

**STATE OF VERMONT**  
**EXECUTIVE DEPARTMENT**  
**EXECUTIVE ORDER NO. 08-19**

[Brownfields Economic Revitalization Alliance Program]

**WHEREAS**, Vermont’s workforce has declined significantly since the great recession with fewer Vermonters working or looking for work while employers struggle to fill good jobs; and

**WHEREAS**, a majority of Vermont’s counties have not returned to pre-recession employment levels; and

**WHEREAS**, we must do more to ensure that all of Vermont’s villages, towns, cities and counties have the tools to strengthen their communities and expand economic opportunity; and

**WHEREAS**, economic and community development is a high priority for Vermont’s municipalities, employers and Vermonters; and

**WHEREAS**, Vermont has a number of abandoned, idled and underused industrial and commercial sites and facilities where redevelopment is difficult because of contamination (referred to as brownfields); and

**WHEREAS**, developers report complicated issues involved in brownfield redevelopment projects in areas where development priorities exist (i.e. designated downtowns) -- including State and federal regulations and permitting requirements overseen by multiple agencies, in addition to liability, lender requirements and other legal concerns -- make them more expensive and complex to pursue and develop; and

**WHEREAS**, the Brownfields Economic Revitalization Alliance or “BERA” has successfully utilized technical support and funding from the U.S. Environmental Protection Agency (EPA) for all of its pilot projects to date; and

**WHEREAS**, the EPA recognizes the importance of BERA and continues to provide technical support and funding for BERA pilot projects; and

**WHEREAS**, the BERA serves an essential function in coordinating and prioritizing the deployment of State and federal resources to assist and guide developers of properties facing environmental and permitting challenges in evaluating, planning, and mitigating hazards; and

**WHEREAS**, for Vermont to expand its economy and attract employers, the Governor has identified the need for a coordinated, predictable and transparent process for brownfield redevelopment projects while also protecting public health, safety and the environment; and

**WHEREAS**, in order to ensure effective and efficient planning related to hazard and environmental mitigation and permitting related to brownfields redevelopment there is a need for

a “one-stop-shop” to assist landowners and developers with accessing State and federal resources, navigating regulations and permitting requirements and planning and coordinating the re-development of these properties on behalf of the people of Vermont.

**NOW THEREFORE**, I, Philip B. Scott, by virtue of the authority vested in me as Governor do hereby formally constitute the Brownfields Economic Revitalization Alliance (“BERA”) Program, to coordinate, utilize and deploy all available federal, State, private sector, and volunteer and non-governmental agency resources, including funding, in the remediation, permitting and redevelopment coordination of BERA Program designated properties as follows:

**I. BERA Program Governance**

The BERA Program Executive Committee shall receive, review and act on recommendations from the BERA Working Group to designate new BERA Program projects and review progress on existing BERA Program projects as needed, but not less frequently than semi-annually.

The BERA Program Executive Committee shall consist of three tiers of members, as follows:

1. Secretary of the Agency of Commerce and Community Development (ACCD), the Agency of Natural Resources (ANR) and the Agency of Transportation (AOT).
2. Not more than 12 non-governmental members appointed by the Governor, to include leaders in community planning, environmental remediation, economic development and finance, housing and commercial real estate.
3. State program members to be identified by the BERA Program Executive Committee, to include program staff from ACCD, AOT, the Department of Environmental Conservation, the Department of Health and the Governor’s Office.

The BERA Program Executive Committee shall be chaired by the designated representative of the Department of Environmental Conservation Brownfields Program.

The BERA Program Executive Committee may, in its discretion, consult with federal government representatives, private sector professionals and volunteer and non-governmental organizations for information and advice on best practices.

The BERA Program Executive Committee shall provide an annual report to the Governor on the status of the Coordinated Project Plans.

**II. BERA Working Groups Charge and Process**

The BERA Program Executive Committee shall, with respect to each designated redevelopment project, establish BERA Working Groups to support the BERA

Program’s mission, drawing membership from any agency or department of State government to participate in and coordinate planning, permitting and remediation activities as part of each brownfield redevelopment project. Any conflicts resulting from these cross-agency designations shall be resolved by the Governor’s Director of Affordability and Economic Growth Initiatives.

A BERA Working Group shall meet at the call of the BERA Program Executive Committee Chair as needed but not less frequently than quarterly, and consist of program staff from ANR, ACCD and AOT. The focus of BERA Working Groups shall be to identify BERA Project Team members and coordinate site characterization and project permitting and prioritize State and federal funding for remediation and redevelopment activities.

The BERA Working Groups shall update the BERA Program Executive Committee on each Coordinated Project Plan not less than semi-annually to ensure each identified State governmental participant fulfills and executes its respective responsibilities outlined in the Plan.

### **III. BERA Project Teams**

A BERA Working Group shall designate a “Project Team” for each BERA Project to consist of stakeholders for that project such as State, federal, regional and local entities that can facilitate the successful completion of the designated redevelopment project.

- **Single Point of Contact:** The BERA Executive Committee Chair shall appoint a State BERA Project Team Lead from each BERA Working Group dedicated to be the point of contact for a BERA Project Team. The BERA Project Team Lead shall address concerns related to the designated redevelopment project as well as challenges associated with the implementation of the Coordinated Project Plan, including coordination with the federal and State agencies responsible for resources, regulation and permitting and work with other relevant cooperating federal, State and local agencies, private sector professionals and interested third parties as needed.
- **Coordinated Project Plan:** Each BERA Project Team Lead shall develop a Coordinated Project Plan (Plan) at the start of each redevelopment project. The Plan shall: 1) list the roles and responsibilities for all entities to provide resources, perform environmental reviews or grant authorizations; 2) discuss a remediation strategy; 3) outline plans and a schedule for outreach, coordination and BERA project completion; 4) set a schedule for coordinated BERA Project Team meetings; 5) identify funding opportunities and gaps; and 6) identify the point at which the BERA project is “complete,” signifying the end of BERA Working Group and BERA Project Team involvement. Assignments within the Plan shall be based on functional capabilities and statutory responsibilities of each member of the BERA Project Team.

To make the Plan viable and fulfill the mission of the BERA Program, all State governmental participants must execute their assignments when called upon.

**IV. Effective Date**

This Executive Order shall take effect upon execution and shall expire October 1, 2025, unless extended by the Governor.



WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 9th day of October, 2019.

A handwritten signature in blue ink, which appears to read "Philip B. Scott". The signature is written in a cursive style and is positioned above a horizontal line.

Philip B. Scott  
Governor

By the Governor:

A handwritten signature in black ink, which appears to read "Brittney L. Wilson". The signature is written in a cursive style and is positioned above a horizontal line.

Brittney L. Wilson  
Secretary of Civil and Military Affairs

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