ATTACHMENT 1

PERFORMANCE WORK STATEMENT

EMERGENCY AND RAPID RESPONSE SERVICES (ERRS)
FOR
SITES LOCATED IN THE STATES OF NEW YORK, NEW JERSEY, AND THE TERRITORIES OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

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I. INTRODUCTION

A. ACRONYMS

ACP	Area Contingency Plans
ARARs	Applicable or Relevant and Appropriate Requirements
CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation, & Liability Act of 1980
CFR	Code of Federal Regulations
CO	Contracting Officer
COR	Contracting Officer's Representative
CWA	Clean Water Act
DO	Delivery Order
DWO	Daily Work Order
EPA	Environmental Protection Agency
ERNS	Emergency Response Notification System
ERRS	Emergency and Rapid Response Services
ESF	Emergency Support Function
FRP	Federal Response Plan
HASP	Health and Safety Plan
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NPL	National Priorities List
OPA	Oil Pollution Act
OSC	On-Scene Coordinator
OSHA	Office of Safety and Health Administration
OSWER	(US EPA) Office of Solid Waste and Emergency Response
POLREP	Pollution Report
PDD	Presidential Decision Document
PRP	Potentially Responsible Party
QA	Quality Assurance
QC	Quality Control
RCMS	Removal Cost Management System
RCP	Regional Contingency Plan
RCRA	Resource Conservation and Recovery Act
RM	Response Manager
SA	Site Assessment
SARA	Superfund Amendments and Recovery Act
TO	Task Order
TSDF	Treatment Storage and Disposal Facility

B. DEFINITIONS

1. **On-Scene Coordinator**: The EPA official designated to coordinate and direct responses under Subpart D of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and/or any direct removal action under Subpart E of the NCP.

2. **Remedial Project Manager:** The EPA official designated to coordinate, monitor, or direct remedial or other response actions under Subpart E of the NCP.

3. **Ordering Officer**: An EPA Contracting Officer or an EPA designated OSC with delegated procurement authority.

4. **Removal Action**: A removal action may fall into one of three categories:

a) Emergency removal actions requiring an immediate response to releases of hazardous substances.

b) Time-critical removal actions requiring a response action within six months.

c) Non-time critical removal actions require a response action that can start later than six months after the EPA determines that a response is required.

The specific type of removal action and the required response time shall be determined by the OSC with consideration given to the nature of the release, the contaminants of record, and the threat or potential threat to human health and/or the environment.

5. **Response Manager**: An employee of the contractor designated to be the point of contact for the EPA OSC and/or the Ordering Officer who is responsible, technically and administratively, for the initiation and completion of the work assigned in the task order.

6. **Regional Crossover**: A response action under this contract that will be conducted in one of the other of EPA's nine Regions. Response times would be negotiated with the contractor prior to the issuance of a task order.

7. **Rapid Remedial Response**: A response to a National Priorities List (NPL) site to implement a designated cleanup strategy.

C. TITLE

The purpose of this contract is to provide fast responsive environmental cleanup services for hazardous substances/wastes/contaminants/materials and petroleum products/oil for the EPA Region 2 in New York and New Jersey, Puerto Rico and the U.S. Virgin Islands. Environmental cleanup response to natural and manmade disasters; terrorist activities; weapons of mass destruction; and nuclear, biological, and chemical incidents may also be required under this contract.

The contractor shall provide all personnel, materials, and equipment as listed in Section B of the contract to perform response actions. The contractor shall also provide personnel, materials, and equipment of a type other than the equipment specified in Section B of the contract when deemed necessary by the OSC to accomplish the response action.

D. BACKGROUND

Under the authority of Section 104 of the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA) or Superfund of 1980, as amended by the Superfund Amendments and Reauthorization Act (SARA); Section 311 of the Clean Water Act (CWA), as amended by the Oil Pollution Act (OPA) of 1990; Subtitle I of the Resource Conservation and Recovery Act (RCRA), and pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40CFR Part 300); Presidential Decision Document (PDD) #39; the Robert T. Stafford Natural Disaster Act, and pursuant to the Federal Response Plan (FRP);and in accordance with any reauthorizations or amendments to any of the above named statutes and new response legislation, the Environmental Protection Agency (EPA) has been delegated the responsibility to undertake response actions involving the release or threat of release of oil, petroleum products, hazardous substances, or pollutants and contaminants, that pose an actual or potential threat to human health or welfare, or to the environment. The EPA is responsible for conducting evaluations and cleanups of uncontrolled hazardous substance disposal sites.

In addition, the EPA has the authority pursuant to: Emergency Support Function (ESF) #10 and other laws to help and/or mitigate endangerment of the public health, welfare, or environment during emergencies or natural disasters; support states and communities in preparing for responses to releases of oil, petroleum products, and hazardous substances: and provide response and removal services for incidents involving natural and man-made disasters; weapons of mass destruction; acts of terrorism; nuclear, biological, and chemical incidents; and Federally Declared Disaster incidents.

E. SCOPE

The Contracting Officer (CO), a warranted EPA On-Scene Coordinator (OSC), or Ordering Officer identified in the contract or subsequent modification(s) to the contract, will issue Task Orders (TOs) for all work required under this contract in accordance with its terms and conditions. General technical guidance from the Ordering Officer does not relieve the contractor of its responsibility for performance under the contract by it or its subcontractors. The EPA will make all final determinations resulting from contractor-provided advice and assistance under this contract.

Under the direction of the Ordering Officer, the contractor shall take any response action that is consistent with the terms and conditions of the contract, in order to perform the required services listed in the TO. TOs may be issued verbally, but they will be formalized in writing within five business days or as soon as practical. The contractor shall provide the personnel, labor, materials, and equipment required to perform response activities. The contractor shall take any actions required to mitigate or eliminate any hazard or damage to the environment resulting from:

- a release or threat of a release of oil, petroleum products, hazardous substances, pollutants or contaminants into the environment;
- the threat of fire and explosion, and incidents involving terrorist acts, weapons of mass destruction, and nuclear, biological, or chemical incidents;
- natural or man-made disasters.

