



DEPARTMENT OF THE NAVY

INDIAN HEAD DIVISION
NAVAL SURFACE WARFARE CENTER
101 STRAUSS AVE
INDIAN HEAD MD 20640-5035

5090
Ser 044SJ/85
11 Jun 02

Mr. Elmer Biles
6315 Indian Head Highway
Indian Head, MD 20640

Dear Mr. Biles:

We are writing in response to your letter of May 11, 2002 concerning the draft final (Revision 1) Feasibility Study Report for Site 42, Olsen Road Landfill of March 2002. A copy of your letter is enclosed, as well as our responses to your comments.

Please note that your questions concerning worker protection, risk to workers, and hazard pay/special health benefits requirements are outside the scope of the feasibility study. OHM, the Navy's Remedial Action Contractor (RAC) will address the majority of these items in their work plan for the cleanup effort. OHM has been provided with the remedial investigation and feasibility study reports, which include all of the sampling data, potential risks to humans based on the EPA models, and remedies evaluated. It is up to OHM's Health and Safety Officer to determine the appropriate personal protective equipment required based on the information provided. The Navy is not privy to any hazard pay or special health benefits that OHM provides its employees. If OHM provides these items to their employees, it is done within the OHM Corporation.

One thing we would like to mention is that OHM must follow the requirements in the Code of Federal Regulations, Title 29 (Labor), in section 1910.120 (29 CFR 1910.120). The subject of 29 CFR 1910.120 is "Hazardous waste operations and emergency response." The regulations require, among other things, that employees be trained on the hazards in which they will be working. Additionally, the regulations require employers to have a Safety and Health Program. The requirements of the program can be found in 29 CFR 1910.120(b), Safety and Health Program. A copy of this section of the regulations has been enclosed for your information.

You can find the complete regulation on the following web site:

<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1>

If you go down the web page, you will find blank spaces to fill in for a search. Type in the number 29 under "Title," 1910 under "Part," and 120 under "Section," then click on the "retrieve" button. These are just some of the regulations that all employers/employees must follow to perform work at Installation Restoration sites.

We thank you for your response to our request for comments. If you have any additional comments or questions please contact Mr. Shawn Jorgensen on (301) 744-2263.

Sincerely,



CHERYL L. DESKINS
Acting Director,
Environmental Division
By direction of the Commander

Encl:

- (1) E. Biles' ltr of 13 May 02
- (2) Response to comments in E. Biles' ltr of 13 May 02
- (3) Copy of 29 CFR 1910.120(b)

Copy to:

RAB Members
Tetra Tech (G. Latulippe)
OHM (D. Pringle)



6315 Indian Head Highway
Indian Head, Maryland 20640

FAX 744-4180

Ms. Cheryl L. Deskins, Acting Director
Environmental Division
Department of the Navy
Indian Head Division, Naval Surface Warfare Center
101 Strauss Avenue
Indian Head, MD 20640-5035

May 11, 2002

REF: Draft Final (Revision 1) Feasibility Study Report or Site 42, Olsen Road
Landfill, March 2002

Dear Ms. Deskins:

Thank you for your letter of May 10 enclosing a response to my letter of June 12, 2001. Thanks also for the bulleted list that outlines the changes made between the draft final FS Report (April 2001) and Revision 1 (March 2002). This is a big help and permits one to focus on the changes between the reports.

I am please to see that Alternative 4 is the recommended alternative. I concur with the revisions and have only a few minor comments on the report.

1. On your list of major changes provided me (the bulleted list) I note that the fifth bulleted item makes mention that Alternatives 2 and 3 are now included in Figure 6-2. Figure 6-2 makes reference to Alternatives 3 and 4 not 2 and 3.

2. I further note that figure 6-3 and 6-5 are the same with the exception that the legend is changed. I recommend that the legend for figure 6-5 be modified for the (xxx) area to read "the waste with the asphalt cap *and the engineered cap and steel band/neoprene gasket* to remain in place".

