

Comments on Work Order and Contract for Inspection & Cap Repair
OU-1 Brown & Bryant Superfund Site, Arvin, CA

Comments Prepared by
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February 27, 2013

On February 23, 2013 the California Department of Toxic Substance Control (DTSC) announced the availability of reports of recent activities at the Brown & Bryant Superfund site on the EnviroStor website at:

http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=15280011

That website opens to a “Summary” tab. By clicking on the “Activities” tab and scrolling down to the “Completed Activities” section, the following two documents can be found concerning inspection and repair of site cap on the First Operable Unit (OU-1) area at the Brown & Bryant, Inc. Arvin Superfund Site facility:

- Start Work Order, Brown & Bryant, Arvin Site, Contract No.: 10-T1114, Work Order Amendment no.: 1-114-2.0-100025, with cover letter dated February 11 (2013) (“Cap Inspection WO”)

http://www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/9856733560/Start%20Work%20Order%20Brown%20%20Bryant%201-114-2%200-100025.pdf

- Fully Executed Standard Agreement for Contract No. 10-T1114 A2, Brown & Bryant Site, dated December 19, 2012. (“Opt Contract”)

http://www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/3695403873/10-T1114%20A2%20%20Brown%20%20Bryant.pdf

The “Cap Inspection WO” is the authorization for URS to begin the work outlined in the “Opt Contract” described below. It specifies that

- the cap repair workplan is due within 30 days of the Start Work Order (i.e., by mid-March 2013),
- the approved cap repair workplan is to be implemented within 90 days after approval of the cap repair workplan, and
- the complete O&M summary report is due by September 30, 2013.

The “Opt Contract” report is a copy of the fully executed Standard Agreement between DTSC and the URS Corporation to perform operation and maintenance activities at OU1 through December 31, 2013. Exhibit A of that document is the Scope of Work which states that the intent of the amended scope of work is for URS, the contractor, to provide personnel, services, materials, and equipment necessary to develop and implement a cap repair workplan and provide an O&M summary report. The Scope of Work to “Develop Cap Repair Workplan” states:

“Contractor shall prepare a Cap Repair Workplan. The Cap Repair Workplan shall include at a minimum the following elements which are related in part from Table 1 Inspection Findings and Recommendations (Table 1) contained in the O&M Summary Report dated May 2012 and 2) the approved Revised O&M Manual dated January 2012 prepared by URS Corporation. Both documents were completed under contract with DTSC.

a. Introduction;

b. Site Description;

c. Scope of Work;

I. Procedures for chain link fence repair (Table 1, Identifier 1);

II. Measures for using crack sealants (Table 1, Identifiers 3, 4, 6, and 7)

III. Procedures for weeds abatement (Table 1, Identifiers 4, 6, and 7)

IV. Actions for repairing damages resulting from burrowing animals

V. Health and safety procedures addressing the implementation activities (provided as Attachment B in the approved Revised O&M Manual)

VI. Implementation schedule

d. Procedures for closeout reporting”

According to the document, this contract and work order amend the 2012 contract to cover site cap inspection and repair and to provide additional funds for this effort. A year ago we commented on the 2012 contract:

Lee, G. F., and Jones-Lee, A., “Comments on Eco & Associates, ‘Final Site-Specific Work Plan [Monitored Natural Attenuation] Brown & Bryant Superfund Site in Arvin, CA,’ Contract No. W912PP-10-D-0014, Prepared for US Army Corps of Engineers, Albuquerque, NM, by Eco & Associates, Orange, CA, January 26, 2012,” Comments submitted to CBA by G. Fred Lee & Associates, El Macero, CA, March 29 (2012).

http://www.gfredlee.com/CBA_BBSite/2012/Eco_MNA_WP_comments.pdf

We reported that we found that that contract was inadequate to provide necessary cap inspection frequency and repair.

Both the “Cap Inspection WO” and the “Opt Contract” stated:

“Contractor shall mobilize all personnel, materials, equipment, and services necessary to perform all work in accordance with the approved Cap Repair Workplan and complete a visual inspection of the OUI remedial systems in accordance with the approved Revised Operation and Maintenance Manual.”

The May 2012 final O&M Manual referred to specified inspection of the cap once per year. It states:

“To maintain the integrity and protectiveness of the OUI RCRA and non-RCRA caps (remedial systems) in place at the B&B site, the caps and associated features are currently inspected annually or in the event of a natural disaster to identify signs of deterioration due to aging or weathering and signs of cap or subbase failure.”

We commented on inadequacies in maintenance provisions of the May 2012 final O&M Manual, including the inadequacy of annual inspection, in:

Lee, G. F., and Jones-Lee, A., “Comments on ‘Operations & Maintenance Summary Report, Brown & Bryant, Arvin Facility Superfund Site, First Operable Unit Remedial Action, Arvin, California,’ Prepared by URS for CA DTSC, May 2012,” Comments submitted to CBA by G. Fred Lee & Associates, El Macero, CA, May 31 (2012).

http://www.gfredlee.com/CBA_BBsite/2012/Comments_URS_OM_SumRpt_5_12.pdf

Since the 2013 contract amendment incorporates the annual inspection provision of the O&M manual, the additional funds being provided will not provide for adequate inspection and repair the site cap.