

The Environmental Corner

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Vapor Intrusion – A Concern, But An Easy Fix

Those of you who have read my past articles, have heard me speak, or have ever looked at EnviroForensics' website, know that we specialize in helping dry cleaners work through the regulatory and insurance maze of investigating and remediating soil and groundwater impacts caused by the release of perchloroethene (PCE). The EnviroForensics team takes pride in helping to solve environmental problems for the dry cleaning industry; and over the past 18 years, we have helped more than 400 dry cleaners.

So much has changed since I started working with dry cleaners. The laws and regulations enforced by the regulatory agencies, the cleanup technology, and the perceived human health exposure of vapors, known as vapor intrusion, are continually changing and evolving. It seems that the only constants are that dry cleaners are targets and continue to be blamed when PCE is found in soil and groundwater. PCE is considered a risk to public health, contaminated soil and groundwater makes property

transactions difficult to complete, and cleaning up PCE in soil and groundwater is expensive. Oh, and old CGL insurance policies continue to be one of the saving graces for dry cleaners when faced with the daunting reality that they have been named as a party responsible for PCE contamination.

I first used historical CGL policies to pay for environmental investigations, remediations, and legal fees in 1990. The process worked then and it continues to work today. While it is not always a cake walk to use CGL policies, our firm has garnered more

experience than any other environmental consulting company in bringing old policies to bear on the environmental problems that small business owners and family members face. As the insurance laws change over time, and are different from state to state, and while the insurance industry continues to react and respond to these changes, we have had to be nimble and ever changing in the way we approach the use of historical insurance. That's why we work with the most talented

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and knowledgeable legal counsel and find the most talented and motivated environmental scientists, engineers and hydrogeologists to work with us.

Today, when more and more dry cleaners and former dry cleaners are being targeted because of new standards concerning indoor air and Vapor Intrusion (VI), we are focusing on developing the highest standards for measuring and mitigating the off-gases from PCE. There's a new surge of environmental enforcement that is not going away; and last month a national standard for lending institutions was formally enacted as law which will put more focus on vapor intrusion as an element of the property due diligence and transaction requirements. We have experts on our staff like Jeff Carnahan and Megan Hamilton, who deal with vapor intrusion issues every day and who have worked tirelessly with vapor mitigation contractors to develop and implement cost effective vapor mitigation measures to thwart the threat posed by vapor intrusion into residential and commercial buildings. Anyone who has read those articles, or other information about VI, understands that it can have an impact on neighboring businesses, schools and residences in the area around your dry cleaner or former dry cleaning site. And while many dry cleaners are or will be faced with vapor intrusion issues, mitigating these vapors is a relatively inexpensive process; but there are protocols and standards that must be followed and experience in this field is critical. Beware of the cheap radon mitigation contractor, because vapors emanating from PCE and other volatile organic compounds are typically more complicated to abate than what has been the standard practice for radon gas mitigation.

From this point forward, almost every environmental investigation is going to include a vapor intrusion assessment and testing of sub-slab or indoor air. We live in a litigious society. It's always only a matter of time before individuals who fear perhaps that their health, the health of their family, or the value of their property might be impacted by neighboring dry cleaning sites, would consider seeking legal remedy. It is important to protect yourself and your business by understanding some possible options.

Choose your consultant and your legal counsel wisely. In my next article, I will outline the essential points in a site closure strategy for your dry cleaning site that addresses vapor intrusion issues, which when addressed, can protect you and your heirs.

Like having a successful business or good health, there is no guarantee that your environmental issue will be smooth sailing. No one knows going into an investigation what will be found or how big the problem might be. From experience, I can tell you that more times than not the problem is manageable and with property strategy a practical solution can be achieved. If you need someone to bounce your thoughts off, we are always a phone call or e-mail away. Contact us and we will answer your questions and give you our opinions. Don't be a stranger. We are the experts and have been helping dry cleaners and serving the dry cleaning industry for 18 years.

With 30 years of experience, Steve Henshaw holds professional geology registrations in numerous states. As President and CEO of EnviroForensics, Henshaw serves as a client and technical manager on projects associated with site characterization, remedial design, remedial implementation and operation, litigation support and insurance coverage matters. He has acted as Project Manager or Client Manager on several hundred projects involving dry cleaners, manufacturers, landfills, refineries, foundries, metal plating shops, food processors, wood treating facilities, chemical blenders and transportation facilities. Henshaw has built a leading edge environmental engineering company that specializes in finding the funding to pay for environmental liabilities. By combining responsible party searches with insurance archeology investigations, EnviroForensics has been successful at remediating and closing sites for property owners and small business owners across the country, with minimal capital outlay from clients. He is a regular contributing writer for several dry cleaning trade publications on environmental and regulatory issues and remains active with dry cleaning associations by providing insight on changes in law and policy. Contact www.enviroforensics.com; e-mail: shenshaw@enviroforensics.com.