



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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September 9, 2019

Ernie Bakker  
16721 SE 18th St  
Bellevue, WA 98008

**Re: Early Notice Letter Regarding a Release of Hazardous Substances and Rescission of No Further Action (NFA) Status for the Following Site:**

- **Site Name:** Bakkers Fine Dry Cleaning
- **Site Address:** 11855 NE 8th St, Bellevue, WA 98005
- **Facility/Site ID:** 92645942
- **Cleanup Site ID:** 11074
- **County Assessor's Parcel Number:** 1099100419

Dear Ernie Bakker:

The Department of Ecology (Ecology) received a report, dated 5/1/19, about potential contamination from hazardous substances. We have investigated the release or threatened release of hazardous substances to identify impacts to human health and the environment, as required under Chapter 70.105D Revised Code of Washington (RCW). Ecology maintains a database of known or suspected contaminated sites that will need remedial actions to meet requirements under the Model Toxics Control Act (MTCA Chapters 70.105D RCW and 173-340 WAC). This state law has the requirements necessary for the cleanup of contaminated sites that can threaten human health and the environment.

During the investigation, Ecology determined that contamination exists. As a result, we determined that Ecology's May 2, 2012 NFA determination be rescinded. Ecology has updated the status of this property in our database as a state cleanup Site that will need to be cleaned up pursuant to MTCA.

Ecology assigned Cleanup Site Identification (CSID) Number 11074. You can find site information and electronic records for this site at <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx?csid=11074>.

This letter or inclusion in our database of state cleanup sites does not mean that Ecology has made a determination about potential liability for cleanup under MTCA. Ecology's policy is to work cooperatively with individuals to accomplish prompt and effective cleanups.



**Next steps: Request for evaluation of trichloroethylene risks**

Our records indicate that this Site is contaminated with trichloroethylene (TCE), or with tetrachloroethylene (PCE) that can break down into TCE. TCE is a toxic organic chemical that can volatilize from contaminated soil or groundwater and potentially enter nearby buildings as a vapor. The presence of TCE in indoor air can result in health impacts to building occupants, the most urgent of which are to pregnant women. U.S. EPA has concluded that brief exposures to TCE in air may affect women in the first trimester of pregnancy by increasing the risk of heart malformations to a developing fetus.<sup>1</sup>

Ecology's draft Implementation Memo No. 22 titled "*Vapor Intrusion (VI) Investigations and Short-term Trichloroethene (TCE) Toxicity*" (attached) provides important information including indoor air action levels<sup>2</sup> (Section 4 – Table 1) and recommendations (Section 5) for determining whether environmental contamination is causing elevated levels of TCE in indoor air. An electronic version of the Memo and additional guidance on conducting VI investigations is available at <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Vapor-intrusion-overview>.

Based on concentrations of TCE in **groundwater** at this Site previously reported to Ecology, there is a possibility that concentrations of TCE in indoor air may exceed action levels. To protect human health, Ecology requests that:

1. Within 30 days from the date of this letter, you provide Ecology with any existing information regarding contamination at the site that you have not already submitted.
  - **The most recent data in Ecology's files is from a 2013 report documenting sampling done prior to the the 120<sup>th</sup> Ave Widening Project roadwork. Please submit any newer data you have that better represents current site conditions.**
2. Within 60 days from the date of this letter, you perform a vapor intrusion investigation using guidance in the above references and links and details in the bullets below and submit the results of the work you performed to us. The investigation should determine whether environmental contamination at the Site has resulted in TCE concentrations from vapor intrusion above the short-term indoor air action levels.
  - **The investigation should include the on-property building and any other buildings that are located within 100 lateral feet of contamination above the concentrations identified in Implementation Memo 22.**

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<sup>1</sup> See U.S. EPA, August 2014, Office of Solid Waste and Emergency Response Memorandum: Compilation of Information Relating to Early/Interim Actions at Superfund Sites and the TCE IRIS Assessment.

<sup>2</sup> The short-term indoor air action levels are higher than Ecology's long-term indoor air cleanup levels.

Ernie Bakker  
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Additional questions about the TCE evaluation and information ready for submittal should be directed to Kim Wooten at (425) 649-7040, [kim.wooten@ecy.wa.gov](mailto:kim.wooten@ecy.wa.gov), or 3190 160<sup>th</sup> Ave SE, Bellevue, WA 98008.

### **Ecology's Voluntary Cleanup Program**

To receive technical assistance or a written opinion on an independent remedial action, apply to Ecology's Voluntary Cleanup Program (VCP).

For more information on the VCP, including guidance documents to help conduct an independent cleanup, please contact Sonia Fernandez at (425) 649-7233 or [sonia.fernandez@ecy.wa.gov](mailto:sonia.fernandez@ecy.wa.gov). You may also visit the website at <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>.

Your cooperation with Ecology in planning or conducting independent remedial actions is not an admission of guilt or liability. Please note, all independent remedial actions must follow the requirements of state laws. Completing an independent remedial action without meeting the requirements of MTCA may lead to additional cleanup work or formal oversight by Ecology.

If an independent remedial action does not occur on this property, Ecology will likely require a more detailed investigation at a future time. Investigation typically consists of additional testing for contamination, including soil and groundwater sampling.

For questions regarding this letter or copies of the Model Toxics Control Act regulations and statute, please contact Donna Musa at (425) 649-7136 or [donna.musa@ecy.wa.gov](mailto:donna.musa@ecy.wa.gov).

Sincerely,



Louise Bardy  
Voluntary Cleanup Unit Supervisor  
Toxics Cleanup Program, NWRO

Enclosures (3):   A – Site Data Summary  
                          B – Focus: Model Toxics Control Act Cleanup Regulation: Process for  
                          Cleanup of Hazardous Waste Sites (#94-129)  
                          C – Draft for Public Comment – Implementation Memo No. 22

By certified mail: 9171 9690 0935 0136 9546 49

cc:     Kim Wooten, Ecology

# Cleanup Site Details

Cleanup Site ID: 11074

Cleanup Site ID: 11074      Facility/Site ID: 92645942      UST ID: 100125      [Site Page](#)      [Site Documents](#)      [View Map](#)

Cleanup Site Name: Bakkers Fine Dry Cleaning      [Glossary](#)

Alternate Names: BAKKERS COIT INC BELLEVUE, Bakkers Fine Dry Cleaning, BAKKERS FINE DRY CLEANING INC

## LOCATION

Address: 11855 NE 8TH ST      City: BELLEVUE      Zip Code: 98005      County: King

Latitude: 47.61765      Longitude: -122.17957      WRIA: 8      Legislative District: 48      Congressional District: 9      TRS:

## DETAIL

<b>Status:</b> Cleanup Started	<b>NFA Received?</b> No	<b>Is PSI site?</b> No
<b>Statute:</b> MTCA	<b>NFA Date:</b> N/A	<b>Current VCP?</b> No <b>Past VCP?</b> No
<b>Site Rank:</b> N/A	<b>NFA Reason:</b> N/A	<b>Brownfield?</b> No
<b>Site Manager:</b> Musa, Donna	<b>Responsible Unit:</b> Northwest	<b>Active Institutional Control?</b> No

## CLEANUP UNITS

Cleanup Unit Name	Unit Type	Unit Status	Resp Unit	Unit Manager	Current Process
BAKKER'S FINE DRYCLEANING	Upland	Cleanup Started	NW	Northwest Region	Independent Action

## ACTIVE INSTITUTIONAL CONTROLS

Instrument Type	Restriction Media	Restrictions/Requirements	Date	Recording Number	Recording County	Tax Parcel
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There are no current Institutional Controls in effect for this site.

## AFFECTED MEDIA & CONTAMINANTS

### MEDIA

Contaminant	Soil	Groundwater	Surface Water	Sediment	Air	Bedrock
Halogenated Solvents	C	C				
Non-Halogenated Solvents	C	C				

### Key:

B - Below Cleanup Level      C - Confirmed Above Cleanup Level      RA - Remediated-Above  
S - Suspected      R - Remediated      RB - Remediated-Below

## SITE ACTIVITIES

Activity	Status	Start Date	End Date/Completion Date
Reopen Site	Completed		
LUST - Notification	Completed		8/9/1989
Site Discovery/Release Report Received	Completed		8/9/1989
LUST - Report Received	Completed		8/17/1989
Initial Investigation / Federal Preliminary Assessment	Completed		8/8/2011
Site Status Changed to NFA	Completed		10/3/2011
Initial Investigation / Federal Preliminary Assessment	Completed		7/18/2019



# Focus

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## **Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites**

In March of 1989, an innovative, citizen-mandated toxic waste cleanup law went into effect in Washington, changing the way hazardous waste sites in this state are cleaned up. Passed by voters as Initiative 97, this law is known as the Model Toxics Control Act, chapter 70.105D RCW. This fact sheet provides a brief overview of the process for the cleanup of contaminated sites under the rules Ecology adopted to implement that Act (chapter 173-340 WAC).

