

STATEMENT OF WORK FOR THE COMMERCIAL TREATMENT AND DISPOSAL OF MIXED LOW LEVEL WASTE

January 22, 2002

1 INTRODUCTION AND OBJECTIVE

Bechtel BWXT Idaho, Inc. (BBWI) is the prime management and operating (M&O) contractor for the United States Department of Energy (DOE) for DOE's Idaho National Engineering & Environmental Laboratory (INEEL). BBWI requires commercial treatment of Mixed Low Level Waste (MLLW) belonging to DOE, which has been generated at the INEEL site through operations pursuant to BBWI's contract with DOE.

The INEEL site is located about 50 miles west of Idaho Falls, Idaho (ID), and consists of various facilities including nuclear research and development. The INEEL site is a Large Quantity Generator (LQG).

This Statement of Work (SOW) presents the requirements to be imposed for the procurement and conduct of these services. All activities associated with characterization, treatment, and disposal of the MLLW shall be in accordance with all applicable Federal, State, and local statutes and regulations.

2 Scope

Subcontractor shall provide treatment and disposal services for MLLW to meet RCRA Land Disposal Restriction (LDR). The Subcontractor may also provide related services such as: sampling and analysis, treatability studies, sorting and segregation, and repackaging services. Following treatment, Subcontractor shall take title to and dispose of the treated waste. The Subcontractor shall provide all necessary facilities, permits and licenses to provide the treatment and disposal activities.

The MLLW is generated during operations at the INEEL. BBWI will package and label the MLLW, provide all necessary waste certification and characterization results, and provide services for transport to the Subcontractor's facilities. All MLLW will be characterized to meet the requirements of the Subcontractor prior to shipment. Transportation of the MLLW will be provided by BBWI in accordance with Department of Transportation requirements. Shipments will meet all applicable requirements of the Subcontractor's Site Waste Acceptance Criteria (WAC), Nuclear Regulatory Commission (NRC) or NRC Agreement State Radioactive Materials License, and the receiving State's RCRA permit for the Subcontractor.

The Subcontractor shall have no obligation to receive, handle, store, or dispose of any waste material delivered to the Subcontractor's facility which does not in fact conform to and/or comply with Subcontractor's license and applicable regulations.

Disposal of any materials and/or waste residual to the treatment and disposal processes is the responsibility of the Subcontractor and must be in accordance with all applicable environmental, safety, and health (ES&H) regulations.

3 APPLICABLE REGULATIONS AND DOCUMENTS

3.1 Regulations

The following list contains regulations and documents that are applicable to this project. Other Federal regulations [cited as the Code of Federal Regulation (CFR's)], State, and/or local regulations may apply depending upon the permit conditions required by the United States Environmental Protection Agency (EPA) or State agencies in the State and/or region in which the recycling company is operating and the specific operations of the facility.

10 CFR 20, "Standards for Protection Against Radiation,"

10 CFR 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material,"

10 CFR 40, "Domestic Licensing of Source Material,"

10 CFR 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,"

10 CFR 61, "Licensing Requirements for Land Disposal of Radioactive Waste,"

10 CFR 70, "Domestic Licensing of Special Nuclear Material,"

10 CFR 71, "Packaging and Transportation of Radioactive Material,"

10 CFR 835, "Occupational Radiation Protection,"

10 CFR 962, "Byproduct Material,"

29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response,"

