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Without Flagging Discrepancies, State Approved Vermont Gas Environmental Permit

By [TAYLOR DOBBS \(/PEOPLE/TAYLOR-DOBBS\)](#) • JUL 1, 2016

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(http://mediad.publicbroadcasting.net/p/vpr/files/styles/x_large/public/201607/vgs-geprags-vpr-dobbs-20160529.jpg)

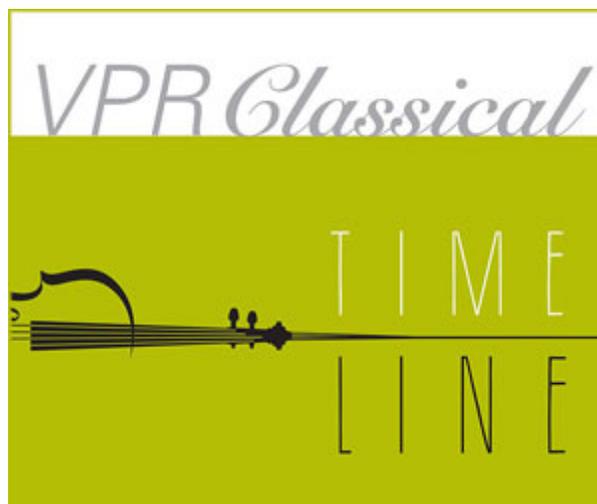
Vermont Gas planned to build through the only stretch of Hinesburg's Geprags Park that consists of state-designated wetlands from end to end.

TAYLOR DOBBS / VPR FILE

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Officials at Vermont Gas Systems are trying to figure out what to do about the route of the company's planned pipeline through a Hinesburg park after a scientist working for opponents found inaccuracies in the company's application for an environmental permit.



Environmental officials for the state of Vermont approved the Vermont Gas permit despite the inaccuracies without ever visiting the affected area, according to state officials.

The wetland in question is in Geprags Park in Hinesburg. In that particular part of the pipeline route, Vermont Gas planned to move the pipeline away from a set of high-voltage power lines -- which the pipeline follows for much of its route -- and through the only part of Geprags Park that is a state-designated wetland for the entire length of the park.

Some area residents (<http://digital.vpr.net/post/hinesburg-residents-prepare-fight-vermont-gas-over-wetland-clearcut>) are fighting Vermont Gas at the Vermont Public Service Board in an effort to protect the wetlands. A scientist hired by the group of citizens says Vermont Gas did not accurately depict the wetland area on its application for an environmental permit to build there.

April Moulaert, an environmental consultant who used to work for the state's Department of Environmental Conservation, said she visited Geprags Park with staff from VHB, the consulting firm that helped Vermont Gas with its application.

She says even VHB admits the permit application was inaccurate.

"During the site walk the Applicant's consultant acknowledged that there were indeed additional wetlands that were not shown on the project plans, and were not accounted for in their permit application," Moulaert wrote in a memo to the citizen group's attorney (<http://mediad.publicbroadcasting.net/p/vpr/files/201607/moulaert-memo-geprags-20160628.pdf>).

A VHB representative said Thursday that the company is not authorized to speak about the work they did for Vermont Gas, and referred inquiries to Vermont Gas.

Moulaert also believes the state conducted an inadequate review. "It seems that the Vermont Wetland Program staff did not review the wetland boundary in the field for accuracy," she wrote.

Indeed, the Vermont Wetland Program -- the state regulator within the Department of Environmental Conservation -- apparently approved the permit without ever double-checking the claims Vermont Gas made on its application.

"In these matters it is typical for the Department to rely on the representation of the applicant and the application documentation developed by the applicant and their consultant and we endeavor to do as much field verification as is possible." - George Desch, Department of Environmental Conservation

"In these matters it is typical for the Department to rely on the representation of the applicant and the application documentation developed by the applicant and their consultant and we endeavor to do as much field verification as is possible," Deputy Environmental Conservation Commissioner George Desch wrote in an email to VPR.

