WESTERSUND Joe

From: WESTERSUND Joe
Sent: Friday, September 13, 2013 3:12 PM
To: 'James Kincaid'
Cc: 'Charles Kobin (charles@kobinlaw.com)'; 'John Hudson'; 'Tim O'Gara'
Subject: RE: Hudson Investment/Progress Dry Cleaner

Hi All,

I received an angry phone message this morning, so I'll take that as a "no" to the question in my 9/12/2013 email. Based on that, here's what I can offer:

1) We could proceed with the plan offered in my 9/12/2013 email, included below. With the modification that DEQ will pay for the air sampling.

OR

2) DEQ takes no further action at the site. DEQ pays for O&M, including electricity cost, for continuing operation of the sub-slab fan. DEQ could fill the shrinkage gap around the previous excavation with caulk or other material if desired.

   Based on all sampling data available, indoor air at Progress Cleaners meets the RBCs when the sub-slab depressurization system is running. Also, Mr. Hudson stated in one of our earlier phone conversations that the current condition of the floor is not a barrier to tenant use of the space; he said that he could have "put carpet over it 5 years ago".

   Therefore, taking no additional action at the site is a valid option. This solution is low-cost, protective of human health, and allows Mr. Hudson to resume use of the space without delay should he so choose.

-Joe

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From: WESTERSUND Joe
Sent: Thursday, September 12, 2013 3:08 PM
To: 'James Kincaid'
Cc: Charles Kobin (charles@kobinlaw.com); John Hudson; Tim O'Gara
Subject: RE: Hudson Investment/Progress Dry Cleaner

Hi All,

Thank you to Tim and all of you for the thought you're putting in to this project. I appreciate that we're working together on making sure the work at the site is effective.

We're agreed that DEQ will add a new vapor barrier and 2" slab, and we're talking about whether other work is needed in addition. Here's my understanding of your point of view:

1. You're concerned that the new vapor barrier could cause vapor to migrate to the neighboring space and cause concentrations there to exceed RBCs.
2. You suggest that, if #1 occurs,
    a. The current sub-slab depressurization system may be unable to prevent concentrations in the neighboring space from exceeding RBCs, and
    b. An addition to the sub-slab depressurization system would be able to keep the neighboring space from exceeding RBCs.

Let me know if that understanding isn't accurate.

My view is that the current sub-slab depressurization system is effective (indoor air concentrations are below RBCs when it is on) and I believe that it will get more effective after the addition of the additional, larger vapor barrier. Like plugging a leaky hose on a vacuum cleaner, less of the air the fan pulls out will leak in from the room, so the fan will be more effective at getting vapor from the sub-slab. With the new vapor barrier, it may not even be necessary to run the fan in order to keep concentrations below RBCs. In that case, any improvements to the subslab system would be moot, because we wouldn't even be running the system.

I may not be able to convince you of my point of view, but sampling could show whether additions to the subslab system are needed or not. Here's what I suggest:

1. DEQ moves forward with this scope of work:
    a. Use caulk or other material to fill shrinkage gap around previous excavation
    b. Put new vapor barrier down on existing floor
    c. Add 2" concrete lift on top of that
    d. No changes to the sub-slab depressurization system for now
2. After that work we do one round of indoor air testing, with a sample collected in the former dry cleaner and a sample in the neighboring space. The samples are collected with the sub-slab depressurization system off.
    a. If one or more samples are above RBCs, then we do one additional round of sampling with the subslab system on.
        i. If concentrations are above RBCs even with the current subslab system on, then DEQ is open to options including the additions to the sub-slab depressurization system Tim suggested. This scenario would indicate that the new vapor barrier made things worse, which in my view is very unlikely. Based on my understanding of Tim's idea, it could be implemented after the floor is done- it wouldn't have to be done beforehand.
    b. On the other hand, if concentrations with the fan off are below RBCs, then it looks like running the fan is no longer needed. We do one additional round of sampling to confirm that, some months later. If it comes back below RBCs, then the fan can be left off indefinitely.

We haven't talked previously about sampling. In my view, DEQ is going beyond what it would normally be willing to do by funding this floor work even though the existing system keeps concentrations below RBCs. However, Mr. Hudson, you've been going above and beyond as well by funding work out of your own pocket, including some previous air sampling. Would you be willing to fund this air sampling as well, as your contribution to the work?

-Joe

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From: James Kincaid [mailto:jkincaid@cablehuston.com]
Sent: Wednesday, September 11, 2013 11:34 AM
To: WESTERSUND Joe
Cc: Charles Kobin (charles@kobinlaw.com); John Hudson; Tim O'Gara
Subject: Hudson Investment/Progress Dry Cleaner

Hi Joe,

Following up on our telephone call a week or so ago, attached is a letter from Tim O'Gara that explains the need for expanding the subsurface vapor collection system at the Progress dry cleaner tenant space. In general, Tim is concerned that vapors will not migrate horizontally and outside the footprint of the building. Instead, Tim believes that because of the type of backfill there is a potential vertical pathway that would allow vapors to migrate potentially into other portions of the building.

Because DEQ's concern seems to be related to cost, Tim also has determined, and discusses briefly in the letter, that installation of the additional vapor extraction lines may be performed without removal and replacement of the old concrete patch.

Please let me know if you would like to discuss any aspect of Tim's analysis and conclusions. I am happy to put together a conference call with Tim and others if you would like.

Jim

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