

Report on the Albany Vapor Intrusion Activists' Meeting

Lenny Siegel
Center for Public Environmental Oversight
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On November 20, 2007 twenty-five people took part in the Vapor Intrusion Activists' Meeting at the Legislative Office Building in Albany, New York. Participants represented ten New York communities, two out-of-state communities, environmental non-profit organizations, and legislative staff. In addition to reports from participating communities, there were presentations from U.S. EPA's TAGA (Trace Atmospheric Gas Analyzer) program and the National Disease Clusters Alliance. The event was convened by the Center for Public Environmental Oversight and Hopewell Junction Citizens for Clean Water & Clean Air.

Those present seemed genuinely excited to meet and talk with people in similar circumstances, and they marveled at how similar their circumstances are. They share a common outrage. For most of them, some industry has released seriously toxic substances that has intruded into their homes or schools. Furthermore, despite New York's reputation as one of the leading states in investigating and responding to vapor intrusion, most had complaints and/or suggestions for improvement.

A participant from Hillcrest called for broader application of the "blanket" approach, which his community fought for successfully. Under this scenario, homes amidst others requiring mitigation are automatically offered mitigation, primarily subslab depressurization systems.



A resident of Ft. Edward explained how the TCE plume emanating from General Electric's plant had made homes—some with subslab systems, more without them—unmarketable. Despite the loss in value, assessments (for tax assessments) had risen. He said that air samples taken in the spring—not the winter, as recommended in state guidance—were being used to declare homes safe.

An attorney from New York Lawyers for the Public Interest described how in New York City the School Construction Authority is exempt from environmental assessment requirements when it leases, rather than acquires, property for school construction. He also said long-term oversight of buildings with residual soil, groundwater, or vapor contamination is essential for protecting public health.

A representative of the New York Public Interest Research Group reported that the organization had submitted comments on the regulations implementing the state's 2003 Brownfields law. It argued for strong soil standards to protect against vapor intrusion.

Participants from Hopewell Junction discussed the need for laws mandating private well testing, a key tool in identifying potential vapor intrusion sites. They also explained that New York's real estate disclosure law is weak, requiring sellers only to pay a \$500 penalty if they choose not to notify buyers of environmental hazards such as vapor intrusion.

An activist from Providence, Rhode Island suggested that the Gorham Silver site, where a high school was recently constructed, should be on the "Superfund" National Priorities List. He asserted that activists need to acquire a grasp of science to be effective.

A participant from Victor re-raised the question of property values, reporting on his Small Claims Assessment Review. He offered several recommendations, including private well testing during real estate transactions. He said mitigation is just a band-aid, and expressed concern about the cluster of three glioblastoma cases in the small area above the trichloroethylene plume emanating from a local gravel pit.

Participants from Ithaca's South Hill neighborhood described how pump-and-treat is not pulling contamination from the fractured bedrock under their homes. One said the New York Department of Environmental Conservation is taking monthly samples of indoor air and soil gas under his home as part of a scientific study.

A New York City schoolteacher described contamination in his former classroom. He called for the better protection of people within existing schools, including evacuation when necessary.

Two participants from Middleport described pesticide and volatile organic compound (VOC) contamination from the FMC plant there. The company sold the

school district property for \$1 in 1946, on the condition that no claims ever be made. The community is divided, with some, such as real estate agents, reluctant to recognize environmental problems.

I described four VOC plumes in Mountain View, California, where I live. I reported that our community is pushing for faster, more complete remediation of the groundwater that is a current and potential source of vapor intrusion.

Overall, we found that there were several common concerns among the represented communities. The group decided to form a statewide alliance to influence New York and perhaps federal policy. Though conference calls and e-mail exchanges, members plan to develop more specific recommendations and establish common priorities.

Issues to be addressed include:

- Real-time sampling
- Indoor air sampling requirements for schools
- More protective action levels for trichloroethylene and perchloroethylene
- Expanded use of the blanket approach
- Multi-site health studies, with public oversight
- Protecting property values and reducing unrealistically high assessments
- Ensuring long-term management—notification, operation, inspection, enforcement, funding, etc.
- Worker exposure

It was refreshing, at this meeting, to discuss vapor intrusion with people who are directly affected by this as well as other exposure pathways. People talked about “my basement,” “my closet,” and “my classroom.” A growing group of activists is emerging; people are learning about vapor intrusion because they need to. It’s my hope to create more opportunities for them to meet and work together, not just in New York state, but across the country, and to add their voices to those of the regulators, responsible parties, and consultants who often gather at workshops and conferences addressing the investigation, mitigation, and remediation of vapor intrusion.