

ENVIRONMENTAL PERFORMANCE WORK STATEMENT FOR HAWTHORNE AD
Revision 3
7 May 2010

1. General:

1.1. In order to provide for the environmental management and compliance of the facility for the period of this contract, the contractor shall assign appropriately trained and certified personnel, and establish and maintain a published environmental program that ensures compliance with the current day to day updated Federal, State and local environmental laws and regulations. This shall include establishing, maintaining and implementing policies, objectives, priorities and operating procedures in order to provide environmental management and maintain compliance. The contractor shall comply with Army Regulations (ARs) to include but not limited to AR 200-1, AR 200-2, Executive Order (EO) 13423 and all other applicable Executive Orders and regulations.

1.2. The contractor shall manage facility operations and methods of all DoD operations to aggressively eliminate or minimize the use of hazardous materials and the generation of hazardous and/or toxic wastes as defined in Title 40 Code of Federal Regulation (CFR) Protection of Environment. Wastes not defined as a Hazardous Waste (HW) in 40 CFR are also routinely handled in this contract and will be properly managed.

1.3. The contractor shall not procure any Class I Ozone Depleting Chemicals (ODCs) as listed under Section 602 (a) of the Clean Air Act, nor any Class II ODCs after 2009 as listed under Section 602(b) of the Clean Air Act.

1.4. The Contractor shall, establish plan(s) required by Federal, State and local laws and regulations, Army requirements and Orders needed to bring and to maintain Hawthorne Army Depot(HWAD) into compliance. Then plan(s) will be evaluated during the selection process and will become part of the final contract.

1.5. COMMUNICATIONS, SUPPORT, DOCUMENTATION & PERMITS

The contractor shall:

1.5.1. In addition to notifications required by regulations, orders, etc., immediately upon discovery, notify the HWAD Government Staff [notification will be via phone call and email or fax] IAW the HWAD Emergency Response Plan of all discharges to the environment. For the purpose of this requirement, a discharge is defined to include, but not limited to, any spilling, leaking, pouring, pumping, emitting, emptying, dumping, or seepage into the environment. The Contractor shall investigate the facts of each discharge and the contractor will develop and submit to the JMC Operations Center Battle Captain a written spill report within 24-hours of each discharge incident. The report shall be legible and shall include: Date; Time; Source and location; Amount discharged (to include the amount, width, length & depth of slick); Type of material discharged; Personnel Injuries and/or Property Loss; Indicate whether samples were taken and if so results of such; On-scene weather and wind; Movement of the substance; Areas threatened or damaged (specifically identify by name) (e.g., navigable waters, groundwater, land surface, surface water, drinking water supply, or ambient air); Potential impacts / dangers; Cause; Describe actions taken to prevent future occurrences of this type; Was assistance required and if so from who; Point

of contact on scene; Notifications made and verification that the notifications to outside agencies were coordinated and reported through the HWAD ACO environmental staff (to include name of agency and person contacted and report #s); Remedial action taken; Remedial action planned; Anticipated date of remedial action completion; and Date formal report is due to what agency. If soil removal was performed, include in the report the measurements of the excavation (e.g, depth, width, height, etc.) and the yards of soil removed. Photos need to be taken when the spill is discovered, recovered and after corrective action and cleanup have been completed. Notifications to outside agencies must be coordinated and reported through the ACO environmental staff. Soil is not to be replaced/backfilled without ACO ENV staff and regulatory coordination.

1.5.2. Coordinate with the HWAD Government Staff on all written communications and negotiations with the regulatory agencies. All official correspondence pertaining to regulatory matters affecting the installation shall go out under the HWAD Commander's signature and letterhead. The HWAD Government Staff will ensure the Commander signs the documents / correspondence. Material will be returned to the contractor for scanning, copying, submittal and dissemination. A routing sheet will be used for all correspondence being submitted for ACO signature/approval. Should the Contractor receive official correspondence addressed to the Contractor on matters pertaining to a regulatory matter affecting the installation (i.e., all correspondence from the Nevada Department of Environmental Protection (NDEP), the Contractor shall immediately provide the correspondence to the Commander.

1.5.3. Environmental regulations provide specific guidelines for permit renewal submittals. All permit renewal applications must be submitted to the ACO staff 15 days prior to required submission deadline IAW applicable regulations, permit conditions, or regulatory direction/directive. The contractor shall manage and maintain operational compliance with permits issued by any and all Federal, State and local agencies; sign any and all applications, reports, and certifications required by law, regulation, or permit, including those required of operators and generators; and terminate unneeded environmental permits. Provide all permit applications to the HWAD Government Staff and the Joint Munitions Command (JMC) ATTN: AMSJM-ISM prior to submittal to a Federal, State, or local regulatory agency allowing reasonable time for review and comment prior to submittal. Copies of all final permits within 5 working days shall be provided to HWAD Government Staff Environmental POC [2 hard copies and 2 electronic copies] and HQ JMC (ATTN: AMSJM-ISM). All permits will be applied for in the name of the contractor as the operator and Army as the owner and both the contractor general manager or authorized representative and the depot commander or CEA will sign. Any current permits not meeting these criteria need to be changed. All permit applications will be co-signed by the GM of the contractor. All other correspondence with the State of Nevada Department of Environmental Protection will be provided to the ACO staff 5 days before submittal for review, coordination and signing of cover letters.