The contractor shall accomplish all storage, transportation, treatment, and disposal of oil, petroleum products, hazardous substances, pollutants or contaminants, including contaminated media, in accordance with and by meeting all applicable and relevant safety and environmental laws and regulations at the federal, state, and local levels. The contractor shall obtain all necessary on- site permits and comply with applicable and relevant regulations unless otherwise directed in a TO issued by the CO or Ordering Officer pursuant to CERCLA. The contractor shall be responsible for obtaining all necessary transportation and disposal permits, or transportation and off-site treatment or disposal permits.

The contractor shall obtain the necessary permits to perform work in Puerto Rico within one year of contract award. The contractor will not be eligible to perform work in Puerto Rico until the necessary permits are obtained.

The contractor shall obtain special services , such as specialized removal equipment or personnel with specialized qualifications, through leases, subcontract agreements, or rental agreements, etc., in a timely manner, dependent on site conditions.

The contractor shall take any action, as required by the TO, necessary to mitigate or eliminate any hazard or damage to the environment resulting from a release or threat of release of hazardous substances into the environment. All containment and clean-up activities will be conducted in accordance with the NCP (40 CFR Part 300).

Designated Ordering Officers, listed in the contract clause entitled "ORDERING-BY DESIGNATED ORDERING OFFICERS," will issue TOs to a contractor-designated, single point-of-contact (Program Manager) to initiate clean-up work. The contractor shall have a designated, single point-of-contact available on a twenty-four (24) hour basis to initiate personnel in the event of an emergency response. The OSC will work with the RM to ensure implementation of the TO requirements.

F. RESPONSE TIME

The contractor shall ensure that clean-up personnel and equipment are available for the performance of work within forty-eight (48) hours of receipt of a TO, or a longer period stated in the TO.

In the case of emergency response actions in New York or New Jersey, the contractor shall be required to have a RM and Field Clerk on-site within six (6) hours of receiving an emergency response notification (verbal TO). All required emergency response equipment must arrive on-site within twelve (12) hours of receipt of the emergency response notification. The contractor shall not be precluded from providing these services in less than the required response time, and it may be requested, but not required, to provide these services in a shorter response time.

In the case of emergency response actions in Puerto Rico or the U.S. Virgin Islands, the contractor shall be required to deploy a RM and a Field Clerk within six (6) hours of receiving a notification (verbal task order).

II. TECHNICAL REQUIREMENTS

Once the contract minimum is met, the contractor will be issued additional TOs in accordance with the Fair Opportunity process outlined in the Section H contract clause entitled Ordering Under Multiple Award Contracts.

A. PROGRAM MANAGER RESPONSIBILITIES

The contractor's Program Manager shall be the single point for coordination with the EPA CO and COR and responsible for receiving and implementing all TOs issued under this contract.

Specific responsibilities of the contractor's Program Manager shall include the following:

1. Ensure that trained, qualified personnel are provided for response activities, and that the RMs are provided adequate resources to perform the clean-up activity. The contractor shall maintain communications and coordinate with the CO and COR, including reporting problems encountered in performing TOs and implementing any special controls specified by the EPA.

2. Manage the personnel, equipment, and materials specified in Section B of the contract or in individual TOs with limitations specified therein, so that all items are available at any location within the response time limits specified in the PWS. Provide for a 24-hour call center to afford Designated Ordering Officers timely access to clean-up services for emergency response actions.

3. Receive, acknowledge, and manage the implementation of TOs issued by Designated Ordering Officers. Select personnel, equipment, materials, and services as specified in the TO or included in technical direction issued by the OSC and provide supervision and administrative support to all RMs.

4. Maintain a response-by-response accounting of all costs incurred in accordance with generally accepted accounting principles and contract-specific reporting requirements, and control costs at all levels of work. Manage the preparation and submittal of all reports as specified in Section F of the contract.

5. Develop and manage a comprehensive program safety plan to protect all cleanup personnel, including the prime and subcontractors, in contaminated and uncontaminated areas. This plan shall be utilized in the preparation of all site safety plans. The plan shall be flexible to work with other site contractors' safety plans, such that one overall site safety plan, approved by the OSC, could cover all personnel working on the site. Ensure that all applicable OSHA regulations for worker protection are met by all personnel, including the prime and subcontractors, in contaminated and uncontaminated areas.

6. Develop, implement, and manage a QA program that will ensure that all environmental measurements obtained under the contract are of known quality. Develop, implement, and manage a QA project plan for each separate clean-up action in which environmental measurements will be made. Ensure that the performance of assigned tasks adheres to all QA program and project plan requirements, as well as EPA region-specific QA requirements (OSWER Directive 9360.4-01).

7. Provide oversight/control of all subcontracting activities. Ensure that proper subcontracting procedures are followed, and complete subcontracting documentation is provided to the OSC and CO.

8. Provide information to the OSCs concerning the status of pending removal activities when a particular site may be demobilized and the RM is working at another site. Typical information requested by OSCs might be the status of analytical services or transportation and disposal arrangements, etc.

B. RESPONSE MANAGER RESPONSIBILITIES

For each TO issued, the contractor shall name a RM. This RM shall be fully dedicated to the specific clean-up action for the duration of the response, unless substitutions are approved by the CO, with concurrence from the OSC or COR. The RM shall be the point of contact for on-scene coordination with the OSC, and the RM shall ensure that the management and execution of all clean-up activities fulfill the requirements of the TO. The RM must be at the scene of a response action within the required response time stated elsewhere in this PWS. The RM shall not be precluded from responding in less than the response time limits, if approved by the OSC.

The RM, with appropriate resources, shall be on-site on a daily basis, unless instructed otherwise by the OSC; however the contractor shall maintain someone on-site at all times with authority to act for the contractor and coordinate subcontract activities. The specific on-scene management responsibilities of the contractor shall include the following:

1. Maintain communication and coordination with the OSC for the duration of a specific response, including reporting problems encountered in executing the clean-up activities.

2. Conduct on-scene surveys to develop detailed project work plans in coordination with the OSC. The contractor will be encouraged to provide opinions and/or recommendations to the OSC pertaining to the response action.

3. Provide administrative support, supervision, and management of personnel, equipment, materials, and services provided on-scene.

4. Provide the OSC with a detailed accounting of all costs incurred at a specific site, utilizing the RCMS provided by the EPA. If electrical power and computer are not available, a handwritten EPA Form 1900-55 is required. All handwritten 1900-55's must be entered into RCMS.

