

## **Section C - Description/Specifications**

### **C.1 OBJECTIVE**

The objective of this Contract is to establish a U.S. Department of Energy (DOE) capability for the long-term management and storage of domestic elemental mercury to meet the requirements of the Mercury Export Ban Act of 2008 (Public Law 110-414), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, (Pub. L. 114-182), (MEBA). MEBA specifically excludes the DOE's Oak Ridge Reservation as a possible location for the designated long-term mercury storage facility.

Long-term management and storage will be necessary until such time as a treatment and disposal standard for elemental mercury is established by the Environmental Protection Agency (EPA). The current DOE inventory projections follow:

- During the first year of the contract up to 760 Metric tons of elemental mercury would be eligible for storage under this program.
- In each subsequent year, up to approximately an additional 130 Metric tons of elemental mercury would be eligible for storage under this program.

The terms and activities within the scope of this PWS include:

- Provide a lease-hold interest in a facility or facilities capable of receiving, inspecting, handling, and storing elemental mercury in accordance with applicable requirements,
- Develop and execute a receipt/verification process for the acceptance of elemental mercury and elemental mercury containers,
- Develop and execute locality specific standards and procedures for the operation of the long-term elemental mercury storage facility, and
- Maintain a RCRA permit for the long-term management and storage of elemental mercury for the duration of the Contract. Typically, a RCRA permit allows for storage up to one year. In order to meet the requirements of this contract, the contractor may need to obtain a RCRA permit modification that allows for long-term storage of elemental mercury, using the exemption in MEBA regarding section 3004(j) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6924(j)).<sup>1</sup>

Any facility to be used in performance of this Contract for the long-term management and storage of elemental mercury shall comply with applicable procedures, standards and criteria and requirements of the RCRA [42 U.S.C. 6901 et seq.], including the requirements of subtitle C of that Act [42 U.S.C. 6921 et seq.], except that elemental mercury that DOE is storing on a long-term basis shall not be subject to the storage prohibition of section 3004(j) of RCRA (42 U.S.C. § 6924(j)).

Furthermore, this work is to be performed in compliance with all applicable Federal, State, and local laws and regulations, Executive Orders, DOE Orders, Regulatory Permits, and Agreements and Orders while achieving the aforementioned objectives.

### **C.2 BACKGROUND**

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<sup>1</sup> Mercury is regulated as a hazardous waste under RCRA, 42 U.S.C. § 6901 *et seq.* RCRA amended the Solid Waste Disposal Act. Consistent with current usage, this document refers to both as "RCRA."

Long-term management and storage of elemental mercury is an element of the U.S. strategy to reduce mercury pollution domestically and world-wide. The MEBA, amongst other things, prohibits the export of elemental mercury (subject to potential essential use exemptions) effective January 1, 2013. Banning the export of mercury from the U.S. is expected to result in additional surplus inventories of elemental mercury. MEBA section 5(a)(1), 42 U.S.C. § 6939f(a)(1), requires the Secretary of DOE to designate a facility (or facilities) of DOE for the long-term management and storage of elemental mercury originating from domestic sources. MEBA further provides the Secretary with the authority to establish such terms, conditions, and procedures as are necessary to carry out this long-term management and storage function. 42 U.S.C. § 6939f(f). Although the phrase “facility or facilities of [DOE]” is not defined in MEBA, DOE has a longstanding practice in various other contexts of leasing facilities to accomplish the Department’s core mission. Consistent with that practice, DOE construes the term “facility of DOE” to include a facility leased from a commercial entity over which the Department provides an appropriate level of oversight and guidance.

### **C.3 CONTRACTOR PERFORMANCE**

C.3.1 The Contractor shall furnish personnel, facilities, office furniture, equipment, material, services, and supplies for Contractor personnel (except as may be expressly set forth in this contract as furnished by the Government), and otherwise perform work in a safe, integrated, effective, and efficient manner in accordance with the terms and conditions of the contract.

C.3.2 The Contractor shall be responsible for planning, integrating, managing, and executing the programs, projects, operations, and other activities as described in this Performance Work Statement (PWS).