1.5.3.1 The contractor is required to conduct quarterly Environmental Quality Control Committee (EQCC) meetings and monthly environmental update meetings, at a minimum. All meetings being performed to update the Commander will include a "read ahead" of the presentation 48 hrs in advance of the meeting and meeting minutes will be provided with tasks identified by owner and suspense date.

1.5.4. Identify, and document within 60 days of discovery any known environmental deficiencies associated with existing federal, state, or local environmental laws, regulations and/or EOs and develop and implement plans to bring the facility into compliance. Identification and discovery documentation shall be provided to the HWAD Government Staff. Subsequent corrective action plans shall be submitted to the HWAD Government Staff. Items identified by HWAD Government Staff require a formal response within 10 days.

1.5.5. Prepare, arrange, maintain and conduct environmental training for the Contractor staff. The Contractor shall also provide annual HAZWOPER recertification training to the HWAD Government Staff IAW all requirements of 29 CFR 1910.120 and hazard communication training IAW with 29 CFR 1910.1200.

1.5.6. Defend and negotiate or assist in the defense and negotiation of Notices of Violation, Notices of Deficiency, Orders, citizen's suits etc., which address or related to environmental deficiencies (alleged or otherwise). Manage and maintain operational compliance with regulatory notices/orders, which address deficiencies in compliance [Responses to inquiries from the state/regulators will be coordinated through HWAD ACO Staff and will be submitted through HWAD ACO environmental staff NLT 14 days before due date. Responses will be coordinated through HWAD ACO Environmental to ensure a smooth review prior to submittal]. The Contractor shall bear all expenses associated with any non-compliance resulting from contractor action or inaction and all expenses necessary to maintain compliance with regulatory requirements. In the event that the Government is assessed a monetary fine for violations caused by the Contractor's performance, actions or inactions, the Contractor shall reimburse the Government for the amount of that fine and other costs incurred in resolving the Contractor's violation.

1.5.7. Initiate and complete required environmental documentation (e.g., Environmental Assessments (EA), Findings of No Significant Impact (FNSI), Environmental Impact Statements (EIS), Records of Environmental Consideration (REC), etc.) required for compliance with Public Law 91-190, National Environmental Policy Act (NEPA) and AR 200-2. All efforts will be coordinated through the HWAD Government Staff.

1.5.8. Comply with any and all environmental reporting requirements required by law, regulation or Executive Order or to the extent specified otherwise herein. Provide a copy of all reports to the HWAD Government Staff 14 calendar days prior to submission to the regulators. Consult with the HWAD Government Staff 30 calendar days in advance of report submission when any report identifies a non-compliance/alleged non-compliance situation or contains issues anticipated to be controversial.

1.5.8.1. Populate the future Environmental Liabilities database in coordination with the HWAD ACO staff when it is up and running.

1.5.9. Within 18 months of Installation Occupation, the Contractor shall establish and maintain a fence line to fence line **ISO 14001** conformant Environmental Management System (EMS). The EMS shall include all tenants, subcontractors, and lessees, as well as the HWAD Government Staff.

1.5.9.1. Assist U.S. Army personnel in reviewing all plant operations (and those of its subcontractors and tenants) located at Hawthorne AD for the purpose of determining their effect on the environment and determining

compliance with Army, Federal, State and local environmental laws and regulations, EOs and ARs. It is expected that an external environmental assessment review shall be performed onsite every three years at a minimum and an ISO 14001 Environmental Management System (EMS) review shall be performed, as required or at a minimum annually. The contractor shall provide support for these reviews and the reviews will be performed by a government entity or an entity sponsored by the government. The reviews or visits shall be coordinated through the Depot Commander and can be conducted at the direction of the Depot Commander at anytime.

1.5.9.2 Prepare corrective action plans and complete corrective actions for ISO 14001 audit findings and Army external environmental assessment reviews. Corrective action plans will identify a timeline for correction, review and verification of corrective actions.

1.5.10. Assist the U.S. Army in responding to all findings and recommendations provided in any inspection or audits reports issued by Department of Defense or other Federal, State, or local agencies to correct any deficiency/violation of Federal, State or local environmental laws and regulations, EOs or ARs. The contractor shall prepare Installation Status Report-Part II reviews and Army Environmental Quality Data Base (AEDB-EQ) reports.

1.5.11. Establish and maintain an internal auditing program whose results shall be shared with the HWAD Government Staff as accomplished. Auditing plans will be coordinated through HWAD ACO Environmental staff.

1.5.12. Establish, implement and maintain an aggressive pollution prevention (P2) program that reduces, eliminates, or prevents pollution at the source and identifies pollution prevention opportunity assessments (PPOAs). The P2 program shall promote and support multi-media P2 approaches and at a minimum meet the requirements of Executive Order 13423, ISO 14001, and the Environmental Management System. The initial program implementation plan will be evaluated during the selection process and will become part of the final contract. Continuously utilize the new IBAT Status Tool for the Environment Program (STEP) Environmental Project Reporting (EPR) Database by inputting and tracking environmental project data. Project descriptions, progress reports, and accomplishments shall be provided to the HWAD Environmental Staff and AMSJM-ISM on a quarterly basis.