### **How the Law Works**

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The cleanup of hazardous waste sites is complex and expensive. In an effort to avoid the confusion and delays associated with the federal Superfund program, the Model Toxics Control Act is designed to be as streamlined as possible. It sets strict cleanup standards to ensure that the quality of cleanup and protection of human health and the environment are not compromised. At the same time, the rules that guide cleanup under the Act have built-in flexibility to allow cleanups to be addressed on a site-specific basis.

The Model Toxics Control Act funds hazardous waste cleanup through a tax on the wholesale value of hazardous substances. The tax is imposed on the first in-state possessor of hazardous substances at the rate of 0.7 percent, or \$7 per \$1,000. Since its passage in 1988, the Act has guided the cleanup of thousands of hazardous waste sites that dot the Washington landscape. The Washington State Department of Ecology's Toxic Cleanup Program ensures that these sites are investigated and cleaned up.

### **What Constitutes a Hazardous Waste Site?**

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Any owner or operator who has information that a hazardous substance has been released to the environment at the owner or operator's facility and may be a threat to human health or the environment must report this information to the Department of Ecology (Ecology). If an "initial investigation" by Ecology confirms further action (such as testing or cleanup) may be necessary, the facility is entered onto either Ecology's "Integrated Site Information System" database or "Leaking Underground Storage Tank" database. These are computerized databases used to track progress on all confirmed or suspected contaminated sites in Washington State. All confirmed sites that have not been already voluntarily cleaned up are ranked and placed on the state "Hazardous Sites List." Owners, operators, and other persons known to be potentially liable for the cleanup of the site will receive an "Early Notice Letter" from Ecology notifying them that their site is suspected of needing cleanup, and that it is Ecology's policy to work cooperatively with them to accomplish prompt and effective cleanup.

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## Who is Responsible for Cleanup?

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Any past or present relationship with a contaminated site may result in liability. Under the Model Toxics Control Act a potentially liable person can be:

- A current or past facility owner or operator.
- Anyone who arranged for disposal or treatment of hazardous substances at the site.
- Anyone who transported hazardous substances for disposal or treatment at a contaminated site, unless the facility could legally receive the hazardous materials at the time of transport.
- Anyone who sells a hazardous substance with written instructions for its use, and abiding by the instructions results in contamination.

In situations where there is more than one potentially liable person, each person is jointly and severally liable for cleanup at the site. That means each person can be held liable for the entire cost of cleanup. In cases where there is more than one potentially liable person at a site, Ecology encourages these persons to get together to negotiate how the cost of cleanup will be shared among all potentially liable persons.

Ecology must notify anyone it knows may be a “potentially liable person” and allow an opportunity for comment before making any further determination on that person’s liability. The comment period may be waived at the potentially liable person’s request or if Ecology has to conduct emergency cleanup at the site.

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## Achieving Cleanups through Cooperation

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Although Ecology has the legal authority to order a liable party to clean up, the department prefers to achieve cleanups cooperatively. Ecology believes that a non-adversarial relationship with potentially liable persons improves the prospect for prompt and efficient cleanup. The rules implementing the Model Toxics Control Act, which were developed by Ecology in consultation with the Science Advisory Board (created by the Act), and representatives from citizen, environmental and business groups, and government agencies, are designed to:

- Encourage independent cleanups initiated by potentially liable persons, thus providing for quicker cleanups with less legal complexity.
- Encourage an open process for the public, local government and liable parties to discuss cleanup options and community concerns.
- Facilitate cooperative cleanup agreements rather than Ecology-initiated orders. *Ecology can, and does, however use enforcement tools in emergencies or with recalcitrant potentially liable persons.*

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## What is the Potentially Liable Person’s Role in Cleanup?

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The Model Toxics Control Act requires potentially liable persons to assume responsibility for cleaning up contaminated sites. For this reason, Ecology does not usually conduct the actual cleanup when a potentially liable person can be identified. Rather, Ecology oversees the cleanup of sites to ensure that investigations, public involvement and actual cleanup and monitoring are done appropriately. Ecology’s costs of this oversight are required to be paid by the liable party.

When contamination is confirmed at the site, the owner or operator may decide to proceed with cleanup without Ecology assistance or approval. Such “independent cleanups” are

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allowed under the Model Toxics Control Act under most circumstances, but must be reported to Ecology, and are done at the owner's or operator's own risk. Ecology may require additional cleanup work at these sites to bring them into compliance with the state cleanup standards. Most cleanups in Washington are done independently.

Other than local governments, potentially liable persons conducting independent cleanups do not have access to financial assistance from Ecology. Those who plan to seek contributions from other persons to help pay for cleanup costs need to be sure their cleanup is "the substantial equivalent of a department-conducted or department-supervised remedial action." Ecology has provided guidance on how to meet this requirement in WAC 173-340-545. Persons interested in pursuing a private contribution action on an independent cleanup should carefully review this guidance prior to conducting site work.

## **Working with Ecology to Achieve Cleanup**

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Ecology and potentially liable persons often work cooperatively to reach cleanup solutions. Options for working with Ecology include formal agreements such as consent decrees and agreed orders, and seeking technical assistance through the Voluntary Cleanup Program. These mechanisms allow Ecology to take an active role in cleanup, providing help to potentially liable persons and minimizing costs by ensuring the job meets state standards the first time. This also minimizes the possibility that additional cleanup will be required in the future – providing significant assurances to investors and lenders.

Here is a summary of the most common mechanisms used by Ecology:

- **Voluntary Cleanup Program:** Many property owners choose to cleanup their sites independent of Ecology oversight. This allows many smaller or less complex sites to be cleaned up quickly without having to go through a formal process. A disadvantage to property owners is that Ecology does not approve the cleanup. This can present a problem to property owners who need state approval of the cleanup to satisfy a buyer or lender.  
  
One option to the property owner wanting to conduct an independent cleanup yet still receive some feedback from Ecology is to request a technical consultation through Ecology's Voluntary Cleanup Program. Under this voluntary program, the property owner submits a cleanup report with a fee to cover Ecology's review costs. Based on the review, Ecology either issues a letter stating that the site needs "No Further Action" or identifies what additional work is needed. Since Ecology is not directly involved in the site cleanup work, the level of certainty in Ecology's response is less than in a consent decree or agreed order. However, many persons have found a "No Further Action" letter to be sufficient for their needs, making the Voluntary Cleanup Program a popular option.
- **Consent Decrees:** A consent decree is a formal legal agreement filed in court. The work requirements in the decree and the terms under which it must be done are negotiated and agreed to by the potentially liable person, Ecology and the state Attorney General's office. Before consent decrees can become final, they must undergo a public review and comment period that typically includes a public hearing. Consent decrees protect the potentially liable person from being sued for "contribution" by other persons that incur cleanup expenses at the site while facilitating any contribution claims against the other persons when they are responsible for part of the cleanup costs. Sites cleaned up under a consent decree are also exempt from having to obtain certain state and local permits that could delay the cleanup.

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- **De Minimus Consent Decree:** Landowners whose contribution to site contamination is “insignificant in amount and toxicity” may be eligible for a de minimus consent decree. In these decrees, landowner typically settle their liability by paying for some of the cleanup instead of actually conducting the cleanup work. Ecology usually accepts a de minimus settlement proposal only if the landowner is affiliated with a larger site cleanup that Ecology is currently working on.
  - **Prospective Purchaser Consent Decree:** A consent decree may also be available for a “prospective purchaser” of contaminated property. In this situation, a person who is not already liable for cleanup and wishes to purchase a cleanup site for redevelopment or reuse may apply to negotiate a prospective purchaser consent decree. The applicant must show, among other things, that they will contribute substantial new resources towards the cleanup. Cleanups that also have a substantial public benefit will receive a higher priority for prospective purchaser agreements. If the application is accepted, the requirements for cleanup are negotiated and specified in a consent decree so that the purchaser can better estimate the cost of cleanup before buying the land.
  - **Agreed Orders:** Unlike a consent decree, an agreed order is not filed in court and is not a settlement. Rather, it is a legally binding administrative order issued by Ecology and agreed to by the potentially liable person. Agreed orders are available for remedial investigations, feasibility studies, and final cleanups. An agreed order describes the site activities that must occur for Ecology to agree not to take enforcement action for that phase of work. As with consent decrees, agreed orders are subject to public review and offer the advantage of facilitating contribution claims against other persons and exempting cleanup work from obtaining certain state and local permits.

## **Ecology-Initiated Cleanup Orders**

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Administrative orders requiring cleanup activities without an agreement with a potentially liable person are known as **enforcement orders**. These orders are usually issued to a potentially liable person when Ecology believes a cleanup solution cannot be achieved expeditiously through negotiation or if an emergency exists. If the responsible party fails to comply with an enforcement order, Ecology can clean up the site and later recover costs from the responsible person(s) at up to three times the amount spent. The state Attorney General’s Office may also seek a fine of up to \$25,000 a day for violating an order. Enforcement orders are subject to public notification.

## **Financial Assistance**

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Each year, Ecology provides millions of dollars in grants to local governments to help pay for the cost of site cleanup. In general, such grants are available only for sites where the cleanup work is being done under an order or decree. Ecology can also provide grants to local governments to help defray the cost of replacing a public water supply well contaminated by a hazardous waste site. Grants are also available for local citizen groups and neighborhoods affected by contaminated sites to facilitate public review of the cleanup. See Chapter 173-322 WAC for additional information on grants to local governments and Chapter 173-321 WAC for additional information on public participation grants.