5. Supervise the quality of work done at the site and the qualifications of the contractor personnel performing the work. Ensure that the performance of sampling and analysis tasks adhere to all QA, QC, and chain-of-custody procedures specified in the QA program and project plans and in accordance with EPA region-specific QA requirements "Quality Assurance/Quality Control Project Plans - Uniform Federal Policy for Implementing Quality Systems (UFP-QS), EPA-505-F-03-001, March 2005".

6. Implement a site specific response action safety plan to protect all personnel in contaminated and uncontaminated areas. Insure that OSHA Hazardous Substance Response Regulations (29 CFR Part 1910) for site safety training and health monitoring are met by all prime personnel and subcontractors working on site.

C. "LEVEL A" RESPONSE CAPABILITIES

The contractor shall maintain Level A emergency response capabilities that meet the requirements of this section. The EPA intends to utilize these capabilities to respond to incidents that require Level A personnel protective equipment (PPE). Level A emergency responses may involve industrial chemicals and/or incidents involving materials associated with terrorist activities, including the following:

- Biological warfare agents;
- Radiological materials;
- Chemical warfare agents (i.e., nerve agents, blister agents, blood agents, choking agents, etc.); and
- Other industrial chemicals that might be used as weapons.

The contractor shall provide a Level A team or teams with trained, experienced labor and appropriate equipment necessary to perform Level A response operations safely and in a timely manner. Each team shall consist of (1) RM, (6) Entry Team members, (1) Health and Safety Officer, (4) Level B Decontamination Team members and (3) Level C Decontamination Team members. Level A teams shall respond, fully equipped, to an incident within twelve (12) hours, with sufficient PPE and supplies to support Level A operations during the initial twenty-four (24) hours of a response. Teams shall be able to support a minimum of six (6) Level A entries consisting of three (3) persons per entry over a 24-hour period without interruption.

The contractor shall have a HASP sufficient to support Level A operations, and written standard operating

procedures (SOP) necessary to ensure that worker safety is not jeopardized. Level A operations, medical monitoring, SOPs, and training of personnel must be conducted in accordance with OSHA 1910.120 and National Fire Protection Association (NFPA) standards.

The contractor shall have the ability to perform the following tasks in Level A PPE:

- Assess site conditions and provide recommendations for mitigation of site hazards and clean-up operations;
- Perform air monitoring for health and safety;
- Conduct sampling operations;
- Perform physical operations to stabilize site conditions, such as close valves (including cylinders), plug or overpack leaking containers, transfer liquid hazardous materials into secure containers, or provide other containment as necessary to stop or prevent the release of hazardous materials.

The contractor shall be able to conduct Level A entries both independently and jointly with qualified EPA personnel, other EPA contractors, other federal agencies, and any agents of the EPA based upon site conditions.

The contractor may be tasked to participate in tactical exercises with the EPA in order to develop a working team relationship. Exercises will include the use of contractor and government-provided equipment.

D. PROGRAM CLEAN-UP OPERATIONS

The contractor shall provide clean-up services for responses to releases of oil, petroleum, and hazardous substances, in order to fulfill the requirements of the TO. Time-critical removals and rapid remedial actions will specify the time frame for the initiation of a response in the TO. In the case of an emergency situation, TOs may be issued verbally, and then confirmed in writing within five business days.

If specified in TOs, the contractor shall conduct an initial on-scene survey. The purpose of this survey shall be to gain sufficient on-scene familiarity with the TO statement of work (SOW) to enable the contractor to propose a detailed work plan to accomplish the project in the most effective, efficient, and safe manner. The contractor shall be expected to present available options and make appropriate suggestions in the work plan to the OSC or COR for their decision. The work plan shall define the types and quantities of clean-up personnel, equipment, and materials that will be needed, the proposed project schedule by sub-task, and the estimated cost. The contractor shall not begin work until the work plan has been approved in writing by the Designated Ordering Officer. The contractor shall make every effort to mobilize all personnel, equipment, and materials from the nearest contractor office to the clean-up site.

Under the technical direction of the OSC, the contractor shall take any actions required to mitigate or eliminate any hazard or damage to the environment resulting from a release or threat of release of oil or hazardous substance into the environment. These actions may include but shall not be limited to those conducted under the following clean-up phases:

E. CONTAINMENT AND COUNTERMEASURES

The contractor shall take actions to protect the public health and welfare, which shall include, but may not be limited to, the following:

- take samples to determine the source, spread, and disposal options of a release;
- contain the release at its source and prevent further acute flow of the pollutant;
- control the source of discharge;
- use chemicals or other materials to restrain the spread of the pollutant;
- place physical barriers to deter the spread of the pollutant;
- construct slurry trenches;
- place diversionary booms;
- conduct earth moving;
- engage in drum handling;

- containerize pollutants;
- divert streams;
- keep waterfowl and other wildlife away from the polluted areas;
- control water discharge from upstream impoundments;
- provide alternative drinking water supplies on a temporary basis;
- provide temporary housing for evacuees, including the relocation of both residential and commercial evacuees as deemed appropriate by the EPA, and in accordance with applicable federal regulations;
- provide traffic, crowd, and navigation controls;
- provide security; and
- execute damage control or salvage operations.

F. CLEAN-UP, MITIGATION AND DISPOSAL

The contractor shall take the actions necessary to recover the pollutant from the affected media. These actions shall include, but not be limited to, the following:

- using chemicals for flocculation, coagulation, neutralization, and separation;
- using biological treating agents;
- performing physical and chemical treatment of affected water and soil;
- using specialized equipment, such as mobile carbon treatment systems;
- aerating affected media to selectively release volatile components;
- fixing or treating the polluted media in place,
- salvaging or destroying vessels,
- destroying contaminated equipment and facilities; and
- designating explosive materials.

On-site treatment is the preferred method of mitigating the threat. When the work plan is submitted for OSC approval, on-site treatment should be proposed whenever deemed cost effective and possible.

In lieu of or following any treatment action, physical collection of pollutants shall be accomplished followed by temporary storage prior to ultimate disposal. Work conducted shall include, but not be limited, to the following:

- flushing contaminants from marsh areas followed by collection and holding;
- skimming materials from the surface of water;
- washing soils, with subsequent collection and storage of recovered material;
- pumping contaminated groundwater, with subsequent storage; and
- segregating waste chemicals at uncontrolled hazardous waste sites.