3. It is suggested that in the Acronyms and Definitions on page vii you include the abbreviation " NPW" which I believe refers to "present worth."

4. I note in table 2-2 you identify the following as being Chemicals of Primary Concern(COPC's)- Surface Water but are not included in table 2-1 under the column for Surface Water: **Aluminum, copper, and zinc**. Why not?

The following is an item of primary concern to me. I note that table 2-3 provides "Estimated RME Cancer Risks and Noncarcinogenic Hazard Indices for site 42. By this report we are recommending that several million dollars be expended to protect the hazardous components of Site 42 from various exposure routes. One of the categories is for "Construction Workers" which are noted as having an Incremental Cancer Risk and a Hazard Index for dermal contact with soils as well as among other categories.

I would appreciate a response to the following:

- a. What protection will be afforded the construction workers who will be engaged in the soil removal and the placement of the engineered cap from "dermal contact"?
- b. Will these workers be appraised of any risk they may be subjected to as a result of their employment relative to the implementation of Alternative 4? (or which ever alternative is finally approved). Will such notification be in writing? Will this be the responsibility of the Navy or the primary contractor?
- c. Will they be given hazard pay or any special health benefits or protection while employed on this project?

Thanks for the opportunity of commenting.

Sincerely,



Elmer S. Biles
301 283 62098
ARARAT01@Juno.com

**Response to Comments from Elmer S. Biles
Dated May 11, 2002
Draft Final (Revision 1) Feasibility Study Report
Site 42, Olsen Road Landfill
Indian Head Division
Naval Surface Warfare Center**

1. **Comment:** On your list of major changes provided me (the bulleted list) I note that the fifth bulleted item makes mention that Alternatives 2 and 3 are now included in Figure 6-2. Figure 6-2 makes reference to Alternatives 3 and 4 not 2 and 3.

Response: The information that was provided in the summary of major changes (the bulleted list) was incorrect. Figure 6-2 was edited in the Draft Final (Revision 1) to depict the layout for Alternatives 3 and 4.

2. **Comment:** I further note that figure 6-3 and 6-5 are the same with the exception that the legend is changed. I recommend that the legend for figure 6-5 be modified for the (xxx) [cross-hatched] area to read "the waste with the asphalt cap *and the engineered cap and steel band/neoprene gasket* to remain in place".

Response: The suggestion is acknowledged. The potential confusion will be addressed by editing the legends on Figures 6-2 and 6-5 (note that Figure 6-3 is the soil cap cross section figure). The description for the cross-hatched area on Figure 6-2 will read "Proposed Asphalt Cap Over Waste". The description for the cross-hatched area on Figure 6-5 will read "Proposed Asphalt Cap Over Remaining Waste".

3. **Comment:** It is suggested that in the Acronyms and Definitions on page vii you include the abbreviation "NPW" which I believe refers to "present worth."

Response: The acronym and definition for Net Present Worth (NPW) will be added to the Acronym list.

4. **Comment:** I note in table 2-2 you identify the following as being Chemicals of Primary Concern (COPC's) - Surface Water but are not included in table 2-1 under the column for Surface Water: **Aluminum, copper, and zinc**. Why not?

Response: The text in Section 2.2.5 and the related tables will be revised to make them consistent and to reflect the results of the human health and ecological risk assessments.

5. **Comment:** The following is an item of primary concern to me. I note that table 2-3 provides "Estimated RME Cancer Risks and Non-carcinogenic Hazard Indices for site 42. By this report we are recommending that several million dollars be expended to protect the hazardous components of Site 42 from various exposure routes. One of the categories is for "Construction Workers" which are noted as having an Incremental Cancer Risk and a Hazard Index for dermal contact with soils as well as among other categories. I would appreciate a response to the following:
- a. What protection will be afforded the construction workers who will be engaged in the soil removal and the placement of the engineered cap from "dermal contact"?
 - b. Will these workers be appraised of any risk they may be subjected to as a result of their employment relative to the implementation of Alternative 4? (or whichever alternative is finally approved), Will such notification be in writing? Will this be the responsibility of the Navy or the primary contractor?
 - c. c. Will they be given hazard pay or any special health benefits or protection while employed on this project?

