



Robin L. Main, Esq.



Dena D. Fazio, Esq.

Environmental Viewpoint

Hinckley Allen Snyder LLP

Vapor Intrusion: What Does “Interim Final” Mean For Massachusetts?

Protecting indoor air quality has become a priority on both the state and federal levels for 2012, due to the amount of time individuals inevitably spend inside buildings. Vapor intrusion is the ability of volatile organic carbons to penetrate a building’s foundation and interfere with indoor air quality. Hazardous waste sites with releases of industrial solvents such as trichlorethylene, petroleum products such as gasoline, and dry cleaning fluids such as perchloroethylene all have the potential to vaporize the volatile organic compounds. Volatile organic compounds then migrate into ambient air and can detrimentally affect indoor air quality if they penetrate the building.

The Environmental Protection Agency (“EPA”) issued its “Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils” in 2002 providing technical and policy recommendations to address vapor intrusion from the soil and groundwater. Determining the standard for ambient air quality has proved difficult due to the multiple variables on each site (such as: differing soil and building characteristics, and depth to contamination) and there has been much debate on whether to compare a site’s indoor air against background air conditions, typical indoor air concentrations or a risk-based air standard. In May 2011, the EPA decided to take additional comments on its draft guidance and is expected to issue its final vapor guidance in November 2012. Despite the lack of a final vapor intrusion policy on the federal level, over thirty (30) states have decided to implement their own requirements to address this issue. In New England, Connecticut, Maine, Massachusetts and New Hamp-

shire have adopted vapor intrusion guidance.

In particular, the Massachusetts Department of Environmental Protection (“DEP”) issued its “Indoor Air Sampling and Evaluation Guide” (WSC #02-430) in 2002.¹ The DEP enacted more stringent groundwater standards in 2006 and notified the regulated community that it would audit one hundred (100) sites that had achieved closure under the Massachusetts Contingency Plan for vapor intrusion concerns.

The DEP ended last year by publishing its “Interim Final Vapor Intrusion Guidance” (WSC#-11-435) on December 20, 2011.² The goal is to provide the regulated community with greater protection and certainty. In continuing its goals, the DEP plans to revise its regulations within the next six months and then subsequently finalize the guidance policy. The interim final paradox appears to follow the paradigm in like a lion and out like a lamb. While we ended 2011 with a strong intent for a new policy, the guide-

continued on page 33

Environmental Viewpoint continued from page 31

lines carrying a title of “interim final” may prove to be weaker than anticipated. Only the next six months will tell whether we ring in the New Year with stringent regulations that protect indoor air quality and provide certainty for closed sites. There are several ways to stay informed on this hot topic and determine whether the next six months lead to regulations with greater clarity and a final guidance document or another interim stage.³

While the uncertainty remains, you may see developers and owners implement proactive measures to avoid the vapor intrusion pathway. Sites that have the potential for higher volatile organic hydrocarbons (or a history of these contaminants) may install vapor barriers in new buildings, retrofit old buildings with specific sub-slab designs, or keep receptors from the contamination by elevating buildings or using the first level as an open parking garage. ■

¹ See <http://www.mass.gov/dep/cleanup/laws/02-430.pdf>

² See <http://www.mass.gov/dep/cleanup/laws/vifin.pdf>

³ See <http://indoorairproject.wordpress.com/>

**GEOD CONSULTING**
Engineering • Transportation • Surveying

**Professional Land Surveyors & Engineers
Construction Surveying Specialists
Engineering/CADD Services
GPS Consultants**

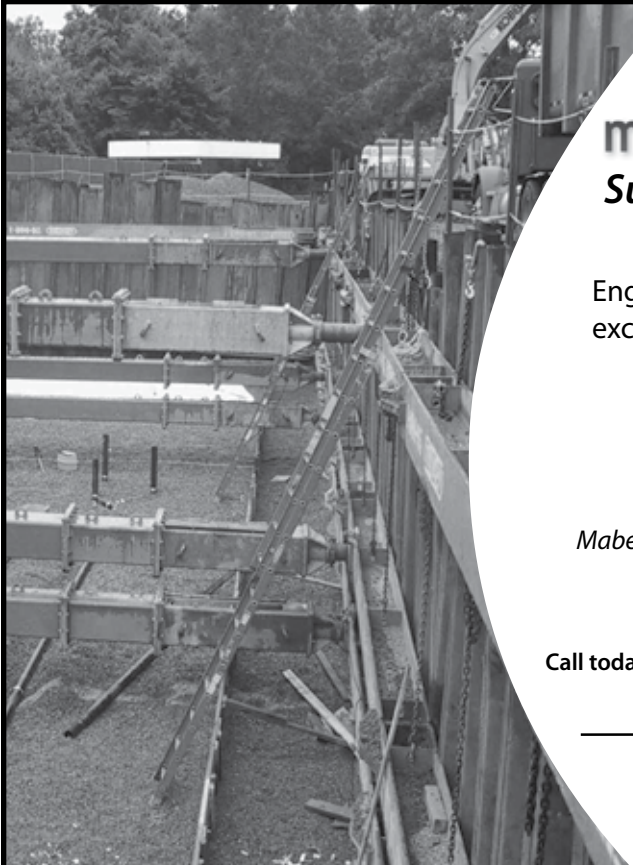
Providing Surveying, Engineering & CADD Services to construction companies in the New England area.

Experienced in construction layout of highways, utilities, schools, bridges and site development.



**24 Ray Avenue • Burlington, MA 01803
Tel: 781.273.3434 • Fax: 781.273.3430
www.geodcorp.com**





mabey bridge & shore, inc.

Supports New England's Contractors

Engineered to accommodate your project, our excavation support systems are **your** solution for:

- Underground utility installations
- Sewer installations
- Lift station construction
- Much more

Mabey also carries a full line of trenchboxes, road plates, pipe plugs and slide rail products.

Call today and learn more about Mabey's complete line of solutions to support your excavation project.

A MABEY Group Company
www.mabey.com 800-95-Mabey info@mabey.com

