

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 Remediation 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.

Legislative Background

Modification to the Industrial Property Remediation and Reuse Act

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

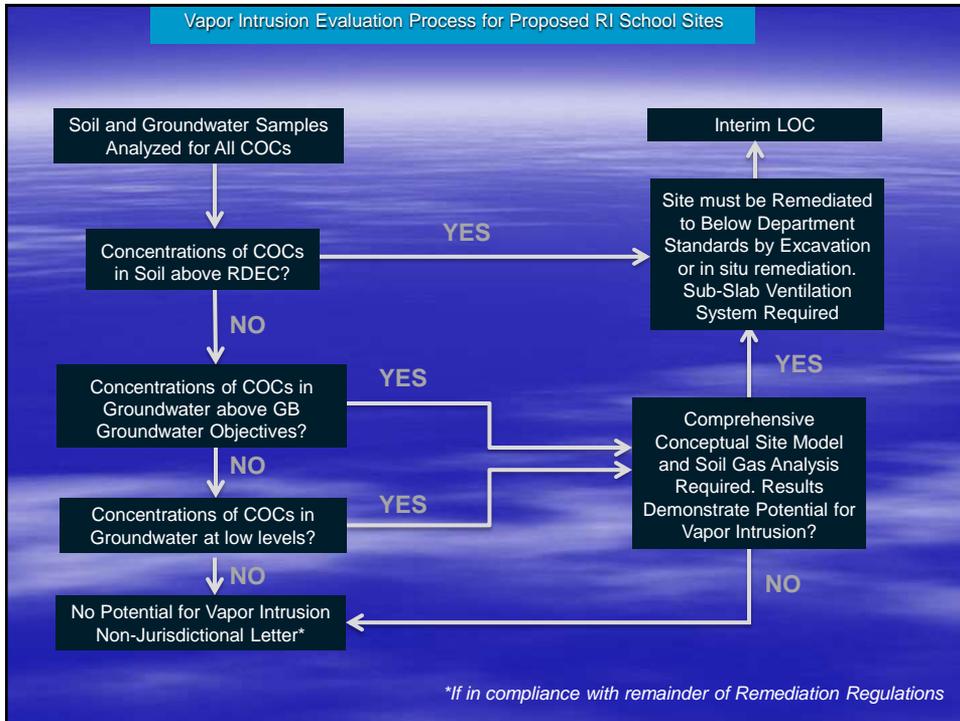
COCs Defined

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



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