C.3.3 Contractor personnel shall perform the activities described in this PWS with appropriate oversight and guidance by DOE, while in compliance with all applicable procedures. The Contractor shall ensure that duties are performed in a competent, professional manner that meet established milestones and adhere to established schedules. Work products are expected to be thorough, timely, accurate, appropriately documented, and comply with established criteria. Some work products shall include highly sensitive information and recommendations.

### **C.4 LONG-TERM ELEMENTAL MERCURY STORAGE FACILITY**

#### **C.4.1 Leasehold Interest for the Long-Term Elemental Mercury Storage Facility**

The Contractor shall provide a lease-hold interest in real property to be used for the long-term management and storage of elemental mercury. The proposed real property (herein “Storage Facility” or “Long-Term Elemental Mercury Storage Facility”) shall be available for DOE use for the period of performance as specified in Section F, including all option periods. The Storage Facility shall comply with all applicable local, state and federal regulatory requirements, including, but not limited to, those highlighted in Section C.4. The Contractor shall comply with Attachments J.5 – Lease Agreement and J.6 – Real Property Asset Management Requirements.

#### **C.4.2 System Description of the Long-Term Elemental Mercury Storage Facility**

Major characteristics of the Storage Facility shall include, but shall not be limited to, the following:

- C.4.2.1 Adequate space for the long-term management and storage of the current DOE inventory projections of containerized elemental mercury for the first five (5) years of the expected inventory — as noted in Section C.1;
- C.4.2.2 Ability to receive elemental mercury in industry standard Department of Transportation (DOT)-compliant containers, of the sizes and configurations specified in Section C.4.3 and C.5.4 (3-liter (L) and 1-metric ton (MT) containers);
- C.4.2.3 Ability to receive and handle shipments of elemental mercury containers, including the ability to detect and manage leaking containers, to include spill response capabilities, repackaging or over packing the containers, return to the generator at the generator's expense, and disposal of any waste produced;
- C.4.2.4 RCRA-regulated/permitted compliance that includes, but is not limited to, RCRA-required features such as spill containment and emergency response planning, procedures, and equipment;
- C.4.2.5 Security and access control in accordance with applicable requirements of 40 CFR 267; [Subpart B—General Facility Standards](#);
- C.4.2.6 Appropriate fire detection and suppression capabilities in accordance with local building/fire codes and the authority having jurisdiction;
- C.4.2.7 Environmentally controlled handling, storage, and administration area(s);
- C.4.2.8 Fully-enclosed, weather-protected, structure that is compliant with applicable building, fire, and life safety codes and standards;
- C.4.2.9 Facility can be demonstrated to have adequate structural integrity for storage of projected inventory of elemental mercury, including adequate floor load rating to support the planned configuration, considering either stacked or unstacked storage; and
- C.4.2.10 Infrastructure and capabilities to support long-term management of elemental mercury, including but not limited to record-keeping, inspection, security, emergency response, worker training, infrastructure systems, human resource spaces, etc.

#### C.4.3 Performance Requirements

In addition to the requirements set forth through the facility's RCRA permit, as well as other operating permits, the following are additional performance requirements unique to storage of elemental mercury:

- C.4.3.1 In accordance with the requirements of 40 CFR 261.172, the contents of elemental mercury containers must be compatible with the container materials. Validation of this criterion, and the associated waste characterization, shall be provided through sample analysis data or a verified Accepted Process.
- C.4.3.2 The Storage Facility shall not accept elemental mercury contained in environmental media or manufactured items, including but not limited to fluorescent lamps, batteries, manometers, thermometers, and switches.
- C.4.3.3 The elemental mercury to be shipped to the Storage Facility shall be considered a hazardous waste pursuant to MEBA and RCRA and will carry D009 and U151 codes only.
- C.4.3.4 The acceptable elemental mercury storage containers shall be 3-L and 1-MT containers, which are commercially available. The containers used for elemental mercury transportation shall be agreed upon between the Generator of the elemental mercury and the Storage Facility, in accordance with DOT and RCRA requirements.
- C.4.3.5 The Storage Facility shall have adequate space to accommodate the projected inventory over the period of performance stated in Section F. DOE may consider use of more than one location for the storage of elemental mercury to be acceptable.
- C.4.3.6 The Storage Facility shall maintain a RCRA permit for the duration of the Contract. The Storage Facility shall comply with all applicable RCRA requirements for storing elemental mercury waste originating from various inventories (i.e., U.S. government, private sector, or other elemental mercury generated in the U.S. that meets RCRA requirements).

