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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Release: 1-1704
Date: 10/03/06

MANUAL TRANSMITTAL SHEET

Subject

1703 – HAZARD MANAGEMENT AND RESOURCE RESTORATION (Public)

1. Explanation of Materials Transmitted: This release establishes policy for BLM hazardous materials management and compliance with the applicable environmental statutes and safety guidance.
2. Reports Required: None.
3. Material Superseded: The material superseded by this release is listed under "Remove" below.
4. Filing Instructions: File as directed

REMOVE:
All of Release 1-1649

(Total: 10)

INSERT:
1703

(Total: 17 sheets)

A handwritten signature in cursive script that reads "T.P. Lonnie".

Thomas P. Lonnie
Assistant Director,
Minerals, Realty, &
Resource Protection

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.01 Purpose. This Manual Section provides a framework for Hazard Management and Resource Restoration which includes Hazardous Materials Management (HMM) by:

- A. Describing the objectives of hazard management, hazardous materials management, and resource restoration.
- B. Defining policy and responsibilities associated with the management of hazards and hazardous materials.
- C. Citing authorities for hazard management, hazardous materials management, and resource restoration.

.02 Objectives. The BLM has responsibility for accomplishing the following major goals and objectives pertaining to hazard management, hazardous materials management, and resource restoration:

A. Major Hazard Management and Resource Restoration Goals.

1. Protect public health and safety and environmental resources by minimizing environmental contamination and hazards on public land and BLM owned or operated facilities.
2. Comply with Federal and state hazardous materials management laws and regulations and laws and regulations dealing with other hazards.
3. Maintain the health of ecosystems through assessment, cleanup, correction, and restoration of contaminated sites and other hazards.
4. Manage hazards and hazardous materials related risks, costs and liabilities.
5. Integrate environmental protection and compliance with all environmental statutes into all BLM activities.

B. Management Objectives. In order to accomplish these goals, BLM shall implement the following objectives:

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1. Identify and control imminent and potential hazards or threats to human health and/or the environment from hazardous substance releases and other hazards on public land.
2. Promote working partnerships with states, counties, communities, other Federal agencies, and the private sector to prevent pollution, minimize hazardous waste, and reduce threats from other hazards on public lands. Consult and cooperate with communities and State and local regulatory agencies to leverage funding and to respond to community needs and concerns.
3. Provide hazardous materials and hazard management training to BLM employees and educate public land users concerning laws, regulations, rules, and policy.
4. Reduce the use of appropriated funds for cleanup of contaminated lands by identifying parties responsible for contamination on public land and either seeking their participation in cleanup efforts (cost avoidance) or recovering government costs (cost recovery). Require responsible parties to undertake response (emergency, removal, remedial, and corrective) actions, and to pay their fair share or face cost recovery actions.
5. Encourage public collaboration in environmental decision making.
6. Inventory, assess, perform and/or manage the cleanup of hazardous substance release sites and other hazards on public land that present a potential risk to human health and safety and the environment, and promote healthy ecosystems. Monitor and maintain sites that have been restored. Maintain an inventory of hazardous materials sites and actions using an automated system.
7. Reduce environmental and disposal liability of the Department and the BLM by reducing the inventory of hazardous materials sites.
8. Assure that solid and hazardous waste treatment, storage, and disposal facilities (TSDFs) that might affect public lands are properly located, designed and constructed, consistent with the law. Prohibit permanent Resource Conservation Recovery Act (RCRA) TSDFs on public lands. Public land shall not be used for hazardous waste TSDFs, RCRA Subtitle C unless the State Director approves an exception.
9. Reduce hazardous waste produced by BLM activities and from authorized uses of public lands through waste minimization programs that promote reducing, reusing, recycling, substituting, and other innovative, safe and cost-effective methods of pollution prevention.

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10. Ensure that authorized activities on public land comply with applicable Federal, state and local laws, regulations, policies, guidance and procedures.

11. Assure appropriate review of authorized activities and application of effective management controls to correct weaknesses involving hazardous substances and other hazards through the use of Compliance Assessments for Safety, Health, and the Environment (CASHE) and other appropriate mechanisms.

.03 Authority. Authority for Hazardous Materials Management in BLM.

A. Major Hazardous Materials and Hazards Authorities.

1. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund Amendments and Reauthorization Act [SARA]), as amended 42 U.S.C. 9601, 40 CFR 300 (1980).