29 CFR 1910.1200, "Hazardous Communication,"

29 CFR 1910.1450, "Occupational Exposure to Hazardous Chemicals in Laboratories,"

40 CFR 50, "National primary and Secondary Ambient Air Quality Standards,"

40 CFR 60, "Standards of Performance for New Stationary Sources,"

40 CFR 61, "National Emissions Standards for Hazardous Air Pollutants (NESHAPs),"

40 CFR 110, "Discharge of Oil,"

40 CFR 112, "Oil Pollution Prevention,"

40 CFR 116, "Designation of Hazardous Substances,"

40 CFR 117, "Determination of Reportable Quantities for Hazardous Substances,"

40 CFR 122, "EPA Administered permit Programs: The National Pollutant Discharge Elimination System,"

40 CFR 125, "Criteria and Standards for the National Pollutant discharge Elimination System,"

40 CFR 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants,"

40 CFR 141, "National Primary Drinking Water Regulations,"

40 CFR 142, "National Primary Drinking Water Regulations Implementation,"

40 CFR 143, "National Secondary Drinking Water Regulations,"

40 CFR 260, "Hazardous Waste Management System – General,"

40 CFR 261, "Identification and Listing of Hazardous Waste,"

40 CFR 262, "Standards Applicable to Generators of Hazardous Waste,"

40 CFR 264, "Standards for Owners and Operators of hazardous Waste Treatment, Storage, and Disposal Facilities,"

40 CFR 265, "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities,"

40 CFR 266, "Standards for Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities,"

40 CFR 268, "Land Disposal Restriction,"

40 CFR 300, "National Oil and Hazardous Substances pollution Contingency Plan,"

40 CFR 302, "Designation, Reportable Quantities, and Notification,"

40 CFR 355, "Emergency Planning and Notification,"

40 CFR 370, "Hazardous Chemical reporting: Community Right-To-Know,"

- 40 CFR 372, "Toxic Chemical Release Reporting: Community Right-To-Know,"
- 40 CFR 401, "General Provisions,"
- 40 CFR 403, "General Pretreatment Regulations for Existing and New Sources Pollution,"
- 40 CFR 761, "Polychlorinated Biphenyl's (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibition,"
- 49 CFR 171, "General Information, Regulations, and Definitions,"
- 49 CFR 172, "Hazardous Materials Table, Special Provisions, hazardous Materials Communications Requirements and Emergency Response Information,"
- 49 CFR 173, "Shippers – General Requirements for Shipments and Packaging,"
- 49 CFR 177, "Carriage by Public Highway,"
- 49 CFR 178, "Specifications for Packaging,"

3.2 INEEL Site-Specific and DOE Documents

- DOE, 1995, *Idaho National Engineering Laboratory Reusable Property, Recyclable Materials, and Waste Acceptance Criteria (RRWAC)*, DOE/ID-10381, Revision 5, U. S. Department of Energy, Idaho Falls, Idaho: October 1995.
- BBWI, 2000, *Waste Generator Services – Mixed Low-Level Waste Management*, MCP-70, Revision 4, Bechtel BWXT Idaho, Inc., Idaho Falls, Idaho: December 2000.
- BBWI, 1999, *Waste Generator Services – Low-Level Waste Management*, MCP-62, Revision 2, Bechtel BWXT Idaho, Inc., Idaho Falls, Idaho: July 1999.

3.3 Envirocare Site-Specific Documents

- EC-0230, "Radioactive Waste Profile Record" (Revision 3).
- EC-230-SNM "SNM Exemption Certification".
- "PCB Waste Generator Certification".
- EC-2000 "Preshipment Sample Profile Record".
- EC-2000A "Preshipment Sample Authorization Form".
- EC-1700 "Treatability Study Sample Profile Record".

EC-1700A "Treatability Study Sample Authorization Form".

EC-98096 "5 Working Day Shipment Notification".

4 TECHNICAL TASKS

This section describes the administrative and technical tasks, which must be conducted by both BBWI and Subcontractor staff in the performance of work defined in this SOW. This section is also designed to clearly delineate the responsibilities of both parties involved in the performance of the work.

4.1 BBWI Tasks

4.1.1 Administrative Tasks

4.1.1.1 ***ESH&Q Liability Assessment.*** BBWI or its designee shall retain the right to inspect the facilities, records, and operations of the Subcontractor and/or its lower tier subcontractor(s) at any time throughout the duration of the subcontract. These inspections may be conducted annually in accordance with BBWI and DOE requirements.

4.1.1.2 ***Waste Management Documentation.*** INEEL documentation as required by the "Reusable property, recyclable Materials, and Waste Acceptance Criteria" (RRWAC) for treatment/disposal of wastes, including hazardous wastes, will be prepared by BBWI based upon process knowledge or the best available analytical data for shipment of wastes as soon as it becomes available.

The Subcontractor documentation as required by the Subcontractor's Waste Acceptance Criteria (WAC) for treatment/disposal of wastes, including radioactive and hazardous wastes, will be prepared by BBWI based upon the best available analytical data for shipment of wastes as soon as it becomes available. This documentation includes, but is not limited to, completion of the following forms: EC-0230 and EC-2000, EC-2000A, EC-1700, and EC-1700A, EC98096, and PCB Certification.

4.1.2 Technical Tasks

4.1.2.1 ***Characterization.*** BBWI will ensure that characterization of all MLLW is completed in accordance with 40 CFR §§ 262.11 and 268, MCP-70, and the Subcontractor's WAC. A Utah Certified Laboratory shall perform all laboratory analyses of the MLLW requested as part of this characterization.

- 4.1.2.2 **Transport.** BBWI shall be solely responsible for transportation of MLLW to the designated Subcontractor facility.

