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U.S. Environmental Protection Agency
EPA Docket Center, Superfund Docket
Mail Code 28221T
1200 Pennsylvania Avenue, NW.
Washington, DC 20460

Comment Letter for the Potential Addition of Vapor Intrusion Component to the Hazard Ranking System [EPA-HQ-SFUND-2010-1086]

Dear Sir or Madame:

Thank you for the opportunity to provide comment on what in my opinion is the most important CERCLA, Comprehensive Environmental Response, Compensation, and Liability Act decision that EPA will make this year. Vapor Intrusion is a serious problem that has been long overlooked and should be included in the Hazard Ranking System (HRS).

I originally started my professional Vapor Intrusion career working on the Bowling Green, KY "Fume Site" in 1985. The project was administrated under CERCLA and is considered the first Vapor Intrusion site. My interests at the time were to develop a model that would predict gross volatile concentrations in basements in the PPM range and identify weather conditions that would produce exceedances in the Lower Explosive Limit (LEL). This model was similar to the later published Johnson & Ettinger model, but placed a greater emphases on barometric pumping since the city Bowling Green is located over a karsts cave system.

The vapor analytical data indicated that fuels and several solvents were entering homes. Seventy potential sources including automotive suppliers and an automobile manufacturing plant were identified. Many of these buildings had floor drains where the termination point could not be identified other than the Lost River Cave System that stretched beneath the town.

After the Bowling Green project, radon dominated the soil borne contaminate headlines and not much was heard about Vapor Intrusion. Knowing the elevated contaminate concentrations that existed in Bowling Green, it has always troubled me that EPA placed very little emphases on chemical exposure that is a result of Vapor Intrusion. Surely the Bowling Green Vapor Intrusion problem was not a onetime anomalous occurrence.

Since that time I have participated in the mitigation of approximately 10,000 homes and buildings for the presence of Volatile Organic Compounds (VOC's) and Radon including EPA's Region II office buildings for chlorinated solvents.

One of the low points of my job is when I sit at a homeowner's kitchen table and talk about what the numbers mean in the letter they received that contains analytical indoor air screening data. In many cases homeowners are in their pajamas, hooked to an oxygen bottle with only weeks or months to live. I explain to them that there is a solution to the problem that involves depressurizing the soil beneath the home and venting the contaminant. At that point nobody wants a technical presentation. I have left those homes knowing that if the contaminant could have been identified and removed sooner that maybe those cancers would not have occurred. But that is something that I have never shared with a spouse who is about ready to lose their loved one. Unfortunately, we get the call to come back and install a mitigation system about six weeks after the funeral.

Chemical exposure as a result of vapor intrusion is unlike other types of chemical exposure because these compounds, most often chlorinated solvents are adsorbed right into the blood stream through unprotected lung tissue. At that point they are transported to the kidneys and liver where most vapor intrusion induced cancers occur.

It is my opinion that most people, and certainly everyone at EPA, understands the seriousness of this problem. I also even believe that those responsible for the contamination understand the seriousness of the problem. Some companies have stepped up to the plate, taken responsibility and proactively sought to enact cleanup and mitigate vapor intrusion, and for this they should be applauded not prosecuted. Other companies either don't have the resources to enact the "clean up" or are afraid of the tortuous legal actions that would certainly ruin their business so they do little or nothing. Unfortunately there is a third type of Responsible Party (RP) that has the resources to move forward but chooses legal devices to delay clean up where the net result is evasion of responsibility.

Our government has spent enormous sums protecting obscure plant and animal habitats, most of it motivated by those who oppose land development but has done comparatively very little to protect citizens from carcinogenic compounds that enter the home and work place through vapor intrusion pathways.

I often thought that EPA knowing about the dangers of chemical Vapor Intrusion in the mid 1980's and not actively moving or including it in the (HRS) was a serious oversight. We will never have an opportunity to correct the exposures that occurred during those notch gap years, but before us now is an opportunity to make a right decision that will result in saving lives and protecting countless people from painful cancer treatments moving forward.

Including Vapor Intrusion in the HRS would avail EPA of all the tools that are used under CERCLA to rapidly identify and correct Vapor Intrusion Problems. Technically accurate information could be presented to owners of impacted properties. Communities would no longer be subject to an RP's delayed clean up response. I have had the experience of working on CERCLA projects where Vapor Intrusion Systems have been designed and the problem fixed

within six weeks. That should be the goal. The choice to expose people to breathing chlorinated solvents should never be left in the hands of a RP's comptroller. EPA has been tasked with protecting public health, and if Vapor Intrusion were included in the HRS, impacted properties could be identified, scored, and cleaned up.

I want to thank those who thought it was important enough to consider the inclusion of Vapor Intrusion into the HRS. I urge the committee to make the right public health protection decision and include Vapor Intrusion in the HRS.

Thank you for the opportunity to provide comment.

Sincerely,

Clean Vapor, LLC

Thomas E. Hatton
Project Director