Response: The issues mentioned in this response are not within the scope of the Feasibility Study. Health and Safety issues for worker exposure during remediation construction are addressed during the work plan stages for those activities and are the responsibility of the Remedial Action Contractor (RAC).



Code of Federal Regulations

29

Parts 1900 to § 1910.999

Revised as of July 1, 2001

Labor

state, local or other where an accumulation of hazardous substances creates a threat to the health and safety of individuals or the environment or both. Some sites are found on public lands such as those created by former municipal, county or state landfills where illegal or poorly managed waste disposal has taken place. Other sites are found on private property, often belonging to generators or former generators of hazardous substance wastes. Examples of such sites include, but are not limited to, surface impoundments, landfills, dumps, and tank or drum farms. Normal operations at TSD sites are not covered by this definition.

(b) *Safety and health program.*

NOTE TO (b): Safety and health programs developed and implemented to meet other Federal, state, or local regulations are considered acceptable in meeting this requirement if they cover or are modified to cover the topics required in this paragraph. An additional or separate safety and health program is not required by this paragraph.

(1) *General.* (i) Employers shall develop and implement a written safety and health program for their employees involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards, and provide for emergency response for hazardous waste operations.

(ii) The written safety and health program shall incorporate the following:

(A) An organizational structure;

(B) A comprehensive workplan;

(C) A site-specific safety and health plan which need not repeat the employer's standard operating procedures required in paragraph (b)(1)(ii)(F) of this section;

(D) The safety and health training program;

(E) The medical surveillance program;

(F) The employer's standard operating procedures for safety and health; and

(G) Any necessary interface between general program and site specific activities.

(iii) *Site excavation.* Site excavations created during initial site preparation or during hazardous waste operations shall be shored or sloped as appropriate to prevent accidental collapse in ac-

cordance with subpart P of 29 CFR part 1926.

(iv) *Contractors and sub-contractors.* An employer who retains contractor or sub-contractor services for work in hazardous waste operations shall inform those contractors, sub-contractors, or their representatives of the site emergency response procedures and any potential fire, explosion, health, safety or other hazards of the hazardous waste operation that have been identified by the employer, including those identified in the employer's information program.

(v) *Program availability.* The written safety and health program shall be made available to any contractor or subcontractor or their representative who will be involved with the hazardous waste operation; to employees; to employee designated representatives; to OSHA personnel, and to personnel of other Federal, state, or local agencies with regulatory authority over the site.

(2) *Organizational structure part of the site program—(i)* The organizational structure part of the program shall establish the specific chain of command and specify the overall responsibilities of supervisors and employees. It shall include, at a minimum, the following elements:

(A) A general supervisor who has the responsibility and authority to direct all hazardous waste operations.

(B) A site safety and health supervisor who has the responsibility and authority to develop and implement the site safety and health plan and verify compliance.

(C) All other personnel needed for hazardous waste site operations and emergency response and their general functions and responsibilities.

(D) The lines of authority, responsibility, and communication.

(ii) The organizational structure shall be reviewed and updated as necessary to reflect the current status of waste site operations.

(3) *Comprehensive workplan part of the site program.* The comprehensive workplan part of the program shall address the tasks and objectives of the site operations and the logistics and resources required to reach those tasks and objectives.

(i) The comprehensive workplan shall address anticipated clean-up activities as well as normal operating procedures which need not repeat the employer's procedures available elsewhere.

(ii) The comprehensive workplan shall define work tasks and objectives and identify the methods for accomplishing those tasks and objectives.

(iii) The comprehensive workplan shall establish personnel requirements for implementing the plan.

(iv) The comprehensive workplan shall provide for the implementation of the training required in paragraph (e) of this section.

