### Contractor Requirements Document
(Supplemented) Form

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<th>CRD #: 436.1 (Supplemented Rev. 0)</th>
<th>Title: Departmental Sustainability</th>
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#### Section A – Headquarters CRD:

**DOE O 436.1, DEPARTMENTAL SUSTAINABILITY**

The provisions of the Contractor Requirements Document (CRD) apply to Department of Energy (DOE) contractors. Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this CRD and flowing down the CRD requirements to subcontracts to the extent necessary to ensure contractor compliance with these requirements.

1. **Reporting.** The contractor must establish and implement activities that support the Department’s required submittal of reports and data and implementation of sustainability goals specified by DOE in the contract. The contractor must also meet the requirements of the Emergency Planning and Community Right-to-Know Act.

2. **The contractor must establish and implement the following activities:**

   a. **Site Sustainability Plans (SSPs).** Contractors must develop or support development and commitments to identify their respective contributions toward meeting the Department’s sustainability goals. Contractors must integrate their SSP with their operational plans.

   b. **Environmental Management Systems (EMS).** Contractors must develop and implement an environmental management system (EMS) that is certified to or conforms with the International Organization for Standardization’s (ISO) 14001:2004 in accordance with References 7.o and 7.p, respectively. Site sustainability goals must be integrated into the EMS’s.

When deemed appropriate by the Contracting Officer, a contractor having an EMS that is certified to the International Organization for Standardization’s (ISO) 14001:2004 standard in accordance with the accredited registrar provisions of the International Standard may allow the CRD not to be included in their contracts. In such cases, sustainability goals will flow down to contractors via established contractor performance management processes or other contract mechanisms.
Section B – General Clarifications:

General Clarifications: Spills and Discharges

1. This SCRD deals with the management of spills to the environment, unless specified otherwise in the requirements cited herein.

2. A reportable “spill” or “release” is any release or discharge into the environment of a hazardous substance or dangerous waste that exceeds a “reportable quantity” or threatens human health or the environment, unless otherwise permitted under federal or state law. A spill or release could be accidental or intentional. It could be a product or a waste. It can be a liquid, solid, or gas.

3. The term “hazardous substance” is defined differently under the various laws. The definition in the law under which the spill is being reported should be used to meet the requirements of this CRD.

4. The requirement to report a spill or release into the environment under federal regulations is normally based on exceedance of a specified quantity or volume of hazardous substance or hazardous waste constituent.

5. The requirement to report a spill or release into the environment under Washington State law and regulation is based on whether the spill poses a threat to human health or the environment; not on the quantity released. The criteria for evaluating a spill or release are:
   a. Whether the spilled or released material meets the applicable definition for hazardous substance or dangerous waste;
   b. Whether the spill or release constitutes a threat to human health; and/or
   c. Whether the spill or release constitutes a threat to the environment.

6. An evaluation of the potential impact of the spill or release into the environment on human health or the environment should be made by a person with knowledge of, and/or responsibility for, the spill or release and/or their immediate supervisor; with the assistance of a knowledgeable environmental professional when necessary.

7. The following guidance is provided to assist the contractor in determining whether a spill or release into the environment constitutes a threat to the human health or environment as based upon Ecology guidance for implementing WAC 173-303-145. The overriding factor is the threat it poses. As a rule of thumb, you should report a spill or release into the environment when any of the following occur:
   a. Anyone, as a result of exposure to the spill or release, seeks or requires medical attention.
   b. There is a potential for the material to enter water, including surface water (such as streams, lakes, rivers and ponds), groundwater, storm drains, or ditches.
   c. Illness, injury, stress, or death of fish, wildlife, or domestic animals occurs.
   d. A release to the air in sufficient quantity or concentration to harm people, animals, or plants.
   e. You cannot quickly control, contain, and completely clean up a spill or release to soil that creates a threat.

8. Spills or releases to the ground must be considered a threat to the human health or the environment when there is a reasonable potential for the spill or discharge to migrate to groundwater, wells, or waterways. In some circumstances, depending on the hazardous substance or waste constituents, the amount spilled or released, overall environmental conditions at the time, and proximity to potentially affected receptors, a spill or release to the soil may present a potential threat to human health or the environment even though it does not get to surface or groundwater.
9. Spills or releases inside a building or to containment are not considered spills or releases to the environment and do not trigger reporting requirements. Spills or releases need to be reported if the hazardous substance or waste escapes the building or containment through a doorway, crack, or drain and results in a potential threat to human health or the environment. Containment is defined to include, but not be limited to barriers such as a concrete pad, asphalt pavement or plastic lining that would prevent the spilled or discharged material from reaching the environment during the time it takes for the spill or discharge to be cleaned up.

