



CENTER FOR PUBLIC ENVIRONMENTAL OVERSIGHT

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To: Alana Lee

From: Lenny Siegel

Subject: Supplemental CPEO comments on the MEW Study Area Vapor Intrusion Proposed Plan

Date: November 7, 2009

On November 3, 2009, U.S. EPA published a *Federal Register* notice releasing the External Review Draft of its Toxicological Review of Trichloroethylene for public review and comment. The Review appears robust and exhaustive, and we believe it will lead to more protective standards governing exposure to TCE.

If adopted, the indoor air action level, based upon the exposure associated with a one-in-a-million excess lifetime cancer risk in a residential scenario, would likely fall from 1.0 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to  $.25 \mu\text{g}/\text{m}^3$  or even lower. The occupational scenario indoor air action level would fall by the same percentage.

Though it would take extra work to incorporate these proposed new numbers into the Vapor Intrusion Proposed Plan, it would take even more effort to incorporate them after the Plan's implementation.

We therefore request that EPA begin immediately to study the implications of the proposed new exposure value for the MEW site. In particular, we believe it is important to determine, based upon indoor air or soil gas sampling already conducted, if the boundaries of the Study Area should be expanded. We also suggest that the efficacy of HVAC-based mitigation be re-evaluated based upon the likely new standard. Finally, we urge EPA to re-assess Table 5 as it pertains to passive systems (Alternative 3). As it is likely that the implied attenuation factors used to develop this Table will also have to be re-evaluated (i.e., developed from groundwater concentrations), given the new information, it is important that EPA re-evaluate what it considers higher and lower concentrations.

For those structures where it is already anticipated that sub-structure depressurization systems will be used as mitigation, we believe that those systems, if installed properly, will drive indoor air contamination levels down to background (ambient outdoor air levels). Nevertheless, it will remain imperative that any such mitigation success be confirmed by sampling capable or measuring concentrations at or below the new standard.