

Advocacy for Commercial Owners at Superfund Site Mountain View, CA



EKI has been assisting a developer with environmental due diligence, vapor intrusion (VI) assessment and mitigation, redevelopment, and on-going advocacy for several properties within a Federal Superfund site since the mid-1990s. These properties overlie a plume of volatile organic compounds (VOCs) in the shallow aquifer zone, which is being remediated by the potentially responsible parties (PRPs) under the oversight of the United States Environmental Protection Agency (U.S. EPA).

Recently, EKI was retained by a consortium of commercial property owners at the Superfund site to represent them regarding VI matters. The U.S. EPA's Proposed Plan to address VI placed undue burden and liability on the current property owners to implement a VI remedy using HVAC. EKI identified several options and developed mitigation cost estimates to install active sub-slab vapor intrusion mitigation systems in new and existing commercial buildings. EKI reviewed the foundations plans for several of the existing building types and met with the contractor that had built more than a dozen of the buildings at the site to evaluate the feasibility of retrofitting them. The range of active sub-slab and sub-grade mitigation options included:

- Converting an existing passive venting system into active sub-slab depressurization (SSD),
- Installing SSD into an existing building by drilling through the perimeter foundation,
- Installing a deeper soil vapor extraction system using horizontal drilling techniques for older existing buildings that might not have permeable materials under the building slab, and
- Installing SSD into new buildings that have not yet been constructed.

The cost estimates for these options were provided to U.S. EPA as part of the commercial owners' comments on the Proposed Plan to demonstrate the feasibility of retrofitting existing buildings with active VI mitigation systems. Based on EKI's input, the U.S. EPA modified the VI remedy in the Record of Decision (ROD) to incorporate the approach and mitigation options identified by EKI.

EKI continues to perform on-going advocacy and review for the owner's group and for a number of the individual property owners. Several SSD systems that will be installed through the perimeter foundation are in the pilot testing and design phases. EKI has peer reviewed the pilot test work plans and mitigation system designs prepared by the PRP's consultants. EKI has also been retained to communicate vapor intrusion findings to tenants.