



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

May 20, 2014

Jay A. Steinberg
Nevada Environmental Response Trust
35 East Wacker Drive, Suite 1550
Chicago, IL 60601

Re: **Tronox LLC (TRX) Facility**
Nevada Environmental Response Trust (Trust) Property
NDEP Facility ID #H-000539
Nevada Division of Environmental Protection (NDEP) Response to: *Health and Safety Plan for Remedial Investigation and General Site Activities, Nevada Environmental Response Trust Site, Henderson, Nevada*

Dated: January 24, 2014

Dear Mr. Steinberg,

The NDEP has received and reviewed the Trust's above-identified Deliverable and provides comments in Attachment A. A revised Deliverable should be submitted **by 06/20/2014** based on the comments found in Attachment A. The Trust should additionally provide an annotated response-to-comments letter as part of the revised Deliverable.

Please contact the undersigned with any questions at wdong@ndep.nv.gov or 702-486-2850 x252.

Sincerely,

Weiquan Dong, P.E.
Special Projects Branch
Bureau of Corrective Actions
NDEP-Las Vegas City Office

WD:jd



EC: Greg Lovato, Bureau of Corrective Actions, NDEP
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David Johnson, Central Arizona Water Conservation District
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Ed Modiano, de maximis, inc.
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Ron Zegers, Southern Nevada Water Authority
Scott Bryan, Central Arizona Project
Stephen Tyahla, U.S. Environmental Protection Agency, Region 9
Susan Crowley, Crowley Envirn.
Tanya O'Neill, Foley & Lardner LLP
Wayne Klomp, AG's Office

Attachment A

1. General Comment. Overall, the HASP follows the Federal Regulations. The main issues that need to be resolved including a site map with clearly defined work zones, designating an alternate site health and safety officer, indications of the limitations of the PPE being used, and indicating the periodic review of safety documents to ensure currency and relevancy.
2. Section 1.4, p 5, Specific Work Activities. A description of the tasks covered under this HASP is provided in Section 1.4. The expected duration of each task is not provided with the description of each task. 29 CFR 1910.120(c)(4)(iii), 29 CFR 1926.65(c)(4)(iii)

3. Section 3, pages 11 – 14, Key Personnel/ Project Organization and Responsibilities

Procedures for conducting inspections to determine HASP effectiveness, correcting noted deficiencies, and taking corrective or disciplinary action are not included or referenced in the HASP. 29 CFR 1910.120(b)(4)(iv), 29 CFR 1926.65(b)

4. Section 2.2.4, p 12, and 2.2.5, p 13, Site Coordinator and HSO

Personnel are designated as varying safety staff including corporate health and safety director, project health and safety coordinator, designated site coordinator, and site health and safety officer. Nita Shinn is identified as the site health and safety officer and designated site coordinator and is not with Environ anymore, so new site coordinator should be identified. However, an alternate or back-up person is not indicated for the site coordinator. Personnel are identified for the other safety staff positions, but the descriptions indicate those are not on-site positions. An alternate site health and safety officer needs to be designated. 29 CFR 1910.120(e)(2)(i), 29 CFR 1910.120(e)(2)(i)

5. Section 6.5, p 37, Health and Safety Records

Section 6.5 in the HASP address medical recordkeeping. It is indicated in the CFR that employee medical records shall be preserved and maintained for at least the duration of employment plus thirty years with the exception of health insurance claims and first aid records, or medical records of employees who have worked for less than 1 year and who were given their medical records upon termination of employment. The thirty year requirement for recordkeeping should be included in the HASP in order to ensure compliance with this standard. 29 CFR 1910.1020(d)(1)(i)(A)-(C)

6. Section 7, pages 39 – 44, Personnel Protective Equipment (PPE)

A) Although the personnel protective equipment is discussed, the limitations of the PPE are not included in the descriptions. It is understood that the two levels of PPE expected to be in use are modified level D and level D, both very minimal levels of protection indicating low exposure expectancy. However, this does not remove the requirement to include this information. 29 CFR 1910.120(g)(5)(ii), 29 CFR 1926.65(g)(5)(ii)

B) Procedures for conducting inspections for determining the effectiveness of the PPE program and correcting noted deficiencies and taking corrective are not included or referenced in the HASP. 29 CFR 1910.120(g)(5)(ix), 29 CFR 1926.65(g)(5)(ix)

7. Section 8.0, p 46, Exposure Monitoring

The HASP indicates that air samples may be collected during the project but details indicating what event(s) would trigger air samples to be collected or the frequency of collection are not covered. 29 CFR 1910.120(h)(3), 29 CFR 1926.65(h)(3)

8. Section 11, p 53, Decontamination

A) Section 11 of the HASP discusses entry into the exclusion zone, however, the various zones at the site have not been clearly defined. Currently, the exclusion zone is defined simply as “the contaminated area” which can cover a number of discrete areas within the facility. 29 CFR 1910.120(d)(3), 29 CFR 1926.65(d)(3)

B) Procedures for monitoring the effectiveness of the decontamination processes and correcting noted deficiencies are not included or referenced in the HASP. 29 CFR 1910.120(k)(2)(iv), 29 CFR 1926.65(k)(2)(iv)

9. Sections 12.11 and 12.12, p 62, Emergency Response Plan

A) Employees are directed to move to a safe distance if an underground electrical/telecom cable or pressurized gas pipeline is struck, but a safe distance is not specified. 29 CFR 1910.120(l)(2)(iv), 29 CFR 1926.65(l)(2)(iv)

B) Procedures for periodically reviewing the ERP to keep it current with new or changing site conditions or information are not included or referenced. 29 CFR 1910.120(l)(3)(v), 29 CFR 1926.65(l)(3)(v)

10. General, no section or page number

A) A site map that indicates potentially contaminated areas is not included as part of the HASP. 29 CFR 1910.120(d)(3), 29 CFR 1926.65(d)(3)

B) Work zones are discussed in Section 4.1 of the HASP, however, the exclusion zone, safe zone, and contaminant reduction zones are not clearly defined. 29 CFR 1910.120(d)(3), 29 CFR 1926.65(d)(3)

C) Use of the buddy system is not included as part of the HASP. 29 CFR 1910.120(d)(3) 29 CFR 1926.65(d)(3)

D) Standard operating procedures are mentioned in the document but are not included or referenced in the document. An appendix containing the relevant SOPs or a listing of them would be effective in communicating the procedure itself or the location where an employee could obtain detailed instructions on a process or procedure. 29 CFR 1910.120(d)(3), 29 CFR 1926.65(d)(3)