Following removal and temporary storage, the contractor shall dispose of any contaminated material consistent with all appropriate Federal, State, and local regulations, and the EPA's off-site disposal rule (40 CFR 300.440). The EPA may request sampling and analysis for disposal purposes, using approved QC procedures. The Agency has, at its discretion, the option to accomplish analysis, transportation, and disposal through this contract or through other contractual mechanisms at its discretion. Disposal shall be conducted on-site or off-site. Disposal techniques shall include, but may not be limited to: controlled or uncontrolled combustion, land disposal, fixation, injection, degradation, treatment, and recycling. The disposal options shall include temporary storage and ultimate disposal. Depending on the material contaminated, disposal options may include demolition.

The contractor shall accomplish all storage, transportation, treatment, and disposal of pollutants and meet all regulatory, safety, and environmental laws and regulations at the Federal, State, and local levels. The contractor shall be responsible for all necessary transportation and disposal permits. Transportation and disposal must be subcontracted pursuant to Section H of the contract.

At the time of any off-site treatment, storage, or disposal, the contractor shall select a facility that meets the requirements of the EPA's policy for off-site response actions. The contractor shall not utilize any facility that has not been verified for off-site treatment, storage, or disposal of CERCLA wastes. This verification may be obtained from the OSC or the COR.

G. RESTORATION

The contractor shall conduct activities to repair or replace material damaged by the clean-up operation in order to restore the damaged environment to as near pre-response conditions as determined by the EPA. Such actions shall include restocking, regrading, reseeding, replanting, and soil replacement.

H. ANALYTICAL

The contractor shall perform on-site and off-site analytical activities. These activities may require rapid turnaround (24 hours or less) to provide chemical and physical analyses or high sample quantity volume analyses, to include, but not be limited to: pH, flash point, oxidation reduction, organic vapor analysis, sulfides, phenols, and applicable disposal parameters as determined by the EPA. The contractor shall also perform related activities that include sample collection, storage, transportation, analysis, and disposal, as approved.

I. QUALITY ASSURANCE REQUIREMENTS

1. Develop a QA/QC Project Plan (QAPP), which shall be prepared in accordance with the Uniform Federal Policy for Implementing Quality Systems (UFP-QS), EPA-505-F-03-001, March 2005 or newer, Uniform Federal Policy for Quality Assurance Project Plans (UFP-QAPP), Parts 1, 2A and 2B, EPA-505-B-04-900A, B and C, March 2005 or newer, and other guidance documents referenced in the aforementioned guidance documents. The QAPP shall include the following elements:

a. An explanation of the way(s) the sampling, analysis, testing, and monitoring will produce data;

b. A detailed description of the sampling, analysis, and testing to be performed, including sampling methods, analytical and testing methods, sampling locations, and frequency of sampling;

c. A map depicting sampling locations; and

d. A schedule for the performance of specific tasks.

In the event that additional sampling locations, testing, and analyses are utilized or required, the contractor shall submit an addendum to the QAPP for approval by the EPA.

2. All sampling, analysis, data assessment, and monitoring shall be performed in accordance with the guidance provided at http://www2.epa.gov/fedfac/assuring-quality-federal-cleanups and other OSWER directives and EPA Region 2 policies, as appropriate, or an alternate EPA-approved test method. All testing methods and procedures shall be fully documented and referenced to established methods or standards.

a. The laboratory to be used must be specified. Any laboratory performing analytic service shall be currently accredited by a national accreditation organization, such as the National Environmental Laboratory Accreditation Program (NELAP) or the American Association for Laboratory Accreditation (AALA), or any individual state environmental laboratory accreditation program for the matrix and analysis which are to be conducted for any work performed. Any laboratory currently participating in the United States Environmental Protection Agency Contract Laboratory Program shall also meet this requirement. Project-specific Performance Evaluation ("PE") samples will not be required, as these programs require PEs on a quarterly basis.

b. Unless indicated otherwise in the approved QAPP, upon receipt from the laboratory, all data shall be validated.

c. Unless indicated otherwise in the QAPP, the contractor shall require deliverables equivalent to CLP data packages from the laboratory for analytical data. Upon the EPA's request, the contractor shall submit to the EPA the full documentation (including raw data) for this analytical data. The EPA reserves the right to

perform an independent data validation, data validation check, or qualification check on generated data and corresponding certificates of accreditation from the programs listed in Subparagraph a., above.

d. The contractor shall insert a provision in its subcontract(s) with the laboratory utilized for analyses of samples which requires granting access to EPA personnel and authorized representatives of the EPA for the purpose of ensuring the accuracy of laboratory results related to the site.

3. For any analytical work performed, including that done in a fixed laboratory, in a mobile laboratory, or in on-site screening analyses, the contractor shall submit to the EPA a Non-CLP Superfund Analytical Services Tracking System form for each laboratory utilized during a sampling event, within thirty (30) days after acceptance of the analytical results. Upon completion, those documents shall be submitted to the OSC, with a copy of the form and transmittal letter to:

Regional Sample Control Center Coordinator
U.S. EPA Region 2
Division of Environmental Science & Assessment
2890 Woodbridge Avenue, Bldg. 209, MS-215
Edison, NJ 08837

J. TECHNICAL SUPPORT OF GOVERNMENT ENFORCEMENT PROCEEDING

The contractor shall provide technical support for government enforcement proceedings against owners or operators of uncontrolled hazardous substance disposal sites, or against generators and transporters of the hazardous substances present at those sites where emergency response actions have been required under this contract.

Such enforcement proceedings may be directed toward obtaining an injunction against continued use of the site, an order to undertake removal action, or recovery of costs incurred by the government in undertaking such actions. The contractor shall ensure that all necessary data is collected, and that the proper chain-of-custody procedures (see Table II of Attachment 1) required to support court proceedings are observed. This shall include, but not be limited to, the following enforcement support effort:

1. Retaining and storing all contract site records, including employee-related records such as time sheets, baseline data regarding work-related physical examinations, and other work-related data, for a period of ten (10) years. The contractor shall provide the CO, or any representative of the CO, with full access to these records during the ten (10) year period. See Special Contract Requirement, "Retention and Availability of Contractor Files", in Section H of the contract.

