

PART G GENERAL REACTIONS TO THE GUIDANCE

The following comments include the commenters' reactions to the guidance. They are provided here for general interest. No responses are needed.

Comment G.1 (paraphrased, 2 commenters, 1 comment):

Review of the Vapor Intrusion Guidance identified several overall concerns that limit the ability to fully implement the guidance to address vapor intrusion issues in a timely fashion.

Comment G.2:

Compared to other jurisdictions across the country, New York State has been a leader in taking swift and comprehensive action to respond to this newly identified health threat. I appreciate that [NYS]DOH has acted quickly in drafting this guidance, and it is clear that a tremendous amount of work has been invested in its development. I commend everyone involved. New York has also been one of the few jurisdictions to establish and begin implementation of a process to review so-called "legacy" sites: sites that have already been remediated, but where vapor intrusion may pose on-going problems.

Comment G.3:

Your policy differs from all current Federal & State policies across the country. It will also drive up costs. If I was operating a business in NY, I'd flee.

Comment G.4 (paraphrased, 1 commenter, 2 comments):

The Assembly Committee on Environmental Conservation has held a series of hearings on vapor intrusion across New York State. Testimony from State and federal officials, public health and environmental experts, and concerned citizens has underscored the need for clear guidance on addressing vapor intrusion in New York, and for the development of conservative, protective public health standards. The guiding principles behind any vapor intrusion policy adopted by New York State should be protectiveness, caution, fairness, and transparency. The State's vapor intrusion policy must afford every resident the same level of protection.

Comment G.5:

We appreciate that dealing with vapor intrusion impacts is an emerging issue, and we appreciate the complex technical, scientific, legal and political issues confronting the Departments of Health and Environmental Conservation in developing this draft guidance. We also appreciate the willingness of the Departments to circulate this draft guidance for public review and comment. This is an important first step in addressing significant concerns of affected parties.

Comment G.6 (paraphrased, 1 commenter, 1 comment):

We commend the NYSDOH on its thorough and thoughtful approach to the development of the Draft Guidance for Evaluating Soil Vapor Intrusion in the State of New York and for developing guidance that will ensure that the environment and public health are being protected.

Comment G.7 (paraphrased, 1 commenter, 1 comment):

We commend the NYSDOH for their efforts in addressing vapor intrusion impacts. Vapor intrusion is a developing science and we appreciate the complex issues confronting the NYSDOH in preparing the draft guidance.

Comment G.8:

Overall this document offers some useful technical guidelines for consideration during investigation activities. The NYSDOH has acknowledged a range of important issues, including background and the use of modeling. There also seems to be willingness to consider reasonable measures such as sealing cracks and adjusting building pressures as mitigation, which could be useful and less expensive than other alternatives.

Comment G.9:

The document reflects New York's extensive and growing practical experience in evaluating vapor exposures. As a handbook, it is invaluable. However, as a policy guidance, it should be more protective of human health.

Comment G.10:

The draft guidance is well written and easy to understand. The document is well organized, with separate sections on investigation methods, data evaluation, and mitigation methods.

Comment G.11:

We commend the [NYS]DOH for their efforts in addressing the issue of vapor intrusion in such a timely fashion. It is clear that as with any subsurface transport, understanding vapor migration is dependent upon a thorough knowledge of geologic conditions and how those affect vapor migration. One of our greatest concerns relates to the lack of certainty with respect to how vapor transport behaves in certain settings and how vapor soil monitoring data can be used in a more concrete fashion to assess the risk of off-site exposure in buildings. Many of our members collect soil and groundwater chemical information on a regular basis. We are all aware of the fact that in a state like New York, with a long history of industrial activities, the presence of volatile organics is a common occurrence.

Comment G.12 (paraphrased, 1 commenter, 1 comment):

The Department is to be commended for its effort to address the complex issue of indoor air quality/vapor intrusion into habitable structures from subsurface media. In general, the Draft SVI Guidance is succinct and well written. Notwithstanding, we have significant concerns with the technical approach and some policy decisions inherent in the Draft SVI Guidance.

Comment G.13 (paraphrased, 1 commenter, 1 comment):

As owners of both open and closed inactive hazardous waste disposal sites, Resource Conservation and Recovery Act (RCRA) Corrective Action Sites, Brownfield sites, and Voluntary Cleanup Program sites, we are concerned that the proposed soil vapor intrusion policy would, without adequate legal safeguards, result in the attempted assessment of

additional cost at sites for which remedial decisions have already been made, and do so without any corresponding human health or environmental benefit.

Comment G.14 (paraphrased, 1 commenter, 1 comment):

We commend the NYSDOH on preparing a thoughtful and comprehensive document describing the situations when vapor intrusion may be of concern, methods for assessing the potential significance of this pathway, and how to interpret the data once they are collected. However, we offer suggestions on how to increase the clarity and consistency of the document.