2. Resource Conservation and Recovery Act (RCRA), as amended 42 U.S.C. 6901, 40 CFR 257, 258, 260 (1976). This act is an amendment to the Solid Waste Disposal Act of (1965).

3. Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, also known as Title III of SARA, (1986). See also, CERCLA above; 42 U.S.C. 11001, 40 CFR 370, 40 CFR 300.

4. National Contingency Plan Regulations 40 CFR 300.

5. Federal Facilities Compliance Act of (1992).

6. Secretarial Waste Management Initiative (1992).

7. Community Environmental Response Facilitation Act (1992).

8. Executive Order 12898, Environmental Justice Strategy, February 11, 1994.

9. Executive Order 12088, Federal Compliance with Pollution Control Standard, October 13, 1978.

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10. Executive Order 12856, Federal Compliance with Right-to-Know laws and Pollution Prevention Requirements. August 3, 1993.

11. Executive Order 12580, as amended, Superfund Implementation, January 23, 1987, as amended by Executive Order 13016, August 28, 1996.

12. Oil Pollution Act, 1990, 33 U.S.C. 2701.

B. Other Major Authorities.

1. Pollution Prevention Act of 1990 (42 U.S.C. 13101).

2. Federal Land Policy and Management Act (FLPMA) 43 U.S.C. 1711-1712 (1976).

3. Toxic Substances Control Act 15 U.S.C. 2601(1976).

4. Clean Water Act amended 33 U.S.C. 1251 (1972). This act is an amendment to the Federal Water Pollution Control Act (1952).

5. Clean Air Act as amended 42 U.S.C. (1970). This act is an amendment to the Air Pollution Control Act of (1955).

6. Uranium Mill Tailings Radiation Control Act of (1978), as amended 42 U.S.C. 2014 (1978).

7. Safe Drinking Water Act as amended 42 U.S.C. 300 (1974).

8. Nuclear Waste Policy Act 42 U.S.C. 10101 (1982).

9. Transportation Safety Act of 1974 and subsequent Hazardous Materials Transportation Act amendments of 1976, and 1990 amendments 49 U.S.C. 1801 (1974, 1976, 1990), associated regulations 49 CFR 171-173, 177, 383, 392, 395, and 397.

10. Atomic Energy Act 42 U.S.C. 2001f (1954).

11. Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C. 136 (1975). This act is an amendment to the Federal Environmental Pesticide Control Act (1972).

12. Recreation and Public Purposes Act (1926), as amended 43 U.S.C. 869 (1926, 1988).

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13. Occupational Safety and Health Act (OSHA) (29 U.S.C. 651) (1970). See associated regulations 29 CFR 1910.1001-1910.1043.

14. National Environmental Policy Act (NEPA) 42 U.S.C. 4321 (1972).

15. Executive Orders:

11514, Protection and Enhancement of Environmental Quality, March 5, 1970.

2146, Management of Federal Legal Resources, July 18, 1979.

16. Natural Resource Damage Assessment Regulations (43 CFR, Part 11)

17. Departmental Manual:

Part 109, Chapter 4 (Signatory Authority for CERCLA records of decision and associated documents).

Part 135 (Delegated Responsibilities).

Part 296, Chapter 2 (Oil Spills and Hazardous Substance Releases).

Part 420, Chapter 3 (Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities).

Part 420, Chapter 4 (Environmental Pollution at Federal Facilities--Planning and Reporting Procedures).

Part 485 (Safety and Environmental Health Management Program).

Part 519, Chapter 1 (Pesticide Use Policy).

Part 602, Chapter 2 (Land Acquisitions, Exchanges, and Disposals--Hazardous Substance Determinations).

Part 910, Chapter 4 (National Oil and Hazardous Substance Contingency Plan).

18. State Laws, Regional or State EPA Regulations, and other applicable local guidance.

19. Homeland Security Act (2002).

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.04 Responsibility. (Reserved)

.05 References. (Reserved)

.06 Policy. The BLM will manage hazardous materials and hazards based on the following principles:

A. Identify and request funds to correct or prevent noncompliance with Federal and state hazardous materials laws and regulations.

B. Comply with applicable Federal and state environmental laws and regulations subject to appropriations.

C. Minimize wastes and prevent pollution generated or released on public land and BLM facilities, consistent with regulatory policy.