(v) The comprehensive workplan shall provide for the implementation of the required informational programs required in paragraph (i) of this section.

(vi) The comprehensive workplan shall provide for the implementation of the medical surveillance program described in paragraph (f) of this section.

(4) *Site-specific safety and health plan part of the program*—(i) *General*. The site safety and health plan, which must be kept on site, shall address the safety and health hazards of each phase of site operation and include the requirements and procedures for employee protection.

(ii) *Elements*. The site safety and health plan, as a minimum, shall address the following:

(A) A safety and health risk or hazard analysis for each site task and operation found in the workplan.

(B) Employee training assignments to assure compliance with paragraph (e) of this section.

(C) Personal protective equipment to be used by employees for each of the site tasks and operations being conducted as required by the personal protective equipment program in paragraph (g)(5) of this section.

(D) Medical surveillance requirements in accordance with the program in paragraph (f) of this section.

(E) Frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and instrumentation to be used, including methods of maintenance and calibration of monitoring and sampling equipment to be used.

(F) Site control measures in accordance with the site control program required in paragraph (d) of this section.

(G) Decontamination procedures in accordance with paragraph (k) of this section.

(H) An emergency response plan meeting the requirements of paragraph (l) of this section for safe and effective responses to emergencies, including the necessary PPE and other equipment.

(I) Confined space entry procedures.

(J) A spill containment program meeting the requirements of paragraph (j) of this section.

(iii) *Pre-entry briefing*. The site specific safety and health plan shall provide for pre-entry briefings to be held prior to initiating any site activity, and at such other times as necessary to ensure that employees are apprised of the site safety and health plan and that this plan is being followed. The information and data obtained from site characterization and analysis work required in paragraph (c) of this section shall be used to prepare and update the site safety and health plan.

(iv) *Effectiveness of site safety and health plan*. Inspections shall be conducted by the site safety and health supervisor or, in the absence of that individual, another individual who is knowledgeable in occupational safety and health, acting on behalf of the employer as necessary to determine the effectiveness of the site safety and health plan. Any deficiencies in the effectiveness of the site safety and health plan shall be corrected by the employer.

(c) *Site characterization and analysis*—

(1) *General*. Hazardous waste sites shall be evaluated in accordance with this paragraph to identify specific site hazards and to determine the appropriate safety and health control procedures needed to protect employees from the identified hazards.

(2) *Preliminary evaluation*. A preliminary evaluation of a site's characteristics shall be performed prior to site entry by a qualified person in order to aid in the selection of appropriate employee protection methods prior to site entry. Immediately after initial site entry, a more detailed evaluation of the site's specific characteristics shall

be performed in order to further identify hazards and to determine the location of the controls and the permit for the site.

(3) *Hazard identification*. Under conditions that are immediately dangerous to life or health (IDLH), or other conditions that could cause death or serious injury, a survey and evaluation shall be conducted. Examples include, but are not limited to, flammable gas clouds, or areas where workers are located.

(4) *Required information*. The following information shall be obtained prior to allowing site entry:

(i) Location of the site.

(ii) Description of the site and/or the activity.

(iii) Duration of the activity.

(iv) Site topography by air and road.

(v) Safety hazards expected at the site.

(vi) Pathways of exposure and dispersion.

(vii) Presence of emergency response resources.

(viii) Time of an emergency response.

(ix) Hazardous waste characteristics.

(x) Physical and chemical properties.

(5) *Personal protective equipment*.

(i) Personal protective equipment shall be provided for site entry in accordance with the following requirements:

(i) Based upon the preliminary site evaluation, the type of PPE shall be determined.

(ii) Initial site protection shall be provided to prevent exposure to permissible exposure limits.

(iii) Initial site protection shall be provided to prevent exposure to permissible exposure limits.

(iv) Initial site protection shall be provided to prevent exposure to permissible exposure limits.

(v) Initial site protection shall be provided to prevent exposure to permissible exposure limits.