10. Cumulative effects of recurring spills or releases, such as drips or drops from leaking valves or flanges, shall be reported if, based on an evaluation by a knowledgeable environmental professional, the cumulative effects of such spills or releases meet the criteria listed in items 3, 4, and 6 above.

11. Unless otherwise required by the laws listed in paragraphs 15, 16, 17 and 18 below, spills or releases of source, special nuclear, and by-product materials regulated by DOE under the Atomic Energy Act are not reportable to the Washington Department of Ecology. In some circumstances when there is a potential or actual off-site release of these materials, it may be necessary to notify the State of Washington.

Section C – Specific Clarifications: None

Section D – General Supplemental Requirements

General Supplemental Requirements:

Preparedness and Prevention of Spills or Releases to the Environment

1. The Contractor shall have a spill prevention program that identifies areas and activities which may result in spills or releases to the environment.

2. The Contractor shall plan work in a manner to minimize releases that threaten human health or the environment.

3. For all areas where there is a significant potential for a spill or release that poses a threat to human health or the environment, the Contractor shall have ready access to spill control and remediation materials and equipment appropriate to the materials that may be spilled such that prompt containment and remediation of spills or releases can be performed. (For example, areas where heavy equipment is temporarily stored awaiting maintenance or repairs.)

Notification to DOE and Regulatory Agencies

1. Spill or release notification must comply with Federal laws and regulations. Releases from Hanford Site activities are subject to CERCLA, RCRA, and EPCRA reporting and response requirements. These requirements are listed in Title 40 of the Code of Federal Regulations (40 CFR Parts 302 and 355, and Parts 280 and 281). Spills or releases on the Hanford Site may also be subject to reporting requirements under Clean Water Act (CWA), Toxic Substances Control Act (TSCA), Hazardous Materials Transportation Act (HMTA), and the Occupational Safety and Health Act (OSHA). Releases (accidental or intentional) that meet or exceed the CERCLA RQ must be reported to the National Response Center (NRC), except for federally permitted releases. Additionally, releases in excess of a CERCLA RQ that result in potential exposure of persons outside the Hanford site boundary (regardless of the amount released outside the boundary) must
be reported to appropriate local emergency planning commissions (LEPC) and state emergency response commissions (SERC).

a. All RCRA hazardous wastes are also classified as hazardous substances under CERCLA and therefore, releases must be reported in accordance with CERCLA and EPCRA, as applicable.

b. Under the CWA, all discharges of specific hazardous substances, listed in 40 CFR 116.4 Table A, must be immediately reported if the discharge exceeds the reportable quantity listed in 40 CFR 117.3. Also, any oil spill is reportable if the amount released has:
   i. violated applicable water quality standards;
   ii. caused a film, sheen or discoloration of the surface of the water or adjoining shoreline; or
   iii. caused a sludge or an emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

c. All reportable spills or releases of hazardous substances under the CWA are also reportable under CERCLA. One call to the NRC satisfies all reporting requirements under CWA, RCRA, and CERCLA.
   i. The contractor should also determine what local and state agencies must be contacted if a release occurs.
   ii. If a spill or release of hazardous waste is not removed, a regulated unit may be created and additional /notification/reporting requirements may be required.

d. Spills or releases of polychlorinated biphenyls (PCB) under TSCA that meet the notification requirements of 40 CFR 761.125(a)(1) must be made to the EPA Region 10 office in the shortest possible time after discovery, but in no case greater than 24 hours of discovery. CERCLA and CWA reporting duties also apply independent of this reporting duty.

e. A spill or release of hazardous materials as defined by the U.S. Department of Transportation must be reported in accordance with reporting requirements listed in 49 CFR 172 if there is a spill event meeting the thresholds given there. DOT also publishes an “Emergency Response Guide” which identifies response actions and thresholds.

f. Spills or releases of certain chemicals that result in exposure to workers in excess of OSHA standards must be reported to DOE in accordance with CRD O 232.2, Subgroup B Occupational Exposure.

g. In addition to the required federal reporting, all spills or releases that are required to be reported under Federal laws or regulations shall also be reported to the State of Washington Department of Ecology (Ecology). Spills or releases of dangerous waste or hazardous substances that occur in quantities lower than federal reporting requirements shall be reported to Ecology when they pose a potential threat to human health or the environment in accordance with WAC 173-303-145.