1.5.12.1 The contractor shall not place recyclable items in the HWAD on-site landfills without coordination and approval from the Government.

1.5.13. The Contractor shall immediately notify the HWAD Government Staff of any visit / inspection by local, State, or Federal representatives, announced or unannounced. Visits shall not proceed without a HWAD Government Staff representative. No later than 24-hours after completion of the visit, the Contractor shall forward a written report of the visit to the ACO environmental POC and Commander. The report shall include: Date and time; Name of visitor and agency represented; Requirements and purpose of visit; Results; Name and telephone of the Government representative present, and will include a list of action items, task list, and compliance plan with a projected completion date. A copy of all material requested and/or supplied to the visitors shall be submitted with the report. The Contractor shall coordinate all inquiries (telephone calls, correspondence, etc.) regarding HWAD's environmental matters with the HWAD Government Staff in a timely manner. When possible, the contractor shall include the HWAD Government

staff in planned contact with regulatory personnel; and when not possible, will immediately notify the HWAD Government staff of the outcome of regulatory contact.

1.5.14. The Contractor shall report all solid waste as follows: **Solid Waste Annual Reporting** (*SWARWeb*) is the online reporting system that Army installations have used since 2002 to report required solid waste / recycling data to OSD and EPA. The contractor will respond to the data-call sent by ACSIM and complete all entries into the SWARWeb system. HWAD ACO environmental will provide an internal suspense which be complied with. ACSIM sustains SWARWeb to meet mandates established by law (Resource Conservation and Recovery Act) and E.O. 13423.

The contractor will provide a primary and backup POC for completing input to the AERO modules. Access request forms will be prepared and submitted to HWAD ACO staff for approval and submittal to JMC/AEC.

1.5.15. The contractor shall participate in EPAS reviews following the specified IMCOM and AMC/JMC guidance. **FY09 Command Guidance**: EMS, sub-section 7, pages 110-112; EPAS, External audits, sub-section 8, pages 112-114; EPAS, Internal audits, sub-section 9, page 115.

1.5.16. The contractor shall, at the request of the Government, provide verification sampling of suspect and/or spill areas. Areas to be addressed will be those discovered in random inspections of the facility. Approximately 50 samples will be required each calendar year.

1.5.17. The contractor shall on a regular basis [not less than quarterly] provide sweeps and removal of UXO from all areas of the potential public access including the waters of Walker Lake, in accordance with Nevada Division of Environmental Protection (NDEP), 25 June 1991 Finding of Alleged Violation and Order. A quarterly report shall be provided to the HWAD Government Staff and the Joint Munitions Command (JMC) ATTN: AMSJM-ISM NLT the 15th day following the quarterly calendar period, i.e., January 15th for activities from Oct-Dec. The report will include areas covered by the sweep, photos of items found and actions taken and will include a drawing/map of affected areas.

The contractor shall take steps to prevent entry to the Walker Lake Test Range/Navy Beach area via waterborne access from the north. Contractor shall ensure adequate signage complying with the bi-lingual requirements of 40 CFR 264.14 are provided at the public boat access, warning the public of the dangers that exist.

1.6. PRE-EXISTING ENVIRONMENTAL CONDITIONS

1.6.1. To the extent that this clause does not vary the terms of the attachments therein, the Government shall retain the risk and responsibility for all pre-existing environmental contamination at HWAD, including but not limited to remediation and corrective actions under Federal and State environmental statutes, regulations, orders and permits.

1.7. STORAGE

1.7.1. The contractor shall prohibit the storage and disposal of non-defense owned toxic and hazardous material on HWAD in accordance with the provisions of 10 U.S.C. 2692. Material brought into HWAD that shall be consumed or incorporated into products within a reasonable time frame (no longer than 1 year) and removed from HWAD upon completion of the manufacturing process is not considered to have been "stored". An exception must be obtained from the Secretary of the Army prior to non-defense toxic and hazardous materials being stored or disposed of at HWAD. This request for exception shall be prepared by the contractor and forwarded through command channels. The Secretary of the Army determines if the material is required or generated by a private person in connection with the authorized and compatible use of an industrial facility of the DoD. The facility contractor or the subcontractor(s) shall remove from HWAD all excess hazardous materials within 180 days after completion of any contract or subcontract and all hazardous waste within 90 days after the initial generation of the hazardous waste.

1.8. INTEGRATED PEST MANAGEMENT (IPM):

1.8.1. The contractor shall develop and implement an Integrated Pest Management Plan. The plan will be evaluated during the selection process and will become part of the final contract. The plan will explain their pest management goals and how they will achieve their goals implementing an IPM program in accordance with state, Federal and Army regulations. IPM combines biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks. The contractor shall maintain daily records of all pest management activities including sub-contractors' activities (exp. surveillance, bait applications, pesticide application) and made available to the Government when requested. The Government will have the opportunity to review subcontracts for pest management prior to award