#### C.4.4 Functional Requirements

The Storage Facility shall include the following four major capabilities that shall provide the necessary functions for receipt, inspection, and long-term management and storage of elemental mercury:

##### C.4.4.1 Receiving and Shipping.

This capability shall include dedicated space(s), as necessary, for the receipt, inspection, and handling of elemental mercury containers. It shall allow for truck docking, offloading, inspection and transfer of received elemental mercury to the Storage Facility. It shall also allow for inspection, packaging, marking, manifesting, and truck docking and loading for shipments of secondary waste out of the Storage Facility.

The functions performed in this area include:

- C.4.4.1.1 Visual inspection and air sampling of the received shipment for container conditions and signs of elemental mercury leakage, as necessary.
- C.4.4.1.2 Segregation of hazardous and non-hazardous other materials arriving along with elemental mercury containers that are not intended to be included in long-term storage. These materials may include truck bracing, cushioning, and packaging materials.
- C.4.4.1.3 Management and disposition of materials received that are not to be placed into long-term storage.

C.4.4.2 Elemental Mercury Handling Area.

This area shall include dedicated space(s) for work involving potential contamination, including (1) safely handling and cleaning palletized or individual containers that have external mercury contamination, (2) repackaging elemental mercury from containers that have failed inspection, and (3) packaging and disposition of contaminated materials that are not intended for long-term storage (such as cargo bracing, cushioning etc.) The area shall be enclosed and have a dedicated HVAC system. All exhausted air shall pass through a control device to capture mercury vapors.

The functions performed in this area include:

- C.4.4.2.1 Overpacking and verification of repackaged container(s) in compliance with DOT and RCRA requirements for return to the Generator, at the Generator's expense.
- C.4.4.2.2. Alternately, if previously agreed to between the Generator and Storage Facility, the Storage Facility shall repackage the elemental mercury into industry standard DOT-compliant container(s), at the Generator's expense, for placement into storage.
- C.4.4.2.3 Preparedness and response to any plausible mercury vapor or liquid release. This shall include the physical and material resources to perform the response.
- C.4.4.2.4 Disposition and disposal of materials and items used during mercury handling or spill response that are not to be placed into long-term storage.

C.4.4.3 Container Storage.

This capability shall include dedicated space, as necessary, for the storage of elemental mercury containers. Composing the bulk of the Storage Facility, this space shall have ample storage and aisle configuration for careful, tracked placement and retrieval of all containers (3-L and 1-MT capacity). It shall be adequately lit, with

appropriate ventilation, spill containment, and fire protection. It shall also include mercury vapor monitors placed in locations to maximize detection. Finally, the space designated for Container Storage shall be ventilated to provide adequate air exchanges to evacuate mercury vapors that may accumulate in the storage spaces over time. This equipment shall operate prior to and during occupancy to provide interior environmental conditions required for worker safety.

The functions performed in this area include:

C.4.4.3.1 The elemental mercury storage configuration shall provide multiple levels of elemental mercury spill containment. The use of only industry standard DOT-compliant elemental mercury containers shall provide the primary containment. The elemental mercury containers shall be placed in spill containment trays, and/or the storage area will have floors that are bermed and sealed with an impervious coating or membrane, which provide the secondary containment.

