

**State of Vermont  
Department of Environmental Conservation  
Waste Management & Prevention Division  
1 National Life Drive – Davis 1  
Montpelier, VT 05620-3704  
(802) 828-1138**

**NOTICE TO TOWN LAND RECORDS – INFORMATION  
Last Update: May 31, 2017**

A notice to the land records is a document which is placed in the town land records for a parcel. For purposes relating to hazardous sites, these notices describe environmental conditions that exist on the property, and provide a mechanism to fully inform future potential purchasers, lenders, or property owners of these conditions. More specifically the notice serves, on a local level, as a means to inform any interested party that a property has environmental contamination that required investigation, monitoring, and/or remediation, and that low-level residual contamination still exists on the property. It also details that additional information is available from the State. A notice to the land record cannot be unilaterally removed from the land record by the property owner, but it does not legally bind the owner or other entities to perform maintenance, site monitoring, or to ensure that restrictions are upheld. It is not a deed restriction or easement held by a third party, and does not restrict land or property use. It does request notification to the VT DEC for certain future site activities.

A notice to the land records may be used in the following scenarios:

- Site contamination remains at a level that may present a low risk if disturbed by groundwater extraction or soil excavation.
- Soils are left in place with contaminant concentrations above Vermont Soil Standards, but that are not a direct contact risk or are isolated by an engineered control and therefore pose an overall low risk to human health and the environment under the current property use.
- Contaminants are present in groundwater but not migrating beyond the property boundary in concentrations in excess of the VGES, and municipal water services are available or it can be demonstrated that the groundwater supply well is not at risk of contamination.
- When any remedial infrastructure must remain in place in order to prevent subsurface contamination from posing a risk to human health or the environment.

If it is determined that a notice to the land record is an appropriate institutional control for a site, there is a simple process to follow. Specifically:

- A responsible party or their consultant should prepare a draft notice utilizing the template provided in this document, and submit the draft document to the SMS project manager for review and approval.
- Once the document has been approved by the SMS project manager, the responsible party should submit the document to the municipality to be filed in the land record.
- A scanned copy of the recorded notice should then be submitted to the SMS project manager. This copy must include the book and page number where the notice is recorded, as well as the filing date.

