

State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
1 National Life Drive – Davis 1
Montpelier, VT 05620-3704
James.Donaldson@vermont.gov

May 12, 2025

Mr. Alex Howe, Executor
Estate of Randy Howe
76 Eastman Hill Road
Orange, NH 03741

RE: Release of hazardous materials
Property: Randy's Automotive, 1049 North Main Street, Hartford (Spills #2025WMD115 and #2025WMD119)

Dear Mr. Howe:

The Vermont Department of Environmental Conservation (DEC) Spill Program has received the *Underground Storage Tank and Piping Closure Report*, dated April 21, 2025, submitted by Stonecipher & Clark Environmental Solutions, LLC (SCES), which was prepared following the removal of a 550-gallon #2 fuel oil underground storage tank (UST). In addition, The Spill Program has received *Waste Oil Release/Remediation* report, dated May 1, 2025, also submitted by SCES. This letter addresses regulatory compliance requirements related to the documented releases of waste oil at the property.

Spill #2025WMD115 – Heating oil released from an underground storage tank

The referenced spill number was assigned on March 26, 2025, upon the Spill Program's receipt of notification of a heating oil release identified during UST closure. Upon removal the UST was observed to be in fair condition with significant rust and pitting, and a release of heating oil was confirmed by visual and olfactory observations and elevated petroleum vapors in field screened soil samples.

Based upon the data presented in the *Underground Storage Tank and Piping Closure Report*, additional release characterization at the property is required. The Spill Program requests that your environmental consultant complete an Additional Site Investigation in accordance with §35-505 of the *Investigation and Remediation of Contaminated Properties Rule*. **Please have your consultant submit a preliminary work plan and cost estimate within thirty days of your receipt of this letter**, so it may be approved prior to the initiation of onsite work.

Based on current information, the investigation work at your property may be eligible for participation in the Petroleum Cleanup Fund (PCF). You must provide written proof that you hold no other applicable insurance in order to receive reimbursement from the PCF. Documentation required must include a complete copy of the applicable property or liability policy that was in place on the date the contamination was discovered, and a pollution coverage statement from the insurance carrier. The statement must include the name and address of the insurer, the name of the policyholder, policy number(s) and dates of coverage. Also necessary, the name and telephone number of the claims analyst or contact person, and if coverage is denied, then a statement referencing specific policy language invoked to deny coverage of the claim.

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The owner or permittee must pay for the initial \$250.00 of the investigation and cleanup. The fund will reimburse the tank owner or permittee for additional eligible cleanup costs of up to \$1 million. All expenditures must be pre-approved by the Agency. Site investigation work must follow Subchapter 5 of the *Investigation and Remediation of Contaminated Properties Rule*. Please refer to the guidance document titled "Procedures for Reimbursement from the Petroleum Cleanup Fund" for additional information concerning the PCF. The two aforementioned documents are available at the following website: <https://dec.vermont.gov/waste-management/contaminated-sites/guidance>

Spill #2025WMD119 – Waste oil released from aboveground storage tanks

The referenced spill number was assigned on March 27, 2025, upon the Spill Program's receipt of notification of a waste oil release identified during real estate due diligence. A series of aboveground storage tanks (ASTs) were manifolded together inside of a storage container. Upon removal of the ASTs and container, waste oil impacts to soil were identified. Remediation included the excavation of approximately 65 tons of petroleum contaminated soil (PCS) which were excavated and staged on-site then transported on April 15, 2025, to the Environmental Soil Management, Inc. facility in Loudon, New Hampshire for proper disposal.


Following the excavation of PCS, SCES collected soil samples that were submitted for laboratory analysis of volatile and semivolatile organic compounds, metals, cyanide, and polychlorinated biphenyls. Laboratory analytical results provided for detections of certain compounds at concentrations below their applicable Non-residential Vermont Soil Standards and therefore no additional actions are required at this time. Spill #2025WMD119 has been assigned a closed designation.

The Spill Program understands that there is a desire to have the waste oil contaminated soil disposal cost be reimbursed by the PCF. To establish PCF reimbursement eligibility for the spill, the same procedure referenced above for the heating oil release must be followed. If eligibility is established, for commercial waste oil ASTs the associated PCF deductible is \$1,000 and the limit of coverage is \$50,000.

Prior to submitting any PCF claim for reimbursement consideration the insurance documentation referenced above must be submitted to the Spill Program for review. In addition to establishing no available private insurance coverage and payment of the PCF deductible, there are additional stipulations presented in the PCF guidance that must be followed to ensure reimbursement eligibility.

Please feel free to call me with any questions you may have. I can be reached at (802) 477-2632.

Sincerely,


James Donaldson, Environmental Analyst
Spill Program

Cc: Jennifer Stonecipher Bergeron, Stonecipher & Clark Environmental Solutions, LLC
Spenser Molloy, NextHome Modern Realty
Via email