

January 8, 1998

Kimberly Sorber
Anderson Construction Co., Inc
7612 N. Cutter
Portland, Or. 97217

Dear Ms. Sorber,

Thank you for your letter of December 18, 1997 asking for clarification of 1910.120 Hazardous Waste and Emergency Response Operations standard and how it applies to your specific situation.

In your letter you mention the site has potential employee exposures to lead, arsenic, and hydrocarbons. You also mention that the site that you are working has failed the residential risk assessment and that it is listed on DEQ's Environmental Cleanup Site Information System. You indicate that this is a voluntary cleanup operation. The owners of the site are currently requesting DEQ to remove the site from the Environmental Cleanup Site Information System.

Based on the information contained in your letter, at this time 1910.120 Hazardous Waste and Emergency Response Operations standard does apply to your job site. Once the site is capped and DEQ has removed the site from the Environmental Cleanup Site Information System, the 1910.120 Hazardous Waste and Emergency Response Operations standard would not apply. Also as long as your site is not a recognized site by any Federal, State, County, City or any other governmental agency the 1910.120 Hazardous Waste and Emergency Response Operations standard would not apply.

Whether or not the site falls under the scope of 1910.120 Hazardous Waste and Emergency Response Operations standard you will need to comply with the appropriate substance specific standards contained in OAR 437 Division 3 Construction Standard. In the case of lead it would be 1926.62 and in the case of arsenic this would be 1926.1118 (available at 437 Division 2 1910.1018 until the Construction standards until reprinted).

For further information contact Rodney Boast at 378-3272. You are also invited to see the OR-OSHA pages on the Internet at www.cbs.state.or.us/external/osha/index.html.

Sincerely,

Marilyn K. Schuster, Manager
Standards & Technical Resources Section
Oregon Occupational Safety & Health Division

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