Pete LaFlamme, the director of DEC's watershed management division, said that "[t]he wetlands permit for the project has been issued, but it does not include authorization to impact wetland areas which are not specifically included in the permit. This effectively means that VGS cannot cause impacts to any additional wetland areas in Gesprags park."

LaFlamme said officials told Vermont Gas that a reassessment of the wetland area may require that the company apply for amendments to its permit.

"The DEC will be reviewing the new [wetland] delineation work within the next few weeks," he said in an email.

If officials visit the Geprags Park wetland site to verify the information on the permit application, it will be the first time. Desch, DEC's deputy commissioner, said that parts of the Vermont Gas project were verified in the field, but not the entire pipeline route.

"We did do field verification on the Vermont Gas project, but as is the case for long linear projects such as this where there are approximately 50 designated wetlands, we did not field-verify all of the documentation submitted," Desch wrote.

It's not clear if the Vermont Gas contractor, VHB, visited the wetland site before Vermont Gas submitted its application to environmental officials.

"As far as whether or not folks were in the park to figure out the route, that question is ridiculous," wrote Vermont Gas spokeswoman Beth Parent in an email. "They absolutely were!"

Parent refused multiple requests for an interview for this story. Reached on his cell phone Thursday, Vermont Gas CEO Don Rendall first agreed to an interview at a later time, but then requests to schedule the interview were refused.

Vermont Gas hasn't granted VPR an interview since May.

In an emailed statement, Parent said the company is working to figure out what to do with the new information, which reflects the fact that there are more wetlands than the company said there were in its permit application.

"The company, along side our environmental contractors, designed a route in 2012 and our focus was to have as little environmental impact on Geprags Park as possible," the statement said. "That route was based on the best information we had at the time. We notified Army Corps and ANR about new information as soon as we found out and are now working with both organizations on the best course of action."

Answering questions by email, Parent said that "[o]n several occasions, prior to filing the permit applications, our environmental contractors toured the right of way in the park."

Vermont Gas officials haven't offered an explanation as to why its environmental contractor, VHB, didn't document all of the wetlands along the pipeline route in the permit application. According to Moulaert's account, the same contractor acknowledged the existence of the wetlands during a site visit this summer.

Update 1:25 p.m. This story was updated to reflect information provided by Pete LaFlamme, the director of the state's Watershed Management Division.

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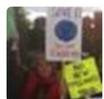
Chris, I believe the technical term for this is "faith-based regulation."

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**Chris in South Burlington** · 4 days ago

This is not just a problem with Vermont Gas but all over Vermont. In South Burlington alone, multiple real estate developers have represented one thing in their applications before the Development Review Board (including compliance with Act 250 wetlands requirements under DEC jurisdiction), only to build the project a different way since there is no follow-up enforcement to ensure compliance with the law. Not saying it is always malevolent but it does happen often enough since the engineer, lawyers, and general contractors are not usually standing there supervising the earth movers and excavators. If a citizen is not aware and able to report it to DEC while the developer's LLC is still active, the residents or homeowner's association is left holding the bag, sometimes to the tune of tens of thousands of dollars worth of special assessments. At least Vermont Gas is an ongoing entity who will have legal liability and cannot simply dissolve their corporation to escape liability and then privately walk off with the profits (as real estate developers routinely do with their LLC's). Something the Vermont Legislature should be looking at.

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**Beth Thompson** · 4 days ago

"In these matters it is typical for the Department to rely on the representation of the applicant and the application documentation developed by the applicant and their consultant and we endeavor to do as much field verification as is possible," Deputy Environmental Conservation Commissioner George Desch wrote in an email to VPR. Relying on Vermont Gas Systems for truth, transparency and/or environmental impact compliance is and has been a HUGE MISTAKE! Really, State of Vermont? Relying on the fox to inform you of the state and contents of the henhouse?! We rely on our state agencies and commissioners to vet these companies BEFORE granting permits. That's what our tax dollars are supposed to be paying for. The applicant is a for-profit fuel seller, originating in Canada. They have been USING Vermont, and manipulating our so-called regulatory agencies processes from the get-go. Vermont Public Service Board-

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