2. Providing testimony during enforcement proceedings for a given site for which the contractor provided services. This will normally involve testifying about the actions the contractor took at the site for cost-recovery purposes. However, affidavits and depositions also may be required. See Special Contract Requirement, "Expert Testimony" clause. The contractor shall furnish the technical services, materials, and equipment required to support government enforcement proceedings against owners or operators of uncontrolled hazardous substance disposal sites, or against generators and transporters of the hazardous substances present at those sites where emergency response actions have been required under this contract. The EPA may conduct proceedings directed toward obtaining an injunction against continued use of the site, an order to undertake removal action, or recovery of costs incurred by the EPA in undertaking removal and/or remediation actions. The contractor shall ensure that all data requested by the EPA is collected and that the proper chain-of-custody procedures required to support those court proceedings are observed.

III. QUALITY ASSURANCE SURVEILLANCE PLAN

The PWS for the Emergency and Rapid Response Services Contract includes various performance requirements. The following QA Surveillance Plan (QASP) lists these various requirements, the performance standard for determining the contractor's success in meeting the requirements, the method of surveillance by the OSC and the

acceptable quality level for each of the required services.

Each TO will be evaluated at the completion of the work or at the end of the evaluation period identified in Clause H.8, Award Term Incentive Plan. The evaluation will be documented on the Task Order Evaluation Form below, and the data from the evaluations will be compiled, tabulated, and compared to the standards listed as the Acceptable Quality Level. If the contractor achieves the acceptable quality level in ten (10) of the eleven (11) categories listed, it will be eligible for the Award Term Period.

ALL PERFORMANCE-BASED TASKS WILL BE MEASURED IN ACCORDANCE WITH THIS QUALITY ASSURANCE SURVEILLANCE PLAN AND EVALUATED IN ACCORDANCE WITH THE CLAUSE ENTITLED "AWARD TERM INCENTIVE PLAN."

Required Services	Performance Standard	Method of Surveillance	Acceptable Quality Level for Assessed Task Orders
Emergency Response	The Contractor's Response Manager & Field Clerk arrives at the site within six (6) hours of emergency response notification, unless notified otherwise or response is to Puerto Rico/U.S. Virgin Islands.	The OSC will document the Contractor's response time in the Task Order Evaluation form.	The Response Manager and Field Clerk arrive on site within six (6) hours of an emergency response notification for 90% of the emergency response task orders assessed during the evaluation period, unless notified otherwise or response is to Puerto Rico/U.S. Virgin Islands.
Emergency Response	All required personnel, equipment, and materials arrive at the site within twelve (12) hours of emergency response notification, unless notified otherwise or response is to Puerto Rico/US. Virgin Islands.	The OSC will document the arrival of required personnel, equipment, and materials in the Task Order Evaluation form.	All required personnel, equipment and materials arrive at the site within twelve (12) hours of an emergency response for 90% of the emergency response task orders assessed during the evaluation period, unless notified otherwise or response is to Puerto Rico/U.S. Virgin Islands.
Non-Emergency Response	All required personnel, equipment, and materials arrive at the site within forty-eight (48) hours of receipt of a Task Order or as stated in the Task Order.	The OSC will document the Contractor's response time in the Task Order Evaluation form.	All personnel, equipment, and materials arrive at the site within forty-eight (48) hours of receipt of a Task Order, or as stated in the Task Order, for 90% of the non-emergency response Task Orders assessed during the evaluation period.
Cost Accounting	The Contractor shall utilize the Removal Cost Management System (RCMS) provided by EPA, to track costs and provide accurate, complete, and timely cost accounting reports.	OSC will document the receipt, accuracy, and completeness of daily cost accounting reports in the Task Order Evaluation form.	Daily cost accounting reports generated by the RCMS system are accurate, complete, and timely for 80% of all task orders assessed during the evaluation period.

Cost Control	The Contractor displays initiative in controlling overall Task Order costs.	OSC will document the Contractor's initiatives to control the overall costs in the Task Order Evaluation form.	The Contractor employed cost savings initiatives on 80% of the Task Orders reviewed during the evaluation period.
Site Safety	The Contractor shall develop and manage a site safety plan, if required, to protect all personnel working on site.	OSC will review and approve the Contractor's site safety plan to ensure all applicable OSHA regulations are met and document the results on the Task Order Evaluation Form.	The site safety plan was approved as submitted or only required one round of revisions on 90% of the Task Orders assessed during the evaluation period.
Environmental Sampling Quality Assurance	The Contractor shall ensure that performance sampling and analysis tasks adhere to all quality assurance, quality control, and chain-of-custody procedures specified in the Quality Assurance Project Plan (QAAP).	OSC will review all QAPPs for completeness. OSC will monitor implementation of the QAAP for accuracy and document findings in the Task Order Evaluation form.	Sampling conducted by the Contractor adheres to the QAPP for 95% of the Task Orders reviewed that required sampling to be performed during the evaluation period.
Subcontracting	The Contractor shall award subcontracts utilizing proper procedures and submit subcontract consent packages as required.	The OSC/CO will review subcontracting consent packages to ensure subcontracts are awarded properly and document the findings in the Task Order Evaluation Form.	Subcontract consent packages for each site are accurate and complete as submitted or required only one revision for 90% of the task orders assessed that required subcontract consent packages during the evaluation period.
Transportation & Disposal of Hazardous Wastes	The Contractor shall accomplish all storage, transportation, treatment, and disposal of hazardous wastes in accordance with the EPA Off-Site Rule and all other applicable laws and regulations.	The OSC will review all contractor storage, transportation, treatment, and disposal activities to ensure adherence to all applicable regulations and document the finding in the Task Order Evaluation Form.	Hazardous wastes are stored, transported, treated, and disposed of in accordance with the EPA Off-Site rule and all other applicable laws and regulations for 95% of the Task Orders assessed that performed transportation and disposal activities during the evaluation period.
CERCLA Off-Site Disposal Reporting	The Contractor shall provide a report summarizing Off-Site Disposal Information for each waste stream addressed at the site.	The OSC will review all disposal reports to ensure timeliness of submission and document findings in	The CERCLA Off-Site Disposal Report shall be submitted within ten (10) calendar days after the contractor receives a certificate of disposal for the final waste stream for 95% of the Task

	The report must be submitted within ten (10) calendar days after the contractor receives a certificate of disposal for the final waste stream at each site.	the Task Order Evaluation form.	Orders assessed during the evaluation period.
Environmentally Preferable Practices	The Contractor shall implement environmentally preferable practices at the site.	The OSC shall document the Contractor's efforts to employ environmentally preferable practices at the site in the Task Order Evaluation Form.	The Contractor employed environmentally preferable practices on 50% of the sites of the Task Orders evaluated during the evaluation period.