C.4.4.3.2 The configuration of the elemental mercury containers, spill trays and/or storage pallets, and floor layout shall be designed to enhance the efficacy of inspections for elemental mercury leakage. If spill trays are used, they shall be supported above the storage area floor to permit inspection and cleanup/decontamination of the bottom, exterior surfaces of the spill containment trays. If a sealed, bermed floor provides the secondary containment, the containers shall be stored above the storage area floor using pallets to permit inspection and cleanup/decontamination of the floor surface under the containers.

#### C.4.4.4 Office Administration and Employee Support.

This capability shall support the management, operations, training, and all other administration functions supporting the overall elemental mercury storage program. This space or spaces shall be located separately from the areas where elemental mercury containers are handled and stored.

### C.4.5 Interfaces

#### C.4.5.1 Site Security

If the Storage Facility is co-located within an existing facility, the Storage Facility shall interface with the host site's contractors/tenants for management of security at the Storage Facility. Access and exclusion security for the Storage Facility shall be integrated into the overall security of the host site. The Storage Facility security features shall be implemented, as needed, to meet the RCRA requirements.

#### C.4.5.2 Emergency Planning

If the Storage Facility is co-located within an existing facility, it shall interface with the host site contractors/tenants for inclusion into the general site emergency plan. Alarms and responses for emergency events shall be integrated into the existing host site emergency plan.

#### C.4.5.3 Site Roads

C.4.5.3.1 Roads shall be provided at the Storage Facility to ensure vehicle accessibility. These roadways shall connect to either public highways in the case of a stand-alone facility, or, if located within an existing facility, host site's internal roadways. The arrangement of site roads shall optimize traffic patterns for a safe interface with the existing roads, internal or external, and other ongoing operations.

C.4.5.3.2 Site roads shall be capable of handling expected traffic volume and vehicle loads associated with the transport of elemental mercury.

#### C.4.5.4 Communication

C.4.5.4.1 The Storage Facility communication system shall consist of the following subsystems: a) telephone-public address – for facility-wide, communication, page and alarms, and b) wireless telephone, using cellular technology.

C.4.5.4.2 The telephone-public address subsystem shall have an external interface with the site emergency paging and public address system for the host site if the Storage Facility is co-located within a host site.

C.4.5.4.3 The wireless telephone subsystem shall have an external interface with the commercial cellular system provider.

C.4.5.4.4 Each communication subsystem shall be accessible by the other subsystems to provide effective internal interfacing between communication systems.

#### C.4.5.5 Waste Disposal

C.4.5.5.1 Ordinary waste (common garbage, office wastes) shall be disposed at local waste disposal sites utilizing contracts and agreements with local carriers.

C.4.5.5.2 Any mercury-contaminated waste shall be disposed according to applicable regulations and according to established waste management plans and procedures.

#### C.4.5.6 Natural Gas

The Storage Facility shall have external interfaces with existing natural gas sources, if available, at the host facility. Otherwise, facility heating may be supplied with propane, delivered to the Storage Facility by routine delivery, or building heat shall be provided by electric power.

C.4.5.7 Electrical Power

The Storage Facility shall have interfaces with existing utility power sources available or from a public electricity service provider.

C.4.5.8 Fire Protection Water

The Storage Facility shall interface with a fire protection water supply system.

C.4.5.9 Potable Water

Potable water shall be provided to the Storage Facility from a potable water system

C.4.5.10 Sanitary Waste

Sanitary waste from the Storage Facility shall tie into a sanitary waste system.

C.4.5.11 Host Plant Shift Superintendent

If located within an existing facility, the Storage Facility shall interface with the host plant's shift superintendent's office for all alarms systems originating from the Storage Facility.

C.4.6 Design Standards

Design criteria are applied to structures, systems, and components that are determined to be essential to comply with regulatory and technical requirements.

All buildings, structures, and systems shall meet applicable national consensus codes and standards, as well as applicable state and local building codes and standards, for regional natural phenomenon hazards, as well as for HVAC, fire protection, electrical, plumbing, lighting, storm water management, and communications systems, as determined by local authorities and regulators.

