

# ES & H RESPONSIBILITIES

DATE: 11/18/2008

## SUBJECT: COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) REQUIREMENTS

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1. PURPOSE. This document addresses responsibility and accountability and provides administrative guidance to the Oak Ridge Office (ORO).
2. APPLICABILITY. The provisions of this document apply to ORO Principal Staff.
3. RESPONSIBILITIES. CERCLA requirements address emergency and nonemergency actions. Emergency actions are those taken immediately in response to a release, while nonemergency actions include removals, both time critical, non-time critical, and remedial activities conducted subsequent to emergency actions, if any.
  - a. Team Leader, Emergency Management Team, ensures adequate DOE representation and participation on appropriate Regional Response Teams.
  - b. Assistant Manager for Environmental Management (AMEM).

- (1) Oversees all ORO response actions for compliance with applicable requirements of CERCLA, as amended, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the requirements of this Chapter, and applicable DOE policies, requirements, and procedures.

This includes making all required notifications, preparing and submitting all required documents, and integrating the procedural and documentation requirements of CERCLA and the National Environmental Policy Act, wherever practical, in a timely manner.

- (2) Gathers information with respect to releases and potentially imminent releases of hazardous substances and maintain an ORO-wide record of all actions taken under this Chapter; CERCLA, as amended; the NCP; and applicable DOE policies, requirements, and procedures related to such releases.
- (3) Takes such actions as deemed necessary to ensure that all ORO personnel responsible for conducting activities under this Chapter have maintained contact with appropriate Environmental Protection Agency (EPA), State, and local officials with regard to the need for and execution of response actions; obtained all appropriate EPA guidance documents applicable to CERCLA-related steps for which they are responsible; and received training designed to ensure ORO compliance with applicable CERCLA requirements.
- (4) Prior to initiation of the remedial action process under CERCLA, as amended, determine with advice from the Assistant Secretary for Environment, Safety and Health (EH-1), the Cognizant Secretarial Officer, and Office of the General Counsel (GC-1), whether corrective actions carried out under the Resource

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Conservation and Recovery Act of 1976, Sections 3004(u) or (v) or 3008(h), or under State law are inconsistent with the NCP and may be used to satisfy CERCLA requirements.

- (5) Requests such funds as deemed necessary to ensure that sufficient resources are included in the budget to implement the DOE CERCLA Program.
- (6) Coordinates the development, implementation, and revision of agreements with other organizations, as necessary, which define the division of responsibilities for CERCLA and the NCP. The agreements will be reviewed every two years and revised as necessary.

c. Principal Staff.

- (1) Review and concur with agreements as described in Paragraph 4b(6) above, that contain provisions affecting them.
- (2) Carry out responsibilities that are assigned to them in agreements.

d. Contracting Officer's Representatives (or designees), will participate in development, implementation, and revision, when necessary, of agreements with the AMEM which will define the division of responsibilities for implementation of CERCLA and the NCP.

4. REFERENCES.

- a. National Environmental Policy Act.
- b. Resource Conservation and Recovery Act of 1976.
- c. National Oil and Hazardous Substances Pollution Contingency Plan.
- d. Memorandum of Agreement between the AMEM and the ORNL Site Manager regarding AMEM Activities at the ORNL Site.