IV. TASK ORDER EVALUATION FORM

Date: _____

Contractor Name: _____ Contract Number: _____

Task Order Number and Site Name: _____

Period of Performance: _____

Brief Description of the Work:

Location of Work: _____

Names and telephone numbers of Contractor personnel responsible for managing the task order:

1. EMERGENCY RESPONSE:

If this was an emergency response action, did the Contractor's Response Manager and Field Clerk arrive on site within 6 hours of emergency response notification, unless notified otherwise or response is to Puerto Rico/U.S. Virgin Islands?

[ ] Yes [ ] No [ ] Not applicable

Remarks:

2. EMERGENCY REPONSE:

If this was an emergency response action, did all required personnel, equipment, and materials arrive at the site within 12 hours of emergency response notification, unless notified otherwise or response is to Puerto Rico/U.S. Virgin Islands?

[ ] Yes [ ] No [ ] Not applicable

Remarks:

3. NON-EMERGENCY REPONSE:

If this Task Order was a non-emergency response, did the Contractor ensure that all personnel, equipment, and materials arrived at the site within 48 hours of receipt of the Task Order or the start date specified in the Task Order?

[ ] Yes [ ] No [ ] Not applicable

Remarks:

4. COST ACCOUNTING:

Did the Contractor, utilizing RCMS, track costs and provide accurate, complete, and timely cost accounting reports?

[ ] Yes [ ] No [ ] Not applicable

Remarks:

5. COST CONTROL:

Did the Contractor display initiative in controlling overall Task Order costs?

[ ] Yes [ ] No [ ] Not applicable

Remarks

6. SITE SAFETY:

Was the site safety plan developed by the Contractor approved as submitted, or with only one round of revisions necessary?

[ ] Yes [ ] No [ ] Not applicable

Remarks

7. ENVIRONMENTAL SAMPLING:

Did the sampling conducted by the Contractor adhere to all quality assurance, quality control and chain-of-custody procedures specified in the QAPP?

[ ] Yes [ ] No [ ] Not applicable

Remarks

8. SUBCONTRACTING:

Were the Contractor's subcontract consent packages accurate and complete as submitted or required only one revision?

[ ] Yes [ ] No [ ] Not applicable

Remarks

9. TRANSPORTATION & DISPOSAL OF HAZARDOUS WASTE:

Did the Contractor accomplish all storage, transportation, treatment, and disposal of hazardous waste in accordance with the EPA Off-Site rule and all other applicable laws and regulations?

[ ] Yes [ ] No [ ] Not applicable

Remarks

10. CERCLA OFF-SITE DISPOSAL REPORTING:

Did the Contractor submit the CERCLA Off-Site Disposal Reports for each waste stream addressed at the site within 10 calendar days after the contractor received a certificate of disposal for the final waste stream?

[ ] Yes [ ] No [ ] Not applicable

Remarks

11. ENVIRONMENTALLY PREFERABLE PRACTICES:

Did the Contractor employ environmentally preferable practices at the site?

[ ] Yes [ ] No [ ] Not applicable

Remarks

V. LEVELS OF PERSONAL PROTECTIVE EQUIPMENT

LEVEL A

PERSONAL PROTECTIVE EQUIPMENT (PPE)

- Pressure-demanded, self-contained breathing apparatus (MSHA/NIOSH approved). Fully encapsulating chemical-resistant suit.
- Coveralls (optional).
- Underwear, long cotton underwear (optional).
- Gloves (outer), chemical-resistant.
- Gloves (inner), chemical-resistant.
- Boots, chemical-resistant, steel toe and shank. Depending on the suit worn, the boot may be worn over or under the suit boot.
- Hard hat under suit (optional).
- Disposable protective suit, gloves and boots (optional) to be worn over the fully encapsulating suit.
- Two-way radio communications, intrinsically safe.
- Egress system.

LEVEL B

PERSONAL PROTECTIVE EQUIPMENT (PPE)

- Pressure-demanded, self-contained breathing apparatus (MSHA/NIOSH approved). Chemical-resistant clothing: (overalls and long-sleeved jacket, coveralls (hooded), one or two piece chemical splash suit, disposable chemical-resistant coveralls).
- Coveralls (optional).
- Gloves (outer), chemical-resistant.
- Gloves (inner), chemical-resistant.
- Boots (outer), chemical-resistant, steel toe and shank.
- Boots (outer), chemical-resistant, disposable (optional).
- Hard hat (face shield optional).
- Two-way radio communications, intrinsically safe.
- Egress system.

LEVEL C

PERSONAL PROTECTIVE EQUIPMENT (PPE)

- Full face air purifying respirator canister, canister equipped (MSHA/NIOSH approved).
- Chemical-resistant clothing: (one piece hooded coverall, two piece chemical splash suit, chemical-resistant hood and apron, disposable chemical-resistant coveralls).
- Coveralls (optional).
- Gloves (outer), chemical-resistant.
- Gloves (inner), chemical resistant.
- Boots, steel toe and shank, chemical-resistant.
- Boots (outer), chemical-resistant, disposable (optional).
- Hard hat (face shield optional).
- Escape mask.
- Two way radio communications, intrinsically safe.

LEVEL D

PERSONAL PROTECTIVE EQUIPMENT (PPE)

- Coveralls
- Gloves (optional)
- Boots/shoes, safety or chemical-resistant, steel toe and shank.
- Boots (outer), chemical resistant (optional).
- Safety glasses or chemical splash goggles (optional).
- Hard hat (face shield optional).
- Escape mask.

VI. CHAIN OF CUSTODY

CONTENTS

CHAIN OF CUSTODY

1.0 PURPOSE

The purpose of this guideline is to provide information on chain-of-custody procedures.