**C.5 RECEIPT/VERIFICATION PROCESS FOR THE ACCEPTANCE OF ELEMENTAL MERCURY AND ELEMENTAL MERCURY CONTAINERS**

C.5.1 General



The Contractor shall conduct waste acceptance operations, as necessary, to ensure proper handling, storage, or disposal in accordance with 40 CFR §§264/265 and any additional requirements imposed by state regulators and the Storage Facility permit.

#### C.5.2 Waste Manifest

- C.5.2.1 The Contractor shall review the manifest provided to ensure materials received are in compliance with the requirements of 40 CFR §§264/265 and any additional requirements imposed by state regulators and the Storage Facility permit. It should be expected that the manifest will include information required to show compliance (e.g., 40 CFR 264/265.172 [Compatibility of waste with containers] to show the absence of water, salt solutions or acid solutions that could compromise that container's ability to contain waste). Discrepancies shall be addressed as described in the RCRA part B permit.
- C.5.2.2 Elemental mercury meeting the regulatory requirements of the Storage Facility shall be accepted into the Storage Facility.
- C.5.2.3 Elemental mercury that does not meet the regulatory requirements of the Storage Facility shall be prohibited from being accepted the Storage Facility.

#### C.5.3 Inspection Upon Receipt

- C.5.3.1 All packages and containers received at the Storage Facility shall be visually inspected promptly upon receipt for damage or other evidence of possible leakage to ensure that any release of hazardous materials is identified and appropriate actions are taken to contain and remediate the release.

#### C.5.4 Elemental Mercury Storage Containers

- C.5.4.1 The Storage Facility shall accept two types of elemental mercury containers: industry standard DOT-compliant 3-Land 1 MT containers.
- C.5.4.2 Where containers are damaged or not compliant with the acceptable size, the accepted elemental mercury shall be transferred into an acceptable storage/shipping container or over-pack, and returned to the Generator at the Generator's expense, unless other arrangements are made between the Generator of the waste and the Contractor managing the Storage Facility to address the damage or other non-compliance.

### **C.6 STANDARDS AND PROCEDURES FOR THE OPERATION OF THE LONG-TERM ELEMENTAL MERCURY STORAGE FACILITY**

#### C.6.1 Management Personnel

- C.6.1.1 This task includes overall management of the tasks, resources, and activities described in this contract. The Contractor Program Manager shall be responsible for

the overall effective performance of all program areas described in this contract, associated task orders, and its subcontracts supporting the Storage Facility. The Contractor shall provide experienced personnel to support DOE programs as described in the PWS.

- C.6.1.2 The Contractor shall designate a Program Manager (PM) for the duration of this contract. The PM shall be responsible for the overall performance of this contract and shall be cognizant of DOE directives, NEPA Record of Decisions (ROD), and RCRA regulations that are applicable to the long-term management and storage of elemental mercury. All communication, verbal or written, to DOE shall be authorized and any written communication shall be signed by the PM.

## C.6.2 Inventory Control

- C.6.2.1 Contractor shall establish, operate and maintain an inventory control and recordkeeping system that utilizes a unique bar code for each container. The system shall record the pertinent information regarding each container to include: volume, name of Generator, date of receipt, waste manifest information, physical location, physical inspection dates, and inspection notations, along with container movements and any material matter involving the container and its contents, including but not limited to container maintenance, relabeling, etc.
- C.6.2.2 By October 31 of each calendar year, the Contractor shall provide to DOE an inventory of all elemental mercury in storage at the Storage Facility as of September 30 of that calendar year.

## C.6.3 Records Management

- C.6.3.1 The Contractor shall be responsible for management of all records in compliance with applicable RCRA requirements, cradle to grave. The manifest system shall track each shipment of hazardous waste as required by RCRA requirements.

- C.6.3.2 Manifests

Manifests shall be handled in accordance with all RCRA regulations, 40 Code of Federal Regulations (CFR) Parts 260 and 264.

For each shipment, copies of the manifests will be supplied to DOE for Federal Records Management. The manifest copies shall be submitted along with the annual inventory, C.6.2.2. For hazardous wastes received at the leased storage facility, a copy of the generator's/shipper's manifest should be submitted. For hazardous waste that is being shipped from the leased storage facility, a copy of the manifest from the receiving TSDF acknowledging receipt should be submitted.