2. All reportable spills or releases as defined by Washington State laws and regulations, including, but not limited to, reportable spill or release requirements under the Washington Hazardous Waste Management Act (HWMA), Washington Oil and Hazardous Substance Spill Prevention and Response Act (OHSSPRA), Washington Model Toxics Control Act (MTCA), and the regulations promulgated under these laws (e.g. WAC 173-303-145) must be reported to the DOE and to the Washington Department of Ecology Central Regional Office, 15 W. Yakima Avenue #200, Yakima, Washington 98902-3452. The spill reporting phone number is (509) 575-2490. Outside of normal business hours the call will transfer to the Washington Department of Emergency Management.
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a. Notifications required by permits shall be in accordance with the requirements stated in the permit.

b. All spills or releases reported to Ecology shall also be reported to DOE in accordance with DOE Order 232.2 CRD Group 5 – Environmental or Group 9 – Noncompliance Notifications.

c. Spills or releases at EPA led CERCLA sites should be reported to the EPA project manager for the site.

3. All reportable spills or releases shall be reported to the appropriate regulatory agency immediately or as required by applicable regulation. “Immediately” usually means within one hour of a determination that the release is reportable. If, for good reason, a one hour response is not possible, a reportable spill or release must be reported as soon thereafter as practicable but not to exceed 24 hours.

4. All spills or releases will continue to be reported in accordance with applicable DOE Orders.

Spill or Release Mitigation

1. Spills or releases of a hazardous substance or dangerous waste shall be controlled and stabilized as soon as practicable. Simple corrective actions necessary to minimize harm to the environment shall be taken before notifying DOE or Ecology if such actions can be performed safely. For example, an open valve shall be shut off or an overturned drum righted before reporting the spill or discharge. Spills and discharges requiring extensive remediation shall be reported to appropriate agencies concurrent with (or prior to) cleanup activities.

Spill or Release Cleanup

1. Reportable spills and releases of a hazardous substance or dangerous waste shall be cleaned up as expeditiously as practicable. Reportable spills and releases shall be cleaned up in accordance with applicable regulatory requirements.

Verification of Spill or Release Cleanup Completion

1. Demonstration that adequate cleanup has been accomplished shall be determined by the type and magnitude of the spill. Appropriate method(s) used for demonstration of adequate cleanup may include 1) visual inspection, 2) field instrumentation, and/or 3) sampling and analysis. The appropriate method(s) used for demonstration of adequate cleanup shall be determined by the type and magnitude of the spill or release. Visual inspection shall only be used when a clear visual distinction can be made between contaminated and uncontaminated media. Field instrumentation used for verification of cleanup must be capable of detecting the material that has been spilled, currently calibrated, and operated by trained personnel. Field instrumentation may be used in conjunction with visual inspection to verify adequacy of a cleanup. In circumstances where visual inspection and/or field instrumentation is not capable of demonstrating adequate cleanup, a sampling and analysis plan must be developed and implemented. A graded approach must be used in developing the sampling and analysis plan. The level of detail in the sampling and analysis plan must be commensurate with the scope, quantity, and location of the spill and its potential impact on human health or the environment as evaluated through a data quality objectives process. The sampling and analysis plan must address the following in an appropriate level of detail:

   a. the basis for the plan (a brief description of the spill & potential impacts),
   b. a spill or release site map (with coordinates and references to allow easy identification of the spill and sample locations ),
   c. the contaminants and/or indicators to be measured,
   d. a description of the method(s) used to determine the sampling locations and number of
samples,
e. the analytical methods to be utilized, and
f. a schedule for completion of the sampling and analysis activities.

Documentation of Spill or Release Reporting and Cleanup Actions

1. The contractor shall keep records on all reportable spills or releases and make them available for inspection by DOE upon request. The records must include the dates of spill or release occurrence or discovery, specific locations of spills or releases, physical and chemical descriptions of the hazardous substances or wastes spilled or released, actual or estimated amounts spilled or released, mitigation and cleanup actions taken, methods(s) used to verify the adequacy of the cleanup, and notifications made, including dates, times, agencies, and individuals spoken to.

2. The contractor shall keep, and make available to DOE upon request, records on non-reportable spills or releases that wet, or cover, an area larger than six inches in diameter. The records must include the dates of spill or release occurrence or discovery, locations of spills or releases, physical and chemical descriptions of the hazardous substances or wastes spilled or released, actual or estimated amounts spilled or released, mitigation and cleanup actions taken, methods(s) used to verify the adequacy of the cleanup, and any courtesy notifications made, including dates, times, agencies, and individuals spoken to. These records may be kept in a summary table format or other convenient format that will allow acquisition of information on the frequency, types, and potential environmental impacts of non-reportable spills.

Contractor Implementing Procedures

1. The Contractor shall develop and maintain procedures implementing the spill reporting and cleanup requirements of this Supplemented Contract Requirements Document.

2. The procedures shall be issued and submitted to DOE for information within 60 days of the contractual effective date of this SCRD, and substantive changes submitted for information within 30 days of the revision. The initial issuance and substantive changes to the procedures shall be coordinated with DOE.

Section E - Specific Supplemental Requirements: NONE