2.0 SCOPE

This guideline describes the steps necessary for transferring samples through the use of Chain-of-Custody Records. A Chain-of-Custody record is required, without exception, for the tracking and recording of all samples collected for on-site or off-site analysis (chemical or geotechnical) during Program activities. Use of the Chain-of-Custody Record Form creates an accurate written record that can be used to trace the possession and handling of the sample from the moment of its collection, through analysis, and its introduction as evidence in a legal proceeding. This guideline identifies the necessary custody records and describes their completion.

This guideline does not take precedence over region-specific or site-specific requirements for chain-of-custody.

3.0 DEFINITIONS

Chain-of-Custody Record Form - A Chain-of-Custody Record Form is a printed two-part form that accompanies a sample or group of samples as custody of the sample(s) is transferred from one (1) custodian to the subsequent custodian. A Chain-of-Custody Record Form is a controlled document, provided by the Region 2 Office of EPA. One copy of the form must be retained in the project file.

Controlled Document - A consecutively-numbered form released for use on a particular task order. All unused forms must be returned or accounted for at the conclusion of the task.

Custodian - The person responsible for the custody of samples at a particular time, until custody is transferred to another person (and so documented), who then becomes custodian. A sample is under your custody if:

- You possess the sample.
- It is in your view, after being in your physical possession.
- It was in your physical possession, and then you lock it up to prevent tampering.
- You have designated and identified a secure area to store the sample.

Sample - A sample is physical evidence collected from a facility or the environment, which is representative of

conditions at the point and time that it was collected.

4.0 RESPONSIBILITIES

Field Operations Leader - Responsible for determining that the chain-of-custody procedures are implemented from the time the samples are collected to their release to the shipper.

Field Samplers - Responsible for initiating the Chain-of-Custody Record and maintaining custody of samples until they are relinquished to another custodian, to the shipper, or to the common carrier.

Remedial Investigation Leader - Responsible for determining that chain-of-custody procedures have been met by the sample shipper and analytical laboratory.

5.0 GUIDELINES

5.1 OVERVIEW

The term "chain-of-custody" refers to procedures which ensure that evidence presented in a court of law is what it is represented to be. The chain-of-custody procedures track the evidence from the time and place it is first obtained to the courtroom. These procedures also provide an auditable trail for the evidence as it is moved and/or passes from the custody of one individual to another. In addition, procedures for consistent and detailed records facilitate the admission of evidence under Rule 803(b) of the Federal Rules of Evidence (P.L. 93-575).

Chain-of-custody procedures, record keeping, and documentation are an important part of the management control of samples in the EPA. Regulatory agencies must be able to provide the chain of possession and custody of any samples that are offered for evidence, or that form the basis of analytical test results introduced as evidence. Written procedures must be available and followed whenever evidence samples are collected, transferred, stored, analyzed, or destroyed.

5.2 SAMPLE IDENTIFICATION

The following information shall be written in the sample log book when in-situ measurement or samples for laboratory analysis are collected:

- location of station and station number
- date and time of measurement
- samples taken if any
- field observations
- level of personnel protection (if required)
- equipment used to make physical measurements and collect samples

Measurements and observations shall be recorded using black, waterproof ink.

5.2.1 Sample Identification Tag

Samples, other than in-situ measurements, are removed and transported from the sample location to a laboratory or other location for analysis. Before removal, however, a sample is often divided into portions, depending upon the analyses to be performed. Each portion is preserved in accordance with the Sampling Plan. Each sample container is identified by a Sample Identification Tag. A Sample Identification Tag must be used for samples collected for CLP (Contract Laboratory Program) analysis in EPA Region 2.The Sample Identification Tag is a white, waterproof paper label, approximately 3-by-6 inches, with a reinforced eyelet, and string or wire for attachment to the neck of the sample bottle. The Sample Tag is a controlled document, and is provided by the EPA Region 2 Office. The field sampler completes the sample tag and attaches the sample tag to the field sample container. Following sample analysis, the Sample Tag is retained by the laboratory as evidence of sample receipt and analysis.

The following information is recorded on the tag:

- Project Code — EPA ERRS Task Order Number.
- Station Number — A number assigned by the sampling team's field operations leader.
- Month Day Year — A six-digit number indicating the month, day, and year of collection, e.g. 12/21/14.
- Time — A four-digit number indicating the 24-hour time of collection (for example 0945 is 9:45 am, and 1629 is 4:49 pm).
- Designate Composite/Grab — Designation of the sample as either grab or composite.
- Station Location — Site-specific station location designation defined in Field Operation Plan.
- Samplers — Signature(s) of sampler(s) on the project team.
- Preservative — Yes or no.
- Analyses — Check appropriate box(es).
- Remarks — CLP Case No/SAS No and CLP sample number and any pertinent comments are recorded.
- Lab Sample No. — Reserved for laboratory use, the tag is then tied around the neck of the sample bottle.

If the sample is to be split, it is divided equally into two similar sample containers. Identical information is completed on the tag attached to each split, and both of them are marked "Split" on the "Remarks" line.

Blank, duplicate, or field spike samples shall not be identified as such on the tag, as this may compromise the quality control function.

5.2.2 Sample Label

A sample label is utilized when the Sample Identification Tag is not available, and for samples, other than in-situ measurements, which are removed and transported from the sample location to a non-CLP laboratory or other location for analysis. Before removal, however, a sample is often divided into portions, depending upon the analyses to be performed. Each portion is preserved in accordance with the Field Sampling and Analysis Plan. Each sample container is identified, when appropriate, by a Sample Label (see sample form).

- Project — EPA Task Order Number.
- Sample Number — The project sample number identifying this sample.
- Date — A six-digit number indicating the month, day, and year of collection, e.g. 12/21/14.
- Time — A four-digit number indicating the 24 hour time of collection (for example 0954 is 9:54 a.m., and 1629 is 4:29 p.m.).
- Medium — Water, Soil, Sediment, Sludge, Leachate, etc.
- Sampler Type — Grab or Composite
- Preservative — Type, quantity, and concentration of preservative added.
- Analyses — Same as analyses on Sample Identification Tag (see Section 5.2.2).
- Sampled By — Signature(s) of sampler(s) on the project team.
- Lab No. — The receiving laboratory assigns the lab to the sample label (this number is not to be used for on-site analyses).
- Remarks — If for CLP analysis, include the CLP Case or SAS number, and CLP sample number from the traffic report, SAS Packing List, or Dioxin Shipment Record (see Guideline FT-7.04). Also, pertinent observations of the sampler (e.g., sequence number for sequential samples).