- C.6.3.3 To meet Federal records management requirements to fully manage records electronically by December 31, 2022, DOE requests that all records be transmitted

electronically. Records shall be born digitally to the fullest extent possible; for those that cannot be born digital, the Contractor shall be required to digitize to meet the National Archives and Records Administration (NARA) digitization requirements in 36 CFR 1236 or provide DOE the original hard copy record.

The contractor shall coordinate with the Contracting Officer to identify records generated or received in the performance of the contract to determine those that must be turned over to DOE and the interval for turnover. This is supplemental to the records listed in the list of deliverables, or otherwise required elsewhere in this contract.

## C.6.4 Reporting

### C.6.4.1 Operating Record

Until closure of the Storage Facility, the Contractor is required to keep a written operating record on site as detailed in Appendix I of Part 264/265 (40 CFR §§264/265.73). All information shall be cross-referenced with the manifest number. The operating record also shall include waste analysis results, details of emergencies requiring contingency plan implementation, inspection results (for three years), groundwater monitoring data, and land treatment and incineration monitoring data.

### C.6.4.2 Reserved

### C.6.4.3 Reports

Reports that shall be made to the Regional Administrator include, but are not limited to, reports of releases, fires and explosions, groundwater contamination and monitoring data, and facility closure (40 CFR §§264/265.77). Releases may also trigger Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Right-to-Know Act (EPCRA) reporting.

### C.6.4.4 Record Availability

40 CFR Sections 264/265.74 specifies that all records and plans shall be available for inspection. Required record retention periods are automatically extended during enforcement actions or as requested by the EPA Administrator.

At conclusion of the period of performance of this contract, the Contractor shall provide the Contracting Officer with operating records in electronic format.

## C.6.5 Training

### C.6.5.1 The Contractor shall provide all applicable OSHA, RCRA, and any other training required for site personnel, including to subcontractors and visitors.

- C.6.5.2 The Contractor shall maintain accurate training records and data pertaining to training activities, maintain current training records for all Contractor, subcontractor personnel and visitors, and provide reports, as required, to support specific site access qualifications, employee qualification records, and other appropriate report requests.
- C.6.5.3 The Contractor shall establish and maintain an electronic training system database, accessible to Contractor and DOE personnel to provide documentation on training requirements and availability, course information, and electronic registration. The Contractor shall coordinate any revisions and upgrades to the system with DOE.
- C.6.5.4 The Contractor shall, in consultation with DOE, develop and/or provide specialized MEBA training for all staff that have responsibilities related to elemental mercury management, transfer, storage, monitoring, or response.

#### C.6.6 Property Management (Real and Personal)

##### C.6.6.1 General

C.6.6.1.1 The Storage Facility shall not be subject to floodplains and seismic hazards.

C.6.6.1.2 The Contractor shall ensure the Storage Facility is maintained in good working condition and remains serviceable for its intended purpose.

##### C.6.6.2 Property Inspection

The Contractor shall visually inspect the Storage Facility for malfunction, deterioration, operator errors, and discharges (40 CFR §§264/265.15). The inspection provisions shall be carried out according to a written inspection schedule that is developed and followed by the Contractor and kept at the Storage Facility. The schedule shall identify the areas of inspection and set the frequency of inspections. Areas subject to spills, such as loading and unloading areas, other mercury handling areas, and storage areas, shall be inspected daily when in use. The Contractor shall record inspections in a log or summary and shall remedy any problems identified during inspections. The records shall include the date and time of inspection, the name of the inspector, notation of observations, and the date and nature of any necessary repairs or other remedial actions and shall be kept at the Storage Facility for the duration of this contract.

##### C.6.6.3 Real Property Asset Management Requirements

The contractor shall comply with real property asset management requirements in accordance with DOE Order 430.1C Real Property and the Section J, Attachment J.6 Real Property Asset Management Requirements.

