

ENVIRONMENTAL REGULATORY INTERFACE PROTOCOL
for the
Department of Energy Idaho Operations Office and Bechtel BWXT Idaho LLC
November 29, 2007
Rev.0

Purpose

The purpose of this protocol is to identify how the Department of Energy, Idaho Operations Office (DOE-ID) and Bechtel BWXT Idaho LLC (BBWI) will interface with environmental regulatory agencies (e.g., Idaho Department of Environmental Quality (IDEQ), EPA Region 10) on issues covered by the contract for the Advanced Mixed Waste Project (AMWTP) , contract No. DE-AC07-99ID13727.

Overview

BBWI is contractually obligated to manage and operate the AMWTP in full compliance with applicable laws, regulations, and agreements. Further, in many cases, both BBWI and DOE-ID are required to certify environmental documents that are submitted to regulators. Therefore, close coordination between BBWI and DOE-ID prior to interfacing with regulators is essential for environmental compliance and to effectively meet milestones required by applicable agreements.

Within DOE-ID, line-management is responsible for oversight of environmental compliance at the INL with support from the DOE-ID Environmental Technical Support Division (ETSD). Within BBWI, such compliance is the responsibility of BBWI line-management with support from the Environmental Compliance and Regulatory Affairs organization. The regulatory interfaces for BBWI and DOE-ID are shown in Table 1. While the DOE-ID Deputy Manager for the Idaho Cleanup Project has ultimate responsibility and decision-making authority regarding interfacing issues, the Assistant Manager for Waste Disposition (WDP) has direct oversight responsibility for the AMWTP. The Assistant Manager employs a Lead Regulatory Liaison to assist with regulatory and contractor interfacing.

The majority of the interfaces with regulatory agencies occur on a day-to-day basis and this protocol addresses these interactions (excludes senior leadership).

Regulatory Interactions

For all interactions discussed below, the BBWI Environmental Compliance and Regulatory Affairs Manager; the Team Lead, ETSD; and the WDP Lead Regulatory Liaison are key participants.

- **Verbal Communication:** For verbal communications initiated by a regulator with BBWI, the Environmental Compliance and Regulatory Affairs organization will attempt to involve DOE-ID before continuing with a discussion. Failing that, the

Environmental Compliance and Regulatory Affairs organization will provide DOE-ID a synopsis of what was discussed within two working days. For verbal communications initiated by a regulator to DOE-ID, DOE-ID will attempt, as appropriate, to involve BBWI before continuing with a discussion. Failing that, BBWI will be notified of the conversation and provided a synopsis of what was discussed within two working days. If any communication is directly associated with events that involve shipments to WIPP, DOE-ID must first coordinate with CBFO before any discussion with DEQ can take place.

For verbal communications initiated by BBWI, BBWI will notify DOE-ID of the upcoming call and obtain agreement that the conversation can occur without DOE-ID involvement or obtain DOE-ID participation. In the event that BBWI can not contact DOE-ID and the verbal communication is required to maintain compliance with the various BBWI environmental permits (e.g., 24 hour reporting, 7-day notification) BBWI may initiate communications with the IDEQ. BBWI will provide DOE-ID a synopsis of the discussion within two working days. For verbal communications initiated by DOE-ID, DOE-ID will notify BBWI of the upcoming call and obtain agreement that the conversation can occur without BBWI involvement or obtain BBWI participation.

If any topic of discussion has any potential direct impact on the Carlsbad Field Office and the Waste Isolation Pilot Plant (WIPP) and the relationship they have with state and federal regulators, Carlsbad must be notified in advance of discussions with INL regulators. This includes issues that may be complex-wide in nature, potentially directly affecting WIPP receiving waste from other DOE entities and may include permitting issues or regulatory interpretations. This determination, notification, and coordination will be made by DOE.

Commitments for BBWI or DOE-ID deliverables/actions will be made by either BBWI or DOE-ID with the involvement of the performing organization only. BBWI may not agree to changes to AMWTP milestones or INL specific project baselines, or matters involving policy or potential funding, with the regulators without prior DOE-ID approval.

- **Written Communication:** Written communication is comprised of formal and informal electronic messages and signed letters (not “documents” as described below), used to exchange information, respond to inquiries or compliance matters, or seek or validate regulatory interpretations, usually with the State. For any formal correspondence requiring submission of a letter, BBWI/DOE-ID will be afforded an opportunity to review the letter before issuance. For electronic correspondence, usually considered to be informal, the initiating party will copy the other automatically.
- **Submission of Environmental Documents:** In general, primary documents will be submitted to regulatory agencies by DOE-ID. Primary documents are those

documents addressing major, discrete portions of required activities. Secondary documents include those documents that are discrete portions of primary documents.

The BBWI Environmental Compliance and Regulatory Affairs organization will, prior to submittal of “secondary” type environmental documents to a regulatory agency, first submit them to DOE-ID for review and comment prior to BBWI transmittal to the agency. Documents shall normally be provided to DOE-ID a minimum of 30 days prior to submittal to the agency to allow for substantive review and comment. These time frames can be modified on a case-by-case basis with prior approval by DOE-ID. Documents submitted to the agencies by BBWI shall contain the following statement in the transmittal letter: “This document is submitted by BBWI, as authorized by the U.S. Department of Energy.”

