

U.S. Department of Energy

Oak Ridge Office

ORO O 230
Chapter III
Change 5

DATE: 08/29/2006

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

1. **PURPOSE.** This Chapter assigns responsibility and accountability and provides administrative and/or contractual guidance to Oak Ridge Office (ORO) and its contractors. Nothing in this issuance changes any requirements contained in any Department of Energy (DOE) Directive.
2. **CANCELLATION.** This Chapter cancels and replaces ORO O 230, Chapter III, Change 4, COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) REQUIREMENTS, dated June 22, 2004.
3. **APPLICABILITY.** The provisions of this Chapter apply to ORO Principal Staff, management and operating contractors, management and integrating contractors, and other contractors involved in environmental cleanup, compliance, and waste management activities at DOE-owned or -leased facilities, as provided by contract.
4. **RESPONSIBILITIES.** Many ORO contractors have developed Standards/Requirements Identification Documents (S/RIDs) or Work Smart Standards (WSS) Sets that may not include requirements referenced or included in related DOE Directives or this Chapter. Interpretation and performance of Federal responsibilities outlined below must take into account the approved standards set for each particular contract and must not be deemed to add any requirements to the approved set.

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 and nontime critical, and remedial activities conducted subsequent to emergency actions, if any. This Chapter applies only to the nonemergency actions. Emergency actions are addressed in ORO O 150, Chapter I, Change 6, COMPREHENSIVE EMERGENCY MANAGEMENT SYSTEM, dated April 22, 2004, and any subsequent revisions.

- 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 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.
5. REQUIREMENTS AND PROCEDURES. See Paragraph 6 of this Chapter.
6. REFERENCES.
- a. National Environmental Policy Act.

- b. Resource Conservation and Recovery Act of 1976.
 - c. National Oil and Hazardous Substances Pollution Contingency Plan.
 - d. ORO O 150, Chapter I, Change 6, COMPREHENSIVE EMERGENCY MANAGEMENT SYSTEM, dated April 22, 2004, and any subsequent revisions.
 - e. Memorandum of Agreement between the AMEM and the ORNL Site Manager regarding AMEM Activities at the ORNL Site.
7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. See Contractor Requirements Document, Attachment 1 of this Chapter.
9. ATTACHMENTS.
Attachment 1 - Contractor Requirements Document.

CONTRACTOR REQUIREMENTS DOCUMENT

Contractors identified in Paragraph 3 of this Chapter will establish and maintain programs and management systems that conform to the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act and the National Oil and Hazardous Substances Pollution Contingency Plan, as directed by the Cognizant Contracting Officer's Representatives and/or as set forth in their contract.