## C.6.7 Loss Prevention and Emergency Response

C.6.7.1 The preparedness and prevention standards are intended to minimize and prevent emergency situations at Treatment Storage and Disposal Facility (TSDFs). Facilities shall be operated and maintained in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The regulations require maintenance of equipment, alarms, minimum aisle space, and provisions for contacting local authorities. Specifically, 40 CFR Sections 264.32/265.32 mandate that a facility shall have an internal communication or alarm system, a phone or radio capable of summoning emergency assistance, fire-fighting equipment, and adequate water supply. Sections 264.33/265.33 and 264.34/265.34 require that this equipment be maintained and tested regularly, and that whenever hazardous waste is being poured, mixed, spread or otherwise handled, that involved personnel have access to an alarm system or emergency communication device. In addition, the facility shall have aisle space that is sufficient to ensure easy movement of personnel and equipment unless the Contractor demonstrates that it is unnecessary (§§264.35/265.35). Facilities shall also have provisions for contacting local authorities that might be involved in emergency responses at the facility. The local authorities shall be familiar with the facility and properties of the hazardous waste(s) handled at the facility (§§264.37/265.37). Local authorities include police, fire department, hospitals, and emergency response teams. Where more than one local authority is involved, a lead authority shall be designated. Where state or local authorities decline to enter into such arrangements, the owner and operator shall document the refusal in the operating record (§§264.37(b)/265.37(b)).

### C.6.7.2 Contingency Plan and Emergency Procedures

The Contractor shall maintain contingency plans on site at all times and carry out these plans in the event of an actual emergency. The plan shall describe arrangements with local authorities and list names, addresses, and telephone numbers of all people qualified to act as emergency coordinators. If more than one emergency coordinator is listed, a primary contact shall be designated. The plan shall include a list of all emergency equipment and evacuation plans, where applicable. A copy of the contingency plan (and any revisions) shall be maintained at the Storage Facility and provided to all local authorities that may have to respond to emergencies (40 CFR §§264.53/265.53). The contingency plan shall be reviewed and amended, as required by the RCRA permit, when the applicable regulations or facility permits are revised, the plan fails in an emergency, or there are changes to the facility, the list of emergency coordinators, or the list of emergency equipment (§§264.54/265.54).

### C.6.7.3 Emergency Coordinator

The Contractor shall designate an emergency coordinator. The emergency coordinator (40 CFR §§264.55/265.55) is responsible for assessing emergency situations and

making decisions to respond. There shall be at least one employee either on the Storage Facility premises or on call to fill this role. This person shall have the authority to commit the resources needed to carry out the contingency plan.

#### C.6.7.4 Emergency Procedures

In the event of an imminent or actual emergency, the emergency coordinator shall immediately activate internal facility alarms or communication systems and notify appropriate state and local authorities. In cases where there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and extent of any released materials. At the same time, the coordinator shall assess possible hazards to human health or the environment. If the coordinator determines that the emergency threatens human health or the environment outside of the Storage Facility and finds that evacuation of local areas may be advisable, the coordinator shall notify appropriate authorities and either the designated emergency response government official for the area or the National Response Center. During an emergency, measures shall be taken to ensure that fires, explosions, and releases do not occur, recur, or spread.

#### C.6.7.5 Post-Emergency Procedures

After an emergency, the Contractor shall provide for any residue from the release, fire, or other event to be treated, stored, or disposed. Residue that is hazardous waste shall be managed according to all applicable RCRA regulations, and the Storage Facility may end up assuming Generator status for management of this hazardous waste. The emergency coordinator shall ensure that all emergency equipment is cleaned and fit for use before operation is resumed. The Contractor shall document in the facility operating record events that required the implementation of the contingency plan. Within 15 days of the accident, the Contractor shall submit a written report describing the incident to the DOE COR and the EPA's Regional Administrator (40 CFR §§264.56(g)-(i)/265.56(g)-(i)).

#### C.6.8 Project Integration

The Contractor shall coordinate with DOE, including any planned upgrades or modifications, as necessary, to ensure safe and successful project execution.