When DOE-ID is responsible for transmitting a document to the regulatory agency, DOE-ID will normally give BBWI a minimum of 30 days prior to the submittal to the agency to allow for substantive review and comment. Regulatory agencies have requested early notification of when documents will be provided for review. The BBWI Environmental Compliance and Regulatory Affairs organization is responsible for keeping DOE-ID informed of when it is appropriate to provide early notification of document reviews.

Other documents will be submitted to the agencies directly by BBWI. A matrix identifying the specific document transmittal responsibilities is shown in Table 2.

- **Inspections by Regulatory Authorities:** Once regulatory agency inspectors are on-site, BBWI Environmental Compliance and Regulatory Affairs personnel are responsible for overall coordination activities. The BBWI Environmental Compliance and Regulatory Affairs personnel, or designee, will accompany regulators during inspections of the AMWTP facilities. Area project personnel may also accompany the inspectors as desired by BBWI management. DOE-ID participation shall be DOE-ID’s option unless required by DEQ inspectors, but is considered to be a priority. Normally a facility representative and a member of the ETSD and WDP will accompany the inspection, including in and out briefings. BBWI will inform DOE-ID ETSD, DOE-ID WDP Lead Regulatory Liaison, and affected facility/program personnel of inspections immediately upon regulator arrival and will provide DOE-ID with an assessment of each day’s activities by the close of the next business day.
- **Technical Meetings/Enforcement Conferences:** BBWI Environmental Compliance and Regulatory Affairs staff and DOE-ID will prepare for and run technical meetings held with regulatory authorities. Representatives from both BBWI and DOE-ID will attend technical meetings unless they elect not to and may work together to develop presentations, strategy, etc. BBWI and DOE-ID shall reasonably cooperate, coordinate, and provide each other relevant information related to any enforcement action which could affect their respective interests. For those enforcement actions for which allowable costs will be incurred by BBWI, at DOE’s request, BBWI will lead development and preparation of the response to the enforcement action. For technical

meetings and enforcement actions for which allowable costs will be incurred by BBWI, written information will normally be presented to the responsible DOE-ID subject matter expert a minimum of five working days (unless prior agreement is reached) prior to submittal to or meeting with the agency. Incorporation of DOE-ID comments will be at the discretion of the BBWI project manager.

Table 1. Regulatory Interface

Environmental Scope	BBWI	DOE	Ongoing Meetings
Senior Leadership (Senior Project Management Team)	Jeff Mousseau Scott Raish (backup)	Rick Provencher	Quarterly
HWMA/RCRA	Lee Sygitowicz, Neil Brill	Teresa Perkins/ Don Rasch Chuck Ljungberg	Quarterly
TSCA	Neil Brill Gary Robinson	Perkins/Rasch (Dave Wessman) Chuck Ljungberg	Monthly
Air	Neil Brill Tim Solle	Perkins/Rasch (Tim Safford) Chuck Ljungberg	N/A
Water	Neil Brill Stephen Obert	Perkins/Rasch (Richard Kauffman) Chuck Ljungberg	N/A

Note: Numerous additional meetings are conducted, but are not listed here.

Table 2. Regulatory Document Transmittals

Document Type	Document Preparer	DOE-ID Review Required Prior to Transmittal?	Document Transmitter
STP Primary	BBWI	Yes	DOE-ID
STP Requests for Information	BBWI	Yes	BBWI
RCRA Permits and Closure Plans	BBWI	Yes	BBWI
Asbestos Demolition or Renovation Notices	BBWI	No	BBWI
Drinking Water System Construction or Modification Plan	BBWI	Yes	BBWI
Drinking Water System As- built Plan/Specification & PE Certification	BBWI	No	BBWI
Septic Tank Permit Applications	BBWI	Yes	BBWI
Septic Tank Permit Application for a Modification	BBWI	No	BBWI
New UST Notification	BBWI	Yes	BBWI
UST Change-of-Use Notification	BBWI	Yes	BBWI
UST Permanent/Temporary Closure Notification	BBWI	Yes	BBWI
Permit Application to Land Farm Petroleum Contaminated Soil	BBWI	Yes	BBWI
RCRA Part A Closure	BBWI	Yes	BBWI

Plan/Modification			
RCRA Annual Treatability Study Report	BBWI	Yes	BBWI
Sewage or Wastewater Disposal/Treatment Project As-built PE Certification	BBWI	Yes	BBWI
Wastewater Land Application Permit Site Performance Annual Reports	BBWI	Yes	BBWI
Wastewater Land Application Permit Compliance Action Submittals	BBWI	Yes	BBWI
Annual Well Construction Permit Application	BBWI	Yes	BBWI
Well Abandonment Applications	BBWI	Yes	BBWI
Injection Well Closure Applications	BBWI	Yes	BBWI
Stormwater for Construction Activities Notices of Intent	BBWI	Yes	BBWI
Stormwater for Construction Activities Notices of Termination	BBWI	Yes	BBWI
Environmental Non-compliance Self-disclosure Reports	BBWI	Yes	BBWI
Routine Correspondence with AMWTP Regulatory Agencies (IDEQ, EPA)	BBWI	Yes	BBWI