BBWI shall be responsible for completing, reviewing, and signing the manifests. BBWI Traffic shall approve all necessary shipping papers before the transporter is allowed to leave the INEEL property.

- 4.1.2.3 **Placarding and Labeling.** BBWI shall verify that the container holding the MLLW is properly labeled and the transport vehicle is properly placarded before release of the shipment.
- 4.1.2.4 **Radiological Survey.** The BBWI shall survey all containers at INEEL for radioactivity before release from the INEEL. Each container shall be surveyed to ensure that there is no surface contamination on the outside of the containers.

4.2 Subcontractor Tasks

- 4.2.1.1 **Security.** The Subcontractor shall have a specified method for maintaining security throughout its facility.
- 4.2.1.2 **Insurance.** The Subcontractor shall maintain the appropriate insurance policies and coverage as specified by Federal, State, and local regulations.

The Subcontractor shall maintain adequate financial assurances in accordance with EPA, NRC, and/or state and local requirements.

- 4.2.1.3 **Title to Material.** Transfer to Subcontractor of responsibility for, and title to, the material shall follow subcontract award and inventory transfer (i.e. Receipt at Envirocare, Clive, Utah facility). This includes, but is not limited to, the responsibilities associated with environmental regulations. This transfer of title and responsibility will be handled in a manner acceptable to standard industry and government practices and policies.
- 4.2.1.4 **Brokers.** Brokers shall not be permitted to be involved in this subcontract. A broker is defined to include any firm that acts as an agent in securing the services of other firms for performing any portion of this subcontract.
- 4.2.1.5 **Permits and Licenses.** Copies of permit and license amendments shall be provided to BBWI within 20 days of the Subcontractor request for amendment issue date, and again within 20 days after regulatory agency amendment approval date.

4.2.1.6 **Adverse Consequences.** To prevent disruption in the services to be provided, the Subcontractor shall notify BBWI within 48 hours upon receipt of information that may adversely affect the Subcontract's capability to perform services as described in this SOW. Such information includes, but is not limited to:

- Information concerning pending or actual litigation
- Any incident that has occurred in a facility, or information concerning violation of any applicable statute, regulation, permit condition, ordinance, or other law.

In addition, this requirement shall apply through final disposition to all facilities to which waste is disposed.

The Subcontractor shall provide to BBWI within 20 days of receipt of notice, any and all DOT, environmental, OSHA, NRC, and other governmental Notices of Violation, Notices of Deficiency, Notices of Noncompliance, or similar notices, received by any or all of the facilities involved in providing services under this Subcontract.

4.2.2 Technical Tasks

4.2.2.1 **Capability.** The Subcontractor shall have the capability to treat MLLW in accordance with the LDRs and dispose of the waste at the Subcontractor's facility in accordance with all applicable permits and licenses, and environmental, safety, and health regulations and requirements. Disposal of the MLLW must be completed in a timely manner and in accordance with 40 CFR 268.50.

The Subcontractor shall currently possess, and make available for inspection and copying, copies of all required licenses and environmental permits for the operation of the Subcontractor's facility for the performance of this work, including, but not limited to, the following:

- NRC or NRC Agreement State radioactive material license
- Environmental Protection Agency Identification Number and statement of generator status
- Resource Conservation and Recovery Act (RCRA) Part A and/or Part B Permit, if applicable
- Air quality permits, e.g., National Emissions Standards for Hazardous Air Pollutants (NESHAPs)

- Water discharge permits, e.g., National Pollution Discharge Elimination System (NPDES)
- All other permits required by state and local agencies for the operation of the Subcontractor's process facilities and equipment.

Copies of permit or license amendments shall be provided to BBWI within 30 days of the Subcontractor request for amendment issue date, and again 20 days after regulatory agency amendment approval date.

- 4.2.2.2 ***Process Waste Streams.*** The Subcontractor is responsible for the treatment/disposal of all waste streams generated from this process. In addition, the Subcontractor must have the capability of managing all hazardous waste generated from this process in compliance with all applicable state and federal regulations.
- 4.2.2.3 ***Location Restrictions.*** All waste generated by the Subcontractor during the conduct of this project shall be completely treated and disposed of within the contiguous 48 states of the United States. Such waste shall be property of Subcontractor no later than the time of generation.

5 DELIVERABLES

- 5.1.1.1 The Subcontractor shall return the completed manifests to BBWI so that payment of services can be made.
- 5.1.1.2 The Subcontractor shall submit to BBWI all Certificates of Disposal (CD) within one (1) month of the disposal of each waste stream.