

January 9, 2009

Mr. Cliff Rothenstein
Director
U.S EPA Office of Underground Storage Tanks
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460-0001

Subject: Request for EPA OUST Assistance in Preparing a Petroleum Vapor Intrusion
Guidance Document

Dear Mr. Rothenstein:

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Leaking Underground Storage Tank (LUST) Task Force requests that the Environmental Protection Agency (EPA) Office of Underground Storage Tanks (OUST) resume the Petroleum Vapor Intrusion Work Group for the purpose of preparing an EPA-approved petroleum vapor intrusion guidance document.

In 2002, the EPA released the *OSWER Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance) (EPA 530-D-02-004)*. This guidance stated that it was not recommended for use at Subtitle I UST sites because of certain conservative assumptions that may not be appropriate at a majority of petroleum release sites. The guidance further stated that the EPA was forming an EPA/State working group to further study the behavior of petroleum and petroleum products in the subsurface associated with the vapor intrusion pathway.

In 2003, the EPA OUST formed the EPA/State Petroleum Vapor Intrusion Work Group which consisted of 45 EPA and State agency representatives. From 2003 through 2005, the Work Group had over 20 conference calls and created a Quickplace website to post scientific literature and guidance documents on petroleum vapor intrusion. In order to address emerging priorities the Work Group was disbanded in 2005 before it was able to finalize a recommendation for *evaluating the petroleum vapor intrusion to indoor air pathway*.

Since 2005 a considerable amount of empirical data pertinent to the evaluation of the petroleum vapor intrusion pathway has been collected by the States. In light of the extensive work that was accomplished by the original Work Group and the additional data collection that has occurred since 2005, we believe it is critical to reconvene the Work Group to evaluate the new

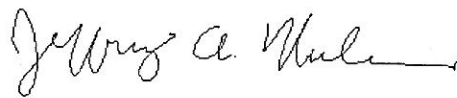
information and complete the task of developing a definitive guidance document for investigating and managing the petroleum vapor intrusion pathway that is applicable nationwide.

A broadly applicable guidance document for evaluating the petroleum vapor intrusion pathway is needed by all the States to ensure a consistent framework to evaluate and address vapor intrusion, provide a consistent foundation for States to pursue vapor intrusion policies and strategies to meet their needs, to preserve the investment of State and federal resources already allocated to the guidance development, and to ensure that precious financial resources to address vapor intrusion are used effectively. Therefore, the ASTSWMO LUST Task Force requests that the EPA OUST reconvene the Petroleum Vapor Intrusion Work Group.

Sincerely,



Richard Spiese, Chair
ASTSWMO LUST Task Force



Jeffrey A. Kuhn, Vice Chair
ASTSWMO LUST Task Force