D. Management of all releases, threatened releases, or other hazards on or affecting public land or BLM facilities, giving immediate priority based on risk. Priority shall be given to the control of all releases, threatened releases, or other hazards that pose an imminent health, safety or environmental danger.

E. Consistent with current appropriations and workload, prioritization of decisions and timing for longer term remedial actions, shall be based on risk, judicial, statutory and regulatory requirements, and approved interagency and intergovernmental orders or agreements.

F. Contingency plans (for CERCLA, EPCRA, Homeland Security, and other significant hazards as appropriate) will be developed and maintained.

G. BLM will take the lead role in site evaluations and remediation for sites located on public land managed by BLM in a cost-effective and timely manner.

H. State Director approval is required for entry by qualified BLM personnel onto hazardous materials sites and other hazard sites subject to OSHA and other requirements.

1. The Site Entry Policy establishes conditions under which it is permissible for an authorized BLM employee to enter known or potential hazardous substance release sites for specific purposes within the scope of their job responsibilities. **This policy does not impose any additional requirements on any BLM employee to enter hazardous substance sites.** Rather, it is intended to clarify requirements for those who currently are authorized to enter such sites.

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Furthermore, this policy provides flexibility for each State to determine which employees, if any, will be authorized to enter such sites, and the responsibility for these determinations remains with each State Director.

2. EPA has identified four categories of personal protective equipment (PPE), ranging from Level D to Level A, with Level A as the most protective (these categories are summarized in Appendix 2). In general, most BLM field employees encounter situations that require a minimal level of personal protective equipment, or Level D.

However, in some limited situations, BLM employees do enter sites utilizing Level C PPE. Such trained employees may be members of hazardous materials response teams, or technical experts providing on-site assistance, who utilize Level C PPE as a greater measure of protectiveness when dealing with unknown substances. This policy accommodates a range of response strategies that may be implemented by the States; however, two limitations on site entry are contained in this policy:

- Once a site-specific decision is made that Level B protection is warranted and necessary to perform on-site activities, all BLM employees are to withdraw, and rely on contractor or other hazmat response team support (e.g., County hazmat team) to conduct such activities.
- BLM employees shall not enter a site that has been determined to require Level A protection. Level A is excluded from this site entry policy.

3. In order to enter sites that require Levels D and C protection, certain health and safety requirements must be met, which are contained in OSHA regulations at 29 CFR 1910.120 (also known as the HAZWOPER regulations), or 40 CFR 311.1 of the National Contingency Plan (NCP). In order to ensure compliance with these regulations, BLM is establishing a system of State Rosters that identify those employees who are authorized to enter sites with known or potential hazardous substance releases. These Rosters will be maintained by the State or Center Directors, or their designees (e.g., State Hazardous Materials Program Leads or State Safety Officers), and will be updated as necessary, but at least once a year. The rosters will contain the following information:

- Risk level (i.e., Level D and C) for which the employee is authorized by the State Director;
- Medical monitoring that will be conducted for the employee, if any;
- Health and safety training courses completed (including dates); and

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- Confirmation that authorization to enter sites with known or potential hazardous substance releases is included in employee's position description.

4. As a matter of policy, BLM requires those employees authorized to enter sites with level C protection to receive medical monitoring in the form of an annual physical and completion of the 40 hour OSHA HAZWOPER training. State Directors may determine that additional requirements for medical monitoring are appropriate (e.g., evaluations for employees authorized for Levels C and D). The annual physical for Level C authorization is a minimum requirement.

5. Another BLM and OSHA requirement for entering a site with known or potential releases of hazardous substances is preparation of a site-specific Health and Safety Plan (HASP) (see Departmental Manual 1112-1 Safety, Chapter 26, and 29 CFR 1910.120). An objective of the HASP is that a level of protection (i.e., personal protective equipment required) is assigned to the site/job task. This assessment allows employees and supervisors to use management controls and PPE to reduce risk to an acceptable level. A HASP must be prepared before BLM employees enter a site with known or potential hazardous substances.