The sample label is attached to the sample container by punching a hole in the top corner of the label and slipping a rubber band through the hole. The rubber band and not the sample tag is wrapped around the sample container.

If the sample is to be split, it is divided equally into two similar sample containers. Identical information is

completed on the label attached to each split and both of these are marked "Split" on the "Remarks" line.

Blank, duplicate, or field spike samples shall not be identified as such on the label or tag, as this may compromise the quality control function. Sample blanks, duplicates, spikes, and splits are defined in Guideline FT-l.Ol.

5.3 CHAIN-OF-CUSTODY PROCEDURES

After collection, separation, identification, and preservation, the sample is maintained under chain-of-custody procedures until it is in the custody of the analytical laboratory and has been stored or disposed of.

5.3.1 Field Custody Procedures

1. Samples are collected as described in the site-specific sampling plan. Care must be taken to precisely record the sample location and to ensure that the sample number on the label exactly matches those numbers on the sample log sheet and the Chain-of-Custody Record.

2. The person undertaking the actual sampling in the field is responsible for the care and custody of the samples collected until they are properly transferred or dispatched.

3. When photographs are taken of the sampling as part of the documentation procedure, the name of the photographer, date, time, site location, and site description are entered sequentially in the site log book description, as the photos are taken. Once developed, the photographic prints shall be serially numbered, corresponding to the log book descriptions.

4. Sample labels shall be completed for each sample, using waterproof ink unless prohibited by weather conditions, e.g., a log book notation would explain that a pencil was used to fill out the sample label because a ballpoint pen would not function in freezing weather.

5.3.2 Transfer of Custody and Shipment

Samples are accompanied by a Chain-of-Custody Record Form. The Chain-of-Custody Form should be obtained from the EPA Region 2 Office. When transferring the possession of samples, the individuals relinquishing and receiving will sign, date, and note the time on the Record. This record documents sample custody transfer from the sampler, often through another person, to the analyst in the laboratory. The Chain-of-Custody Record is filled out as follows:

1. [Name of Unit and Address...Region 2, Task Order No., and the CLP Case/SA number.

2. Sample Number: Enter the CLP sample number from the traffic report, the SA Packing List number, or Dioxin Shipment Record.

3. Number of Containers: Enter the number of containers with the same CLP sample number, SA Packing List number or Dioxin Shipment Record.

4. Description of Samples: Enter the analyses to be performed, the sample matrix (soil, water, sediment), concentration (low, medium, and high), size and type of container (e.g., 8 oz., glass), and the site-specific sample identification/station number.

5. Person Assuming Responsibility for Sample: Field Operation Leader or Appointed Designee. This name should be the same as the one on the Traffic Report/SA Packing List.

6. Time: Military Time.

7. Date: Month/Day/Year

8. Sample Number: Write "All Listed Above".

9. Relinquished By: Same name as person assuming responsibility.

10. Received By: Name of the Carrier (e.g., UPS, FedEx) and the bill-of-lading or air bill number.

11. Time, Date: Estimate of when the samples will be relinquished.

12. Reason for Change of Custody: Write "Sample Shipping"

13. Top copy of Chain-of-Custody record is sent to SMO, the second copy is sent to the EPA Region 2 Office, the third and fourth copies are placed in a plastic bag with other shipping documents and taped to the inside lid of the shipping container cooler). A legible copy is retained for the Project Files.

14. The name on the air bill should be the same as the name of the relinquisher.

The custody record is completed using black waterproof ink. Any corrections are made by drawing a line through and initialing and dating the change, then entering the correct information. Erasures are not permitted.

Common carriers will usually not accept responsibility for handling Chain-of-Custody Record Forms; this necessitates packing the record in the sample container (enclosed with other documentation in a plastic zip-lock bag). As long as custody forms are sealed inside the sample container and the custody seals are intact, commercial carriers are not required to sign off on the custody form.

A chain-of-custody is completed for every shipping container (cooler) within a shipment from the field to the laboratory.

The laboratory representative who accepts the incoming sample shipment signs and dates the Chain-of-Custody Record, completing the sample transfer process. It is then the laboratory's responsibility to maintain internal log books and custody records throughout sample preparation and analysis.

Proper custody procedures include using an EPA Chain-of-Custody Seal. It is used to prevent tampering with samples after they have been collected in the field. Custody seals are provided by the EPA Region II Office on an as-needed basis. The custody seal is a 1 by 3 inch white paper label with black lettering and an adhesive backing. The custody seal is placed over the lid of each sample container in such a matter that to open the sample container would require breaking the custody seal. The information recorded on the custody seal for sample container is as follows:

- Case No./SA No.
- CLP Sample Number from the Traffic Report, SA Packing List, or Dioxin Shipment Record.
- Signature of the person who took the field sample.
- Title of the person who took the field sample.
- The dated custody seal is placed on the sample container.

Shipping containers (coolers) should be secured to ensure samples have not been disturbed during transport by using nylon strapping tape and EPA custody seals. The custody seals should be placed on the containers so that they cannot be opened without breaking the seals. The information required on the custody seal for shipping containers (coolers) is the Case No., SA No., signature of the person assuming responsibility for sample(s), and the date of packing the shipping containers (coolers).

Complete other carrier-required shipping papers.

5.3.3 Receipt for Samples Form

Whenever samples are split with a private party or government agency, a separate Receipt for Samples Record

Form is prepared for those samples and marked to indicate with whom the samples are being split. The person relinquishing the samples to the party or agency shall require the signature of a representative of the appropriate party acknowledging receipt of the samples. If a representative is unavailable or refuses to sign, this is noted in the "Received by" space. When appropriate, as in the case where the representative is unavailable, the custody record should contain a statement that the samples were delivered to the designated location at the designated time. This form must be completed and a copy given to the owner, operator, or agent-in-charge even if the offer for split samples is declined. The original is retained by the Field Operations Leader.

6.0 REFERENCES

USEPA, December, 1988. User's Guide to the Contract Laboratory Program, Office of Emergency and Remedial Response, Wash., D.C.

Program Guideline FT-7.04 - Management of Sampling and Required Forms