

Offerors are responsible for reviewing these changes to ensure understanding of the requirements identified therein. Other than as specifically noted herein, there are no other changes as a result of this Amendment 0002.

## Summary of Changes

Amendment 0002 changes to Request for Proposal (RFP) 89303320REM000081 for Elemental Mercury Long-Term Management and Storage are as follows.

(1) Section C.1 OBJECTIVE is revised to add text at the end of the fourth paragraph, as follows:

FROM:

**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

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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."

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.

TO:

## **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>2</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.

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<sup>2</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."

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)). Prior to any delivery or shipment of elemental mercury under this contract, DOE will have taken several steps under MEBA to allow for the long-term storage of elemental mercury at the selected facility. These steps include, but are not limited to, (1) designating the facility for the purpose of long-term management and storage of elemental mercury generated within the United States [42 U.S.C. § 6939f(a)(1)] and (2) establishing a fee for such long-term management and storage [42 U.S.C. § 6939f(b)].

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.

- (2) Section L, Provision DOE-L-2014 DATE, TIME, AND PLACE OFFERS ARE DUE (OCT 2015) is hereby revised to extend the due date for proposals, as follows.

FROM:

All Offers required by this solicitation are due no later than 4:00 p.m. Eastern Daylight Time on **May 20, 2022**. Treatment of late submissions, modifications, and withdrawals are governed by the applicable provisions of the solicitation.

TO:

All Offers required by this solicitation are due no later than 4:00 p.m. Eastern Daylight Time on **May 20, 2022** ~~June 1, 2022~~. Treatment of late submissions, modifications, and withdrawals are governed by the applicable provisions of the solicitation.

END OF CHANGES

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