## **Public Involvement**

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Public notices are required on all agreed orders, consent decrees, and enforcement orders. Public notification is also required for all Ecology-conducted remedial actions.

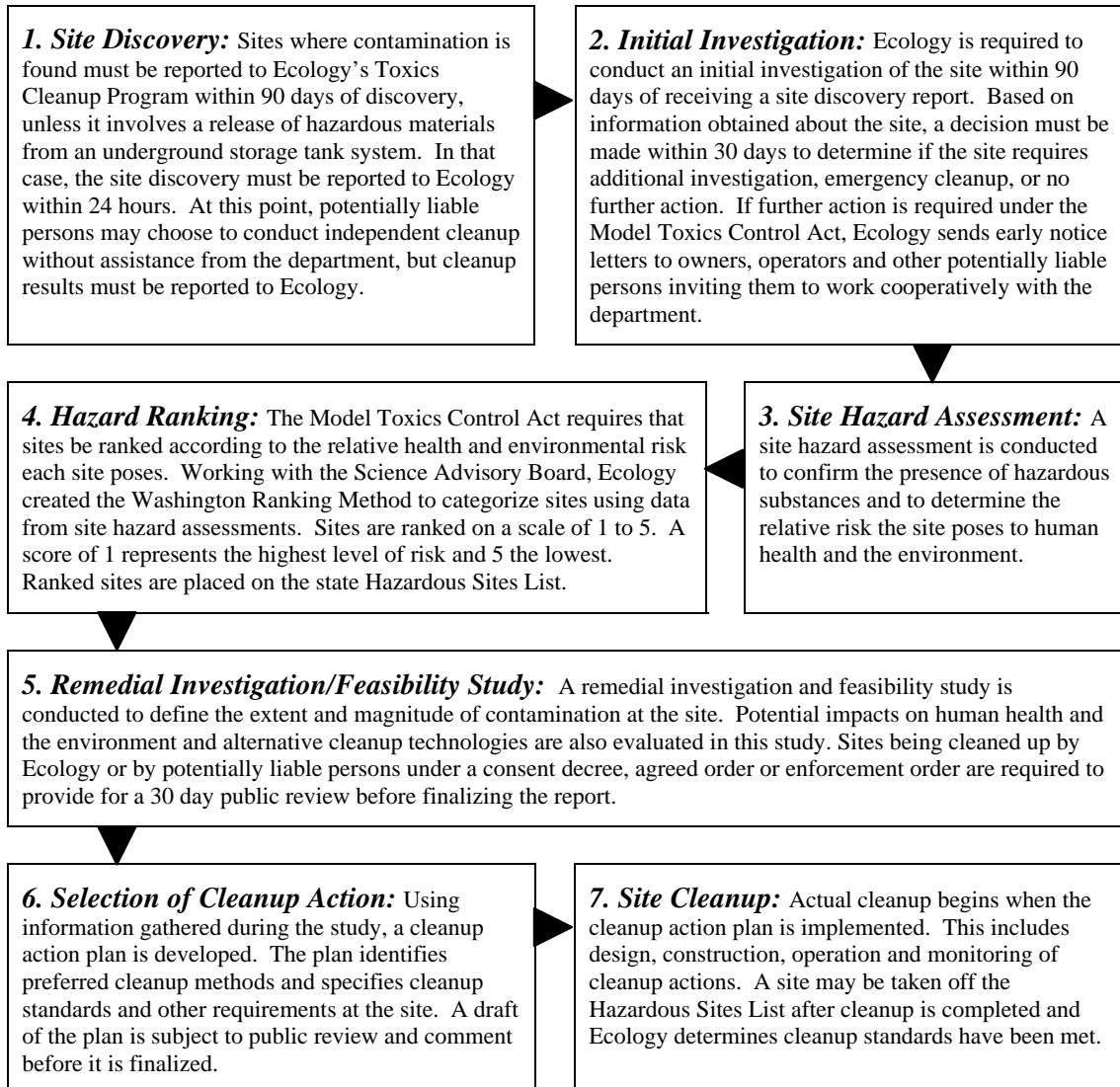
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Ecology's Site Register is a widely used means of providing information about cleanup efforts to the public and is one way of assisting community involvement. The Site Register is published every two weeks to inform citizens of public meetings and comment periods, discussions or negotiations of legal agreements, and other cleanup activities. The Site Register can be accessed on the Internet at: [www.ecy.wa.gov/programs/tcp/pub\\_inv/pub\\_inv2.html](http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html).

## How Sites are Cleaned Up

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The rules describing the cleanup process at a hazardous waste site are in chapter 173-340 WAC. The following is a general description of the steps taken during the cleanup of an average hazardous waste site. Consult the rules for the specific requirements for each step in the cleanup process.





# **DRAFT** Vapor Intrusion (VI) Investigations and Short-term Trichloroethene (TCE) Toxicity

## Implementation Memorandum No. 22

*Date:* November 21, 2018

*To:* Interested Persons

*From:* Jeff Johnston, Section Manager  
Information & Policy Section  
Toxics Cleanup Program

*Contact:* Policy & Technical Support Unit, Headquarters

*Attachments:* None

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**Accommodation Requests:** To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 800-826-7716. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

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## Acronyms and Abbreviations

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Acronym or Abbreviation	Definitions
APU	air purification units
ATSDR	Agency for Toxic Substances and Disease Registry
CLARC	Ecology's Cleanup Levels and Risk Calculation data tables
COPC	contaminant of potential concern
CPF	carcinogenic potency factor
CSM	(vapor intrusion) Conceptual Site Model
DoD	United States Department of Defense
DTSC	California Department of Toxic Substances Control
Ecology	Washington State Department of Ecology
EPA	United States Environmental Protection Agency
HI	non-carcinogenic Hazard Index
HQ	non-carcinogenic Hazard Quotient
HVAC	heating, ventilation, and air conditioning
IRIS	EPA's Integrated Risk Information System
µg/l	micrograms per liter
µg/m <sup>3</sup>	micrograms per cubic meter
MTCA	Model Toxics Control Act
NAPL	non-aqueous phase liquids
QA	quality assurance
RCW	Revised Code of Washington
RfD	reference dose
RI	Remedial Investigation
SAP	Sampling and Analysis Plan
SL	screening level
TCE	trichloroethene or trichloroethylene
TCP	Toxics Cleanup Program
Tier I	term used in Ecology's 2009 draft VI guidance to describe VI assessments employing subsurface (groundwater and soil gas) VOC measurements
Tier II	term used in Ecology's 2009 draft VI guidance to describe VI assessments employing indoor air VOC measurements
µg/l	micrograms per liter
µg/m <sup>3</sup>	micrograms per cubic meter
VI	vapor intrusion
VOC	volatile organic compound
WAC	Washington Administrative Code

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## 1.0 Purpose and Applicability

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The purpose of this memorandum is to supplement the 2009 Draft Vapor Intrusion Guidance<sup>1</sup> produced by the Washington State Department of Ecology (Ecology) and provide recommendations pertaining to cleanup sites contaminated with trichloroethene (TCE).

Specifically, this memorandum:

1. Provides indoor air Action Levels that are protective of short-term exposures to TCE.
2. Provides the default (non-site-specific) subsurface vapor intrusion (VI) screening levels that are protective of the short-term indoor air TCE action levels.
3. Identifies options for effectively and rapidly responding to those situations where TCE concentrations caused by VI in indoor air are above action levels.
4. Establishes the commitment by Ecology's Toxics Cleanup Program (TCP) to keep indoor air TCE concentrations (caused by VI) below short-term action levels at Model Toxics Cleanup Act (MTCA) cleanup sites in Washington state.
5. Provides guidance and recommendations for those scenarios where a) VI-caused TCE indoor air concentrations exceed, or may exceed, the short-term action levels, and b) the building being investigated is regularly occupied by female residents or workers of child-bearing age.

Unless otherwise specified, this document applies to any cleanup site where TCE is a subsurface contaminant of concern and a VI pathway is being evaluated. This includes sites under direct Ecology oversight; sites in the independent cleanup process; and sites where Ecology is responsible for the investigation and cleanup.

NOTE: In some buildings, indoor workers are routinely exposed to elevated indoor air concentrations of volatile organic compounds (VOC) as part of a manufacturing or other business-related process. When the same VOCs are also present in subsurface contamination, these scenarios commonly pose difficulties to investigators who are attempting to quantify VI-only contributions to indoor air contamination. Another challenge: as long as manufacturing or other business-related processes result in indoor VOC levels much higher than those potentially

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<sup>1</sup> *Draft Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action* (Ecology 2009): <https://fortress.wa.gov/ecy/publications/SummaryPages/0909047.html>

caused by VI, the affected receptors will only minimally benefit from actions taken to curtail just the VI contributions.

