Industrial Property Remediation and Reuse Act Amendments of 2012 and 2013

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Background

Hundreds of contaminated sites with historical industrial pollutants
Numerous federal and state sites located within the urban corridor
High percentage of impacted sites in Cranston, East Providence, Johnston, North Smithfield, Pawtucket, Providence, Warwick, West Warwick, Woonsocket and Central Falls
Legislative Background
Modification to the Industrial Property Remediaion and Reuse Act

Due to community concerns regarding reliance on active systems to mitigate vapor intrusion (VI) conditions in school buildings, S2277/H7412 was enacted in 2012, essentially banning construction of schools on land where “potential” for vapor intrusion exists.

In 2013, the law was further clarified (enacted as H5617/S520):

- May require sub-slab ventilation system and vapor barrier
- Allows for in-situ treatment of contamination as an alternative to source removal
- Gives DEM clearer direction on how to establish procedural guidance
- Permits schools to be located on Brownfields sites where no potential for migration exists
Legislative Background

Requires DEM to:

- Adopt numerical objectives for groundwater and soil for contaminants of concern (COCs) where such standards do not already exist
- Develop procedures for determining whether vapors from COCs pose a reasonable potential for migration into school structures

COCs Defined

EPA’s list of contaminants with potential for volatilization

- Approximately 120 compounds
- VOCs
- PAHs
- Elemental mercury

Mandatory sampling

- Soil – Residential Direct Exposure Criteria
- Groundwater – GB groundwater objectives
Vapor Intrusion Evaluation Process for Proposed RI School Sites

Soil and Groundwater Samples Analyzed for All COCs

- Concentrations of COCs in Soil above RDEC?
  - YES
  - Concentrations of COCs in Groundwater above GB Objectives?
    - YES
    - Concentrations of COCs in Groundwater at low levels?
      - YES
      - Comprehensive Conceptual Site Model and Soil Gas Analysis Required. Results Demonstrate Potential for Vapor Intrusion?
        - YES
          - Interim LOC
        - NO
          - Site must be Remediated to Below Department Standards by Excavation or in situ remediation. Sub-Slab Ventilation System Required
    - NO
      - No Potential for Vapor Intrusion Non-Jurisdictional Letter*
  - NO

*If in compliance with remainder of Remediation Regulations

Post-review

If site approved, additional requirements may include:

- RIDEM requirements (ongoing monitoring, etc.)
- Public involvement
- State/local authorities
- Other
Applicability

All proposed elementary and secondary school facilities in Rhode Island, whether in urban or rural settings
  • Public
  • Private
  • Charter
  • Certain renovation/reconstruction projects (5% threshold)

Law excludes:
  • Adult education facilities
  • Private daycare and childcare facilities

Looking Forward

Coming up:
  • Development of groundwater objectives & R-DEC where none exist
  • Revisions or review of:
    • Existing GA and GB Groundwater Objectives
    • R-DEC criteria
    • Leachability Criteria
    • Applicability to other sites