was successful in achieving soil cleanup goals.
- Soil cleanup goals set forth in the CAP/SIP have been achieved and no additional work in response to the reported PCB impacted soil is requested.

At present time, the Agency does not believe that past site contamination warrants a modification of any permit conditions or a denial of the permit renewal. Current permit does not allow for any outdoor storage of hazardous wastes.