Implementation Memorandum No. 22 does not provide guidance or recommendations for scenarios where business-related processes persistently contaminate the building's indoor air with TCE, and the resulting TCE concentrations significantly exceed any VI contributions. If this scenario is (or appears to be) present at the site, Ecology should be consulted before proceeding further with the VI evaluation.<sup>2</sup>

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<sup>2</sup> See also Ecology's Implementation Memorandum No. 21: *Frequently Asked Questions (FAQs) Regarding Vapor Intrusion (VI) and Ecology's 2009 Draft VI Guidance* (Ecology 2018b), available at: <https://fortress.wa.gov/ecy/publications/SummaryPages/1809046.html>

## 2.0 How this Memo is Organized

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When TCE is present in soils, groundwater, or soil gas, VI assessments should determine if indoor air concentrations exceed cleanup levels based on chronic exposure. Assessments should also, however, be designed to determine if indoor air concentrations are higher than action levels protective of toxic, non-cancer effects caused by short-term exposures to the chemical.

In addition to the issues addressed in Section 1.0, this memorandum provides guidance and recommendations for those scenarios where a) VI-caused TCE indoor air concentrations exceed, or may exceed, the short-term action levels, and b) the building being investigated is regularly occupied by female residents or workers of child-bearing age.

**Section 3.0** provides background on the 2009 draft vapor intrusion guidance, and the major updates to the document since.

**Section 4.0** identifies Ecology's short-term indoor air action levels. It also includes short-term TCE soil gas and groundwater screening levels, which are calculated to be protective of the indoor air action levels.

**Section 5.0** discusses VI investigations at TCE sites, and outlines Ecology's expectations regarding assessments of possible short-term, indoor air TCE, action level exceedances.

**Section 6.0** outlines Ecology's expectations regarding appropriate responses and response timeframes, when VI-caused indoor air TCE concentrations exceed action levels.

**Section 7.0** describes notifications and other outreach-related tasks that should be performed at TCE sites where VI may be resulting in indoor air concentrations that exceed action levels.

### 3.0 Background

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In 2009, Ecology prepared the draft VI guidance titled [Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action](#). A public comment period in the fall of 2009 provided an opportunity for the public to review and give us feedback on the draft document. Although a number of public comments were received, Ecology did not formally respond to the comments or revise and finalize the draft guidance. Nevertheless, the draft VI guidance has been relied on by Ecology staff, environmental consultants, and others who are responsible for assessing VI and ensuring that indoor receptors are protected from VI-related air contamination.

Since 2009, parts of the draft guidance have been updated or otherwise changed. Specifically, it now reflects three major updates:

1. **Updated and revised VI cleanup and screening levels.** Tables in Appendix B of the 2009 draft guidance contained VI indoor air cleanup levels and soil gas and groundwater screening levels. In 2009, the indoor air cleanup levels in Appendix B corresponded to standard, WAC 173-340-750 Method B and C air cleanup levels, calculated with reference doses (RfDs) and/or cancer potency factors (CPFs) obtained at that time from IRIS and other Environmental Protection Agency (EPA) toxicity databases. Soil gas and groundwater screening levels were calculated to be protective of these indoor air cleanup levels.

As of 2016, the Appendix B tables in the 2009 draft guidance are outdated and should not be relied upon. The VI indoor air cleanup and groundwater and soil gas screening levels in Ecology's Cleanup Levels and Risk Calculation (CLARC) data tables<sup>3</sup> replace the 2009 tables and should be used instead. The CLARC table values are based on the most current Method B and C air cleanup levels and, for sub-slab soil gas screening levels, an attenuation factor different (that is, lower) than the value used to generate the Appendix B tables.

2. **Updated and revised Ecology guidance related to petroleum VI (PVI) screening.** TCP Implementation Memorandum No. 14 (Ecology 2016) embodies new EPA recommendations for assessing sites where the only volatile subsurface contaminants of concern are those petroleum hydrocarbons that are associated with a fuel release. Implementation Memo No. 18 (Ecology 2018) also primarily applies to releases of petroleum-containing fuels. It establishes generic TPH air cleanup levels and corresponding soil gas screening levels. It provides additional guidance for developing

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<sup>3</sup> Available at: <https://fortress.wa.gov/ecy/clarc/CLARCHome.aspx> (Ecology 2018a)

PVI sampling plans for Tier I and Tier II, and discusses potential PVI threats to buildings that will be constructed in the future. These memoranda were specifically developed for sites where PVI is a potential concern.

3. **Developed frequently asked questions (FAQs) on whether specific portions of the 2009 draft VI guidance are still applicable.** TCP Implementation Memo No. 21 (Ecology 2018) answers a number of questions regarding technical and policy changes that have occurred since the draft guidance was issued.

Since Ecology's 2009 draft VI guidance was prepared, EPA has concluded that brief exposures to TCE may cause serious health problems.<sup>4</sup> According to the EPA, short-term inhalation exposures (i.e., 21 days or less) to TCE in indoor air have the potential to cause serious heart defects in a developing fetus. The damage can occur early in a pregnancy, possibly before the pregnancy is recognized. The damage can be caused by relatively low TCE concentrations that are similar to concentrations associated with other critical cancer and non-cancer effects that result from long-term (many years) exposure.

While much of the draft 2009 guidance document is applicable to sites where TCE vapor intrusion is a possibility, there are several issues that are not considered in the draft guidance but should be evaluated, due to the potential for harm from short-term exposure. These issues are:

1. **Response speed.** Actions to protect a fetus from unacceptable TCE exposures should occur as rapidly as possible after discovering the contamination—that is, within days or weeks, depending on the likelihood and degree of potential exposure.
2. **Focus on women of childbearing age.** The developing fetus is sensitive to the effects of short-term TCE exposure, and preventing harm to the fetus relies on reducing the mother's exposure.
3. **Public outreach.** Promptly contacting people who live and work near TCE contamination is crucial for three reasons: 1) to identify women of childbearing age; 2) to explain the potential health hazards to building occupants and, 3) if warranted by site-specific conditions, to obtain permission to access buildings for property-specific investigation and exposure-reduction activities. Whenever possible, outreach activities should be conducted in collaboration with public health departments.

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<sup>4</sup> Memorandum: *Compilation of Information Relating to Early/Interim Actions at Superfund Sites and the TCE IRIS Assessment* (USEPA 2014).

This degree of urgency, and the need for more intensive outreach to specific individuals, is not typically required at most MTCA sites. These issues are further discussed in Section XX, following the discussion of Ecology's recommended short-term TCE action and screening levels.

## 4.0 VI Screening and Action Levels for TCE

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### 4.1 Indoor air action levels for TCE

Indoor air cleanup levels—which are used during Tier I and Tier II vapor intrusion assessments to determine whether further sampling, interim actions, or cleanup actions are indicated—are provided in the CLARC data tables.<sup>5</sup> These concentrations are the same concentrations as the standard cancer and non-cancer Method B and C air cleanup levels in CLARC’s *Air* data tables.

Air cleanup levels for TCE are lower than indoor air action levels for short-term indoor exposures. Cleanup levels apply to long-term (at least one year) average air concentrations for the entire population comprised of all genders and ages. Short-term indoor air action levels, on the other hand, only apply to three-week average concentrations for women of childbearing age. The average indoor air TCE concentration due to VI over any three-week interval should not exceed the applicable action level.

VI indoor air cleanup levels for long-term TCE exposures, and action levels for short-term exposures to women of childbearing age, are provided in Table 1 below. The table’s Indoor Air Cleanup and Action Levels are compared to average indoor air TCE concentrations that result solely from site-contaminated soil gas (that is, vapor) intrusion. In some cases, this will mean that contributions to indoor air measurements from non-VI sources, such as outdoor or indoor sources, will need to be distinguished from those due solely to subsurface sources.

The short-term Action Levels for TCE in Table 1 are based on values recommended by EPA Region 10 (December 13, 2012, memorandum) and EPA Region 9 (July 9, 2014 memorandum).<sup>6</sup> Region 10’s 2012 memorandum states that, pursuant to an IRIS toxicological review, exposure to TCE can cause fetal cardiac malformations during a 21-day gestation window. To protect against the possibility of this occurring, the average concentration of TCE in residential indoor air should not exceed 2.0  $\mu\text{g}/\text{m}^3$  during any 21-day period of time in a given year. For commercial / industrial settings, where the receptors of concern are workers, indoor air TCE should not exceed 8  $\mu\text{g}/\text{m}^3$ . The Region 9 memorandum identifies “accelerated” and “urgent response action levels” for residents and workers. The “accelerated” levels range from 2 to 8  $\mu\text{g}/\text{m}^3$ ; the “urgent” levels vary from 6 to 24  $\mu\text{g}/\text{m}^3$ . The range of levels for both categories accounts for the varied lengths of time that receptors are expected to be exposed.