6. Persons not maintaining their annual HAZWOPER training are **not authorized** to go on sites.

7. Finally, there are situations where BLM personnel who are not authorized to enter potential hazardous substance release sites (i.e., are not included on the State Roster) may need to visit a site. Such personnel may go onto a potential hazardous substance release site only if authorized by management, and provided they stay at a designated command post area or off-site area as designated by the site safety officer. Such personnel may not enter areas of contamination if they have not completed required HAZWOPER training.

8. The Discovery Policy for employees of the BLM states that when an employee discovers any unauthorized waste dump or spill that indicates the presence of potential hazardous substances (e.g., containers of unknown substances, pools of unidentifiable liquids, stained soil, dead or dying vegetation and animals, oily sheen on water, suspicious devices or packages, piles of unknown solid materials, unusual odors or any materials out of place or not associated with an authorized activity) shall take the following precautions:

- Treat each site as if it contains hazardous materials;

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- Do not handle, move, or open any containers, breathe vapors or make contact with any materials;
- Move a minimum distance (The 2004 Emergency Response Guide lists 330 feet as a minimum evacuation for small spills/leaks) upwind and up gradient from the site; and
- Contact the appropriate personnel as outlined in the Field Office/Resource Area Hazardous Materials Incident Contingency Plan. Generally, this is the Hazardous Materials Coordinator for the area.

9. Any BLM employee working in the field may witness or discover a hazardous substance release while conducting their job responsibilities. In order to ensure that field personnel are familiar with the potential hazards associated with such a release, the BLM's policy requires a minimum of two hours of **First Responder Awareness Level training for all new field personnel and all field personnel must complete an annual refresher course.** The BLM National Training Center has available a HazMat First Responder Awareness Computer Based Training CD and a HazMat Awareness Video Series DVD.

Additionally, NTC offers course 1703-21 HazMat Awareness Train-the Trainer which should be taken by Hazardous Materials Coordinators who will be instructing office personnel. Field Office managers are responsible to ensure that field personnel meet this health and safety requirement.

I. The BLM shall maintain an inventory of hazardous materials sites using the Site Cleanup Module of the Protection and Response Information System.

J. Disposal of RCRA, Subtitle C hazardous wastes generated by the BLM will occur only at TSD facilities that are on the EPA's most recent list of approved facilities.

K. Provide funding and training to maintain and support a qualified cadre of employees to implement Hazard Management and Resource Restoration, which includes HMM.

L. Integrate Hazard Management and Resource Restoration into other BLM functions.

M. Coordinate Hazard Management and Resource Restoration with local, state and federal agencies.

N. Prepare and maintain the necessary documentation, including retention of all necessary related case, cost, and personnel files and administrative record.

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.07 File and Records Maintenance

These records are unscheduled and must be maintained indefinitely. When the records are scheduled a schedule will be published.

.08 Other Guidance.

A. The following are four categories of personal protective equipment (PPE), ranging from Level A to Level D, with Level A as the most protective identified by the Environmental Protection Agency (EPA) Standard Levels of Protection:

Level A

1. One or more hazardous substances have been identified and the highest level of protection for skin, eyes and the respiratory system is required due to either the measured (or potential for) high concentrations of atmospheric vapors, gases or particulates, or the site operations and work functions involve a high potential for splash, immersion or exposure to unexpected vapors, gases or particulates of materials that are harmful to skin or capable of being absorbed through the skin;
2. Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or
3. Operations are being conducted in confined, poorly ventilated areas, and the absence of conditions requiring Level A protection have not been determined.

Level B

1. The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;
2. The atmosphere contains less than 19.5 percent oxygen; or
3. The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the skin.

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Level C

1. The atmospheric contaminants, liquid splashes or other direct contact will not adversely affect or be absorbed through any exposed skin;
2. The types of air contaminants have been identified, concentrations measured, and an air-purifying respirator is available that can remove the contaminants; and
3. All criteria for the use of air-purifying respirators are met.

Level D

1. The atmosphere contains no known hazard; and
2. Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

B. At a minimum, the following guidance topics shall be available in the form of one or more manual:

1. Overview of Hazardous Materials Management (HMM) and other hazards.
2. Documentation and Reporting Requirements and Procedures specific for Hazardous Materials Management and, as needed, for other hazards.
3. Evaluation and Assessment Requirements and Procedures specific for Hazardous Materials Management and, as needed, for other hazards.
4. Planning
5. Community Relations and Public Involvement
6. Cost Avoidance/Cost Recovery Policy and Procedures
7. Internal and External Relationships and Linkages
8. Natural Resource Damage Assessments Requirements and Restoration Policy and Procedures.

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9. Project Management
10. Safety Requirements and Procedures
11. Inventory
12. Facility Management and Assessment
13. Contingency Planning and Emergency Response
14. Realty Actions
15. Glossary and Acronyms
16. Authority Matrix
17. Others as Appropriate

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Glossary of Terms

Administrative Record (AR): A public record, required by law, of those documents that were considered or relied upon in selection of a response action at a site. The AR establishes a record of decision-making on a response action and is critical for purposes of cost recovery.

BLM Case File: A working file which contains all BLM records for a specific site.

Cost Recovery: A process by which the U.S. government seeks to recover costs of a response action from parties liable under CERCLA 107(a). Recoverable response costs include both direct and indirect costs.

Cost Recovery Strategy: A report developed by BLM in conjunction with the Solicitor's Office based on the Potentially Responsible Party (PRP) Search. The report explains why each identified entity is a Potential Responsible Party (PRP), what data gaps need to be filled to develop evidence against a PRP and to determine if a PRP is viable, how those data gaps will be filled, and a strategy for recovering costs or conducting enforcement.

Emergency: A release or threat of release generally requiring initiation of a removal action within hours of the lead agency's determination that a removal action is appropriate.

Environmental and Disposal Liability (EDL): An anticipated future outflow of other sacrifice of resources (e.g. costs) associated with cleanup due to past or current operations that have environmental closure requirements or a release of hazardous substances, pollutants, and contaminants on Departmental land or facilities.

Facility: According to CERCLA 42 USC 9601(9), (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or

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(B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but, does not include any consumer product in consumer use or any vessel.

According to the Federal Agency Hazardous Waste Compliance Docket (53 FR 4280): A site is a facility for the BLM that is potentially contaminated. It does not include contiguous public land, only the area of contamination; however, it does include private lands proven to be contaminated from a source on public lands. (53 FR 4280)

Generator: Any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for disposal or treatment of hazardous substances owned or possessed by such a person, by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances.

Hazard: Physical and geologic hazards not covered under Hazardous Substance. This includes open shafts, pits, hazards, associated with unsafe buildings, and military munitions and explosives of concern where the situation requires the education, training, and experience of a Hazmat Coordinator.

Hazardous Substance: Substances that have been designated “hazardous substances” are listed in 40 CFR 302.4. As defined by CERCLA 42 USC 9601(14), “hazardous substance” means “(A) any substance designated pursuant to section 1321(b)(2)(A) of title 33 [the Clean Water Act (CWA), (B) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act..., (D) any toxic pollutant listed under Section 1317(a) of Title 33 [CWA], (E) any hazardous air pollutant listed under Section 112 of the Clean Act..., and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator [EPA] has taken action pursuant to Section 2606 of Title 15 [the Toxic Substances Control Act].

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The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

National Contingency Plan (NCP): Establishes the processes and procedures used by lead agencies to respond to releases of hazardous substances pursuant to CERCLA. The NCP is published in the Code of Federal Regulations (CFR) 40 CFR 300.

National Response Center (NRC): The Federal operations center that receives notifications of all releases into the environment of a hazardous substance in a quantity equal to or greater than the substance's reportable quantity.

Coordinator (OSC/RPM): The official designated by the lead agency to coordinate and direct removal and remedial actions under the NCP.

Public Land: Surface lands administered by the Bureau of Land Management.

Record of Decision (ROD): The ROD documents the remedial action selected for the site. The ROD also provides the rationale supporting the remedy selection and establishes the performance goals and standards for the project.

Release: Any spill, leak, pumping, pouring, emitting, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance). For purposes of the NCP, release also means the threat of release. (40 CFR 300.5) (CERCLA 101(22)) A release under the NCP does not include releases within a workplace or contained within a building; emissions from engine exhaust associated with a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; nuclear material released from a nuclear incident; nuclear material from a processing site designated under Section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act (UMTRCA); application of fertilizer in accordance with label specifications and State and local regulations; and Federally permitted releases.

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Reportable Quantity (RQ): The quantity of a hazardous substance (40 CFR 302.4), that if released in any 24-hour period (as defined in 40 CFR 302.6(a)), triggers the NCP reporting requirement to the NRC.