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<sup>5</sup> Cleanup Levels and Risk Calculation (CLARC). <https://fortress.wa.gov/ecy/clarc/CLARCHome.aspx>

<sup>6</sup> For the Region 9 and 10 memoranda, see: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Vapor-intrusion-overview>

**Table 1.** Vapor intrusion indoor air cleanup and action levels for TCE

Level of Concern	Concentration ( $\mu\text{g}/\text{m}^3$ )	Risk Basis
<b>TCE Indoor Air Cleanup Levels</b>		
<b>Chronic (mean long-term air concentration for RME receptor)*</b>		
Method B (unrestricted land use)	<b>0.37</b>	Cancer risk 1E-6
	<b>0.91</b>	Hazard quotient 1
Method C (industrial land use)	<b>6.3</b>	Cancer risk 1E-5
	<b>2.0</b>	Hazard quotient 1
<b>TCE Indoor Air Action Levels</b>		
<b>Short-term (maximum 3-week mean concentration for women of childbearing age)</b>		
Unrestricted land use	<b>2.0</b>	Noncarcinogenic effect based on 24 hours/day, 7 days/week
Workplace scenario (commercial or industrial)	<b>7.5</b>	Noncarcinogenic effect based on 45-hour work week

\* These values are available in CLARC (Ecology 2018a).

A number of other EPA Regions and states, including Massachusetts, New Jersey, New Hampshire, Minnesota, Ohio, Alaska, and Connecticut, have also adopted short-term TCE levels and recommended responses. These levels and response timeframes vary.

Consistent with EPA Region 10, TCE Action Levels in Table 1 are intended for comparison to the highest VI-caused indoor air levels averaged over any 21-day period. Ecology recognizes, however, that the health effects that potentially arise from a short-term exposure to TCE could possibly result from an exposure to action level concentrations over a period less than three weeks. As of the date of this memo, we do not know how short this period could be, or whether shorter periods would only be harmful if TCE concentrations were significantly higher than Action Levels. Therefore, while this memorandum advocates comparing our Action Levels to measurements (or estimates) of average 21-day concentrations, Ecology also recommends that, if any 24-hour or 8-hour measurements of average indoor air TCE concentrations exceed Table 1's Action Levels (for residents or workers, respectively), prompt action should be taken to either reduce those concentrations, or reduce the degree to which women of childbearing age are exposed. Ecology will revisit this recommendation as more information becomes available about health effects attributable to short-term TCE exposures.

Table 1 is limited to providing a residential short-term TCE indoor air Action Level and a short-term Action Level for commercial/industrial workers. The residential concentration is intended to protect women of childbearing age who reside in the building and are continuously exposed to indoor air contaminated by VI. The commercial/industrial Action Level is protective of women of childbearing age who work full-time shifts up to 45 hours per week. However, other women of childbearing age who occupy a building where VI is occurring may also be receptors of concern. For example, visitors to a building or part-time workers could potentially be exposed to

contaminated indoor air over extended periods of time. Likewise, female students may be significantly exposed to TCE-contaminated indoor air within a school building.

Table 1's short-term Action Levels should be used to determine whether prompt and protective actions like interim actions should be implemented (see [WAC 173-340-430](#)). **These Action Levels are not MTCA Method B or C air Cleanup Levels.** Furthermore, the MTCA regulations require that cleanup levels be established for one of two specific land uses: *unrestricted* or *industrial* site use.

#### 4.2 VI short-term screening levels for TCE in groundwater and soil gas

CLARC's data tables also provide groundwater and soil gas screening levels that can be used to assess the potential VI threat posed by a subsurface source. As for the VI indoor air cleanup levels, these concentrations are based on chronic exposures. CLARC's groundwater screening levels are intended to be protective of corresponding indoor air cleanup levels, and assume there will be 1,000-times attenuation between groundwater VOC concentrations (in equilibrium with vapor concentrations) and indoor air levels. CLARC's sub-slab soil gas screening levels are also expected to be protective of indoor air cleanup levels. They assume there will be 33-times attenuation between soil gas VOC concentrations just below a building's slab and indoor air levels. (For further discussion on this, see the note box following Table 2 in this section.)

VI groundwater and sub-slab soil gas screening levels protective of short-term TCE indoor air action levels are presented in Table 2 below. These screening levels embody the same attenuation assumptions used to calculate the chronic subsurface screening levels provided in CLARC (as discussed above). In summary:

- The short-term VI screening levels for groundwater and soil gas are higher than CLARC's VI TCE screening levels, which are calculated for chronic indoor exposures.
- For residential buildings, the short-term screening level for groundwater is about twice as high as CLARC's chronic-based non-carcinogenic screening level (8 µg/l versus 3.8 µg/l, respectively), and approximately five times higher than CLARC's carcinogenic screening level (8 µg/l versus 1.6 µg/l).
- Similarly, the short-term screening level for TCE in soil gas is about twice as high as CLARC's chronic-based non-carcinogenic sub-slab screening level (67 µg/m<sup>3</sup> versus 31 µg/m<sup>3</sup>), and a little more than five times higher than CLARC's carcinogenic sub-slab screening level (67 µg/m<sup>3</sup> versus 12 µg/m<sup>3</sup>).

**Table 2.** Vapor intrusion subsurface screening levels for short-term exposures to TCE

Short-term TCE Subsurface Screening Levels	Concentration	Basis
<b>groundwater (in µg/l)</b>		
residential short-term VI Screening Level for groundwater	<b>8</b>	<ul style="list-style-type: none"> <li>• TCE as a non-carcinogen</li> <li>• receptor of concern: women of childbearing age</li> <li>• residential indoor scenarios</li> </ul>
non-residential short-term VI Screening Level for groundwater	<b>31</b>	<ul style="list-style-type: none"> <li>• TCE as a non-carcinogen</li> <li>• receptor of concern: women of childbearing age</li> <li>• commercial/industrial workplace scenarios</li> </ul>
<b>soil gas (in µg/m<sup>3</sup>)</b>		
residential short-term VI Screening Level for sub-slab soil gas	<b>67</b>	<ul style="list-style-type: none"> <li>• TCE as a non-carcinogen</li> <li>• receptor of concern: women of childbearing age</li> <li>• residential indoor scenarios</li> </ul>
non-residential short-term VI Screening Level for sub-slab soil gas	<b>250</b>	<ul style="list-style-type: none"> <li>• TCE as a non-carcinogen</li> <li>• receptor of concern: women of childbearing age</li> <li>• commercial/industrial workplace scenarios</li> </ul>

**NOTE:** The 2009 draft guidance differentiates between the amount of soil gas-to-indoor air attenuation that should be assumed for soil gas VOC concentrations that are located immediately below the building (like sub-slab), versus those concentrations that are at significantly greater distances below ground surface (called “deep”). CLARC’s VI data tables also make this distinction. “Deep” soil gas screening levels in CLARC assume 100-times attenuation between soil gas VOC concentrations and indoor air levels.

However, EPA’s *Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air* (USEPA June 2015) does not recommend that soil gas levels be assumed to attenuate more than 33 times, regardless of depth. As a result, Ecology is re-evaluating the appropriateness of a deep soil gas VI screening level that assumes more than 33-times attenuation. At the time this memo was published, we are not withdrawing the recommended deep soil gas VI screening levels in CLARC, but:

1. These levels should not be used to assess the potential for an indoor air exceedance of the short-term TCE action level, and

2. For other assessment purposes (such as assessing the potential for an exceedance of a chronic-based indoor air cleanup level) the requisite 15-foot or greater separation distance should be applied to the depth of the vadose zone between the building foundation (not the ground surface) and the deep soil gas measurement. The short-term TCE Screening Levels identified in Table 2—referred to as “sub-slab” and calculated with an attenuation factor of 0.03—may also be compared to deeper soil gas sample measurements.

## 5.0 VI Investigation

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Ecology's 2009 draft VI Guidance should generally be followed when investigating and addressing TCE vapor intrusion. But as noted in Section 3.0 above, the draft guidance does not discuss short-term inhalation exposures to TCE. The following investigation recommendations refer specifically to sites where TCE is a potential VI concern.

### 5.1. Identify any site buildings where VI may potentially result in indoor TCE concentrations above the short-term action level.

NOTE: The discussion in Section 5.1 assumes that indoor air sampling for TCE has not been conducted. If indoor air has already been sampled, and indoor TCE concentrations due to VI exceed the applicable short-term action level, appropriate responses are described and discussed in Section 6. If indoor air was sampled and TCE concentration measurements were below the short-term action level, the VI assessment team should determine whether those measurements represent the highest 3-week average indoor TCE concentration. Please see Section 5.4.

Determining which buildings are a potential concern is commonly accomplished by mapping site areas where TCE is, or may be, present in soils or shallow groundwater. Buildings above or close to these areas can then be identified. In parts of the site where soils are contaminated with TCE, soil gas samples are typically collected and analyzed.<sup>7</sup> Ecology's 2009 VI Guidance, CLARC's VI soil gas Screening Levels, and Table 2's short-term soil gas Screening Levels above, can then be used to determine if VI could potentially result in indoor air cleanup level or action level exceedances (respectively) at nearby buildings.

Regardless of whether the potential subsurface VI source is contaminated soils or shallow groundwater, soil gas samples can be collected below or near a building, and the measured TCE levels can be used to determine the potential for an indoor exceedance of indoor air cleanup levels and/or action levels. However, if TCE concentrations in shallow groundwater are above CLARC's VI Screening Levels, or if significant soil contamination or residual non-aqueous phase liquid (NAPL) is close to a building and likely to contain elevated TCE concentrations, investigators should not delay indoor air sampling (see section 5.3). When these conditions are

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<sup>7</sup> *De minimis* levels of TCE in vadose zone soils (i.e., above the seasonal low water table) are unlikely to pose a VI threat. WAC 173-340-740(3)(b)(iii)(C)(III) defines such levels as concentrations no higher than concentrations "derived for protection of groundwater for drinking water beneficial use under [WAC 173-340-747\(4\)](#)." Concluding that TCE levels in soils are this low requires adequate characterization of vadose zone contamination.

present, the first indoor sampling event(s) should be a site priority and performed immediately, without waiting for a preliminary soil gas investigation.<sup>8</sup>

In areas where soils are not contaminated and shallow groundwater is the only potential VI source, the 2009 draft VI guidance, groundwater VI Screening Levels in CLARC, and short-term groundwater Screening Levels in Table 2 can be used to distinguish between buildings where VI could potentially result in exceedances of indoor air cleanup (chronic) or action (short-term) levels, and those where exceedances are highly unlikely.

In addition to the exceedance of subsurface VI screening levels, there may be other building- or site-specific reasons for believing that indoor air TCE concentrations could exceed the short-term action level. For instance, at some building locations, contaminated shallow groundwater may be the only potential VI source and TCE concentrations in this groundwater may be below the short-term screening level. However, the short-term groundwater screening levels assume a certain amount of attenuation and dilution of vapor-phase TCE between the groundwater surface and the indoor environment. While these are conservative assumptions for most buildings, they may not be if:

- There are preferential subsurface pathways that may result in higher soil gas VOC levels below the building than the short-term groundwater screening levels assume, or if
- There may be a higher soil gas flowrate into the building than the short-term groundwater (and soil gas) screening levels assume.<sup>9</sup>

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<sup>8</sup> Ecology does not recommend that soil gas sampling be initiated at this point to determine if TCE concentrations exceed short-term soil gas screening levels. This is because it takes time to prepare (and approve) soil gas SAPs; obtain access; schedule and mobilize the related work; and, review the sampling results. Indoor air sampling should not be delayed while these activities are being performed. During or immediately following the first indoor air sampling event, however, it is prudent to obtain soil gas data.

<sup>9</sup> The short-term groundwater Screening Levels assume that vapor-phase TCE concentrations will attenuate by a factor of 1000 between soil gas levels immediately above (and in equilibrium with) contaminated groundwater and indoor air. This is generally a conservative assumption, but may over-predict the degree of subsurface attenuation in certain cases. Ecology's 2009 draft VI guidance describes the conditions where this may occur (e.g., sites with a very thin vadose zone (shallow water table); the presence of subsurface conduits capable of transporting elevated soil gas levels to areas directly below the building with minimal attenuation; etc.)

The short-term soil gas Screening Levels assume that vapor-phase TCE concentrations will attenuate by a factor of at least 33 times between soil gas levels immediately below the building and indoor air. Again, this is usually a conservative assumption. However, less attenuation is possible if the building or its foundation allows soil gas to enter interior spaces relatively unimpeded (which may occur, for example, when slab or basement wall penetrations or large cracks provide preferential conduits for entry).

## 5.2: Notify and involve Ecology

This memorandum presumes that Ecology will be involved throughout the VI evaluation process, including owner/tenant notifications, the initial building visit, indoor air sampling, data analysis, and post-sampling decision-making described in the rest of this section and in Sections 6 and 7. We have therefore identified certain recommended actions and decisions below as being responsibilities of both the party conducting the remedial actions and Ecology.<sup>10</sup>

However, there may be situations where the parties conducting the remedial actions are acting independently and choose not to involve Ecology during some or all of these actions and decisions. When this is the case, the parties independently performing the site investigation and cleanup should complete all of the applicable and recommended steps in this memorandum themselves.

Regardless of whether Ecology oversees the site throughout the cleanup process, or whether another party independently conducts the remedial actions:

1. Ecology should be contacted as soon as the responsible party determines that women of childbearing age are current building occupants and indoor air sampling is needed to assess the potential for a short-term TCE action level exceedance (see Section 5.3 below).
2. If an Ecology staff person has already been assigned to the site, this is the individual who should be notified. Otherwise, the responsible party should contact their local Ecology regional office.<sup>11</sup> They should not wait for Ecology's response before moving to the next steps of the investigation / response process. Find Ecology's contact information at <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue>

## 5.3: Prepare for indoor air sampling

As soon as one or more site buildings have been identified as a location where VI may potentially result in indoor air TCE concentrations above the short-term action level, investigators should quickly plan for the next assessment steps—unless they already know that

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<sup>10</sup> [WAC 173-340-200](#) of the MTCA rule defines the terms “cleanup,” “cleanup action,” “interim action,” and “remedial action.” Remedial action (or “remedy”) means “any action or expenditure consistent with the purposes of [MTCA statute] [Chapter 7.0.105D](#) RCW to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.”

<sup>11</sup> Here, and throughout the rest of the memorandum, we use the term “responsible party” to refer to the party who is conducting remedial actions at the site. In many cases the responsible party will be a person meeting the statutory definition of a “potentially liable person” (see [RCW 70.105D.040](#)).

women of child-bearing age do not regularly occupy the buildings. At this point in the investigation, it is only *potentially possible* that indoor TCE concentrations actually exceed the Action Level, but several actions should occur without delay: notify building owners/tenants, determine if exceedances are occurring, and – if needed – take actions to protect the potential receptors.

1. **Contact building owner and/or tenant.** The owner/tenant of the building should be contacted to determine if women of childbearing age are current occupants, and to schedule a building and property visit. This initial contact should occur soon after the building has been identified as potentially at risk. The owner and tenant(s) of these buildings should be notified that there is the *possibility* that VI-caused indoor air TCE concentrations exceed the acceptable chronic and/or short-term screening/action levels.
2. **Schedule a building visit.** If women of childbearing age are current building occupants, a building visit should be scheduled as soon as possible. During this visit Ecology and the responsible party will need to be prepared to discuss the potential TCE risk, explain how we would like to proceed, and answer exposure-related and other questions.<sup>12</sup> If the responsible party does not own the building, they should also be prepared at this time to request building access for the purpose of collecting indoor air samples. Interactions with building owners and tenants during the period preceding indoor air sampling are further discussed in Section 7.0 below.
3. **Prepare and finalize an SAP.** Following the visit to the building and property, an indoor air Sampling and Analysis Plan (SAP) should be expeditiously prepared, reviewed, and finalized.<sup>13</sup> The SAP should include a site/building-specific VI conceptual site model (CSM) that serves as the basis for the selection of data quality objectives and sampling design. The VI CSM, as discussed in our draft 2009 VI guidance document and in Section 5.4 of EPA's 2015 *Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air* (U.S. EPA, June 2015), is a combination of information, assumptions, and hypotheses that investigators use to

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<sup>12</sup> Please see Section 7.1's discussion of VI-related risk communications.

<sup>13</sup> This assumes that: a) an exceedance of the short-term TCE indoor air action level has not yet been measured, and b) the responsible party has decided not to pursue a "preemptive" response action. If an exceedance of the action level has already been measured, no additional pre-mitigation sampling may be needed. See Section 6.0 for a description of appropriate response actions.

Preemptive mitigation is a term often used to describe VI mitigation efforts implemented without (or prior to) confirmation that VI-caused indoor air contamination exceeds acceptable levels. When preemptive mitigation has been chosen as the next step in Section 5.3, indoor air sampling is not typically conducted until after mitigation has been implemented. See Section 7.8 of EPA's OSWER VI guidance document (USEPA June 2015) for additional information about preemptive mitigation.

support evaluations of the adequacy of available site-specific information, and guide the identification of critical data gaps.

4. **Schedule indoor air sampling.** After SAP finalization the first indoor air sampling event should be immediately scheduled. It should not be delayed to coincide with more desirable seasonal or meteorological conditions.<sup>14</sup>

#### **5.4: Determine if 3-week average indoor air TCE concentrations exceed the short-term action level.**

For those buildings occupied by women of child-bearing age, the VI investigation should provide sufficient information to determine whether 3-week average indoor air TCE concentrations ever exceed the short-term action level. This is unlikely to be evident from a single indoor air sampling event unless that event coincides with a period when maximum VI impacts are occurring. Because VI impacts can vary significantly over time, and because this variability cannot be easily predicted, it is essentially impossible to schedule an indoor sampling event that can be confidently assumed to coincide with, or otherwise represent, the highest 3-week average VI impact on air quality, unless the sampling program is designed to intentionally create near-maximum VI conditions.<sup>15</sup> Unless TCE concentrations measured during the first sampling event exceed the short-term indoor air action level, often the investigation will require multiple sampling events.

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<sup>14</sup> The SAP should acknowledge the time-related considerations associated with determining if a short-term action level is being exceeded, and propose the respective timeframes and due dates for obtaining and reviewing data.

<sup>15</sup> Generally, this is accomplished by inducing significant building depressurization just prior to the sampling event. Various degrees of depressurization, as well as positive pressurization, are typically induced to track indoor air concentration responses. (DOD 2017, McHugh 2017, and Johnson 2016.) The building depressurization methodologies that have utilized a blower-door approach, and have been subsequently described in the literature, can successfully meet project objectives. However, the methodology: a) is likely to be more successful at smaller and simpler buildings (architecturally, and in terms of interior design), and b) should not be assumed to result in higher, VI-caused, indoor air concentrations once significant depressurization has been achieved.

Even when conditions conducive to relatively extreme VI impacts are not intentionally created, they may fortuitously occur during a sampling event. That is, significant building depressurization may be "naturally" occurring during any given sampling event and this degree of depressurization may correspond to *worst case*-type VI-caused indoor air concentrations. At many sites and site buildings this often coincides with periods when indoor air temperatures are much higher than outdoor temperature. Continuously measuring pressure differentials of cross-slab or cross-first floor (for buildings with crawlspaces) throughout the indoor air sampling event can provide measurements that demonstrate the degree of building pressurization relative to the subsurface during the event. These measurements can be recorded regardless of the air sampling methodology used (such as canisters, passive diffusive samplers, or more real-time measuring devices).

This memorandum does not provide indoor sampling guidance. For recommendations related to sampling methodologies, please refer to:

- Ecology's Implementation Memorandum No. 21 (Ecology 2018)
- Relevant portions of the Tier II discussion in Ecology's 2009 draft VI guidance
- Section 6.4 of EPA's VI guidance (USEPA 2015)
- Recent state guidance documents, such as New Jersey's *VI Technical Guidance* (NJDEP 2018).

When the receptor of concern is a current occupant of the building, and air samples are being analyzed at an off-site laboratory, expedited turn-around times should be requested. For at least the first sampling event, the goal should be to receive the laboratory's sampling data within three business days.

Immediately after the data have been received, they should be initially reviewed by the receiver and shared with other members of the decision-making team (such as the Ecology site manager,<sup>16</sup> if the responsible party's consultant receives the laboratory data). For at least the first indoor air sampling event the goal should be to share these results with the decision-making team within seven days from the time of sample collection. The objective of the decision-making team's review is to then determine, as soon as possible, if: 1) the relevant TCE short-term indoor air Action Levels listed in Table 1 are being exceeded, and 2) VI is the likely cause.

The immediate review, and the decisions arising from that review, will not have the benefit of a sampling-data quality assessment or validation. These activities will typically occur later, when the results of the sampling event are being integrated into some form of VI evaluation report. It is possible, then, that a later assessment of data quality will lead to a conclusion that VI is *not* causing short-term indoor air action level exceedances, and that the earlier determination was incorrect. However, if the receptors of concern are current occupants of the building, the importance of providing timely information to those receptors should outweigh the potential that the information provided might later need to be revised.

It should also be emphasized that this section (Section 5.0) is specifically devoted to recommendations related to the potential for short-term inhalation exposures to TCE. As discussed in Section 4.0, CLARC's VI Indoor Air Cleanup Levels for TCE are lower concentrations than action levels established to be protective of short-term indoor exposures. This is because the Indoor Air Cleanup Levels in CLARC are based on chronic VI-caused

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<sup>16</sup> If an Ecology site manager has not been assigned to the project, the results should be sent to the designated Regional contact.

exposures. Remedial actions such as VI mitigation may therefore be needed to protect long-term indoor exposures, regardless of whether the short-term indoor air TCE action level is exceeded.

## 6.0 Responding to Exceedances of the Short-term TCE Indoor Air Action Level

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If VI is causing an exceedance of the TCE short-term indoor air action level, **prompt action is needed**. Such actions should be taken in consultation with the building's owner (and tenant, if applicable). Protecting people inside affected buildings is Ecology's highest priority and any needed action should not be delayed. If additional, follow-up indoor air or other sampling is scheduled before the selected action is fully implemented, this sampling must be conducted in a manner that does not interfere with efforts to quickly and effectively reduce indoor exposures to TCE.

### Systems for mitigating vapor intrusion

VI *mitigation* generally refers to actions whose purpose is to reduce VI-caused indoor air contamination, and these actions often focus on reducing the amount of contaminated soil gas entering the building.<sup>17</sup> Mitigation systems creating **depressurization** of the sub-slab zone or crawlspace will often be the most effective approach for reducing VI impacts (until subsurface cleanup permanently remediates the source of elevated soil gas concentrations). However, these types of mitigation, which are intended to minimize entry of contaminated soil gas into the building, can take weeks to design, construct, and fully implement. Additional time is then needed to demonstrate that target VOC concentrations in indoor air have actually been achieved.

Active VI mitigation systems such as sub-slab and sub-membrane depressurization are often able to reduce VI-caused TCE indoor air contamination to concentrations below the short-term action levels. But before the mitigation system has been successfully implemented, TCE concentrations will, or may, be above these levels. If a pregnant woman lives or works in an area of the building where elevated TCE concentrations are present, and does not choose to re-locate, she will continue to be exposed to them. Mitigation should therefore be designed and implemented as quickly as possible,<sup>18</sup> and other actions should be considered that would effectively reduce exposures during the interim.

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<sup>17</sup> Subsurface remediation, on the other hand, includes cleanup actions designed to reduce soil gas VOC levels. Although these actions will also reduce VI-caused indoor air contamination, they are not typically referred to as VI "mitigation" unless they can be implemented (and are successful) within a relatively short timeframe.

<sup>18</sup> The mitigator who will likely perform the work should be identified early (e.g., during the investigation's planning phase). His/her availability for constructing the mitigation system, if needed, should also be verified at this early stage.

## **EPA-recommended actions and MTCA cleanups**

Prompt actions to reduce TCE exposures include the recommended responses described in EPA Region 9's 2014 TCE Memorandum under two headings: "Implementation of early or interim measures to mitigate TCE inhalation exposure," and "Tiered response action" (USEPA 2014). Many of the recommendations in these sections of the Memorandum are appropriate to use as a guide for selecting proper response actions in Washington state. However, three of Region 9's recommendations should be clarified in terms of their applicability at MTCA cleanup sites:

### **1. The recommendation to increase building pressurization/ventilation.**

Positively pressurizing the building (with respect to the subsurface) can create a pressure barrier to advective flow of soil gas into the structure and mitigate VI impacts. However, it will not always be possible or sufficiently effective. Likewise, increasing ventilation can dilute VI impacts if the outdoor-to-indoor air exchange rate is increased. But it may not be practicable to increase the ventilation rate enough to reduce indoor air TCE below screening/action levels. Moreover, if the methods to increase the outdoor-to-indoor air exchange rate result in greater building depressurization, VI impacts may actually be exacerbated.

NOTE: At some buildings the owner/tenant may be able to quickly adjust HVAC settings to create these pressure or ventilation rate conditions. However, unless follow-up monitoring of indoor air quality is performed, there is no way to tell if TCE concentrations have been reduced to an acceptable level.

### **2. The recommendation to seal potential conduits.**

It is possible that a single foundation or building feature is primarily responsible for the degree of vapor intrusion, leading to short-term indoor air TCE action level exceedances. For instance, there could be an uncovered earthen floor in part of the building. There could be an uncovered/unsealed basement, or a first floor sump or (disconnected) floor drain. There could be unsealed utility line penetrations at ground level or sub-grade. If the building has a crawlspace, there could be relatively large and unsealed first floor openings around pipes or wiring that run between the two levels. The crawlspace could also be walled-in, preventing any significant sub-floor ventilation and dilution of soil gas emissions.

Often, however, it won't be obvious where the most significant soil gas entry points are located. For this reason, conduit sealing measures are commonly combined with more effective mitigation actions.

In terms of the prompt action needed to respond to TCE action level exceedances, Ecology recommends that sealing efforts be:

- a) Focused on any easily observable and obvious major routes by which soil gas is likely entering the building;
- b) Only undertaken as the initial response if the sealing activity can be completed quickly; and
- c) Promptly followed up with indoor air sampling to verify the sealing's effectiveness.

### **3. The recommendation to respond differently, based on whether the “urgent” response action level has been exceeded.**

The EPA Region 9 Memorandum states that the response to exceeding an “accelerated” action level should be “completed and confirmed within a few weeks.” If the higher “urgent” action level is also exceeded, the response time should be reduced to “a few days.”

Ecology agrees that, all else being equal, there should be a greater sense of urgency when TCE concentrations are much higher than the short-term action level established for the site and building. It is also true that the types of responses likely to be effective will often partly depend on how high the indoor air TCE concentrations are. But Ecology believes any exceedance of the short-term action level merits prompt action. This means that once an exceedance is apparent, the site team should quickly decide on the preferred response action, and then immediately propose this action to the building's owner/tenant.

If VI is causing an exceedance of the TCE short-term indoor air action level, the action to be taken should be quickly determined in consultation with the building's owner (and, if applicable, the tenant). The goal should be to reduce TCE exposures for women of childbearing age as soon as possible. This may require that a “stop-gap” response be taken right away, while plans for long-term mitigation proceed on a parallel track. Stop-gap responses include actions such as temporarily relocating the receptor, and installing effective indoor air treatment (that is, air purification units (APUs) or “air cleaners”).

Carbon-based indoor VOC air treatment devices (sometimes referred to as APUs or air cleaners) can be installed relatively quickly. These devices can be used for extended periods, but their typical, or niche, VI application is temporary use. Often they are operated only while a more permanent form of mitigation is being designed/constructed. As discussed in EPA's 2017 *Engineering Issue*, which describes these devices, indoor air treatment can be accomplished with

portable air cleaning units or HVAC in-duct systems (USEPA 2017). The former usually employs a built-in air circulation fan and sorbent bed, with carbon serving as the sorbent.

Indoor air treatment devices may or may not be able to quickly reduce TCE concentrations to acceptable levels within certain airspaces. Regardless of the treatment device selected, it cannot be assumed that the installed units will *sustainably* reduce indoor air TCE to concentrations below the short-term action level. As noted in EPA's 2017 *Engineering Issue*, this must be confirmed with air sampling.<sup>19</sup>

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<sup>19</sup> In the EPA 2017 *Engineering Issue* discussion of treatment systems, Attachment A lists a large number of VOC air cleaners by brand name. In 2014, California's DTSC reported use of Air Rhino and AirMedic Vocab stand-alone air purifiers. The New Hampshire Department of Environmental Services and Massachusetts Department of Environmental Protection reported use of portable Austin HealthMate units in 2015 and 2016, respectively. (See "TCE Vapor Intrusion Case Study" presented at the 2015 NEWMOA conference, <http://www.newmoa.org/events/event.cfm?m=157> and the October 2016 Field Assessment and Support Team (FAST): "An Expedited Approach to the Investigation and Mitigation of the Vapor Intrusion Pathway.").

Ecology does not endorse these particular products. We are including these references only to indicate that the products have been used in at least three states to reduce VI-caused indoor air contamination.

## **7.0 Working with People Who are Affected by Vapor Intrusion**

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This section, as well as Sections 5.0 and 6.0, discusses interactions with the owners and occupants of buildings where vapor intrusion is, or may be, contaminating indoor air with TCE. In the simplest case, the building is a single-family residence owned by the occupants. The responsible party and Ecology are then interacting primarily with a head of household. But various other scenarios are common, such as:

- a. The building may be a single-family residence that is owned by someone who resides elsewhere.
- b. The building may be occupied by a single business, which also owns the property.
- c. The building may be occupied by a single business, which does not own the property or building.
- d. The building may be occupied by multiple businesses, none, or only one, of which owns the property or building.

In some cases, the property where the building is located will be owned by the responsible party; in other cases, not.

Throughout this memorandum, we've used the term "building owners/tenants" when referring to notifications, access requests, information sharing, and other interactions with the affected public. We use this term for economy and simplicity, but recognize that owners are not always building occupants and receptors, and building occupants are not always owners or tenants. Women of childbearing age who occupy a building could be owners, tenants, employees or other workers, students, or visitors.

For communication purposes, it is helpful for the responsible party and Ecology to have no more than two designated "building contacts." Communications about scheduling building visits, obtaining access, sharing sampling data and data evaluations, and consultations concerning any response actions, can then be limited to a small number of individuals (who may or may not be potential "receptors"). It will be incumbent upon these building contacts to not only disseminate the information they receive from the responsible party and Ecology to (other) building occupants who are potentially being exposed, but to relay those occupants' concerns and questions back to us.

### **7.1: Outreach before indoor air sampling**

As discussed in Section 5.1, any site buildings where VI may potentially result in indoor TCE concentrations above the short-term action level should be identified based on subsurface sampling and other site data. When such a building is identified and women of childbearing age

are occupants, the planning, notification, and pre-sampling activities described in Section 5.3 should be performed. This includes a visit to the building itself.

During the initial building visit, Ecology and the responsible party should:<sup>20</sup>

1. Verify whether women of childbearing age regularly occupy the building. If they do (especially for non-residential buildings) the areas where these women spend most of their time, and the hours they are typically present in the building, should be ascertained.
2. Determine if women of childbearing age may be occupants in the foreseeable future, even if they're not currently present.
3. Discuss site contamination and how vapor intrusion can potentially contaminate indoor air; discuss what we propose to do next and the need for sampling access; answer their questions.

During the building visit, Ecology and the responsible party will need to be prepared for questions the occupants may have regarding potential short-term (and long-term) TCE health effects and how to reduce their exposures. Decisions should be made during the planning period (described in Section 5.3) about how and when this information should be provided, and who should communicate it.

Ecology site managers are not expected to answer any questions except the most basic health-related questions. In general, the public should routinely be referred to local health departments or family physicians for the answers to questions that require toxicological or medical expertise.

Ecology's Community Outreach and Environmental Education Specialists (COEESs) and Washington's state and local health departments are generally more familiar with local communities and their concerns than Ecology site management staff. Health departments also have more expertise at conveying health-related information. If women of childbearing age are potentially exposed to site-related TCE contamination, it is recommended that site managers and the responsible party rapidly coordinate with the site's assigned COEES, state/local health departments, and/or the federal Agency for Toxic Substances and Disease Registry (ATSDR). These groups can better explain potential health hazards to building occupants, and help gain access to buildings for investigation and remediation if needed.

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<sup>20</sup> As noted in Section 5.2, this memorandum assumes Ecology will be involved throughout the VI evaluation process. When this is not the case, parties performing the site investigation and cleanup should independently complete the recommended steps outlined in this memorandum.

Before any indoor air sampling can occur, the party performing that sampling must obtain the owner's/tenant's consent.<sup>21</sup> Typically during VI investigations, this consent is documented in an "access agreement," which also usually specifies the conditions under which access is granted. Finalizing an access agreement can occasionally be a lengthy process for various reasons. Sometimes it is difficult to make timely contact with the building owner or tenant. Sometimes the owner will elect to get the advice of legal counsel before entering into an agreement. There can be protracted negotiations regarding considerations such as access-related payment, or other site-specific issues. While securing access is normally the duty of the responsible party, Ecology may become involved with disputes or delays when the health threat relates to a short-term exposure to site contamination. The parties must realize that Ecology will make best efforts, including—if needed—exercising its legal authorities, to ensure access agreements are finalized as soon as possible.

## 7.2: Outreach after indoor air sampling

Indoor air sampling results, together with other lines of evidence, should indicate whether VI is causing an exceedance of the TCE short-term indoor air action level. Once the indoor air sampling data have been received from the laboratory (assuming no "real time" sampling was performed), the responsible party and Ecology should 1) discuss the results, 2) make a preliminary decision as to whether VI is likely to be resulting in a TCE short-term action level exceedance, 3) agree on next steps, and then 4) contact the building owner/tenant.

As discussed in Section 5.4, when women of childbearing age are current occupants of the building, this decision-making and outreach process should begin as soon as the data are initially received, without waiting for data quality assessment. In these cases the goal should be to quickly determine the likelihood of a TCE short-term indoor air action level exceedance and then inform building owners/tenants of the sampling results. Unless owners, tenants, and other concerned building occupants would prefer to wait until the quality of sampling data has been rigorously assessed and validated, they should be notified of sampling results soon after the results arrive from the laboratory.<sup>22</sup>

The responsible party and/or Ecology should tell the building owner/tenant what the sampling results indicate and what (at that time) the next steps should be. During this discussion, it is important to:

1. Explain how we have reached our conclusions.

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<sup>21</sup> With limited exceptions, such as emergency situations.

<sup>22</sup> When the data are shared this quickly, the building occupants should be informed of the possibility that the implications of the sampling results could change following evaluation of the data quality. Should this occur, the owner/tenant would then be immediately notified by the responsible party and/or Ecology.

2. Honestly differentiate between what is known (e.g., the results from this single sampling event), what we have inferred from the information we have collected, and what is not known, and
3. Urge the owner/tenant to share and explain these results—as well as plans for follow-up actions—with concerned building occupants. This includes all women of child-bearing age who live or work in affected portions of the building.

Coordinating with the site's assigned COEES and state/local health departments is critical at this stage and can improve the effectiveness of these communications.

If sampling data indicate that VI is likely to be causing an exceedance of the TCE short-term indoor air action level, and if a woman of childbearing age is a building occupant, the proper response should be quickly determined in consultation with the building's owner (and tenant, if applicable). Section 6.0 of this memo refers to various response actions that may apply. The selected action will depend on a number of building-specific factors, such as how high the indoor air TCE concentrations appear to be, and the preferences of the building's owner/tenant and receptors of concern. Promptly reaching, and carrying out, a mutually acceptable decision may require the involvement of state/local health departments.

If measured levels of indoor air TCE are below the action level, however, the next proposed step may simply be to schedule a re-sampling event for the future.<sup>23</sup>

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<sup>23</sup> Typically, a sampling report is prepared after the data have been quality assured (QA'ed) and validated. A copy of the report, and a copy of any Ecology response letter(s), should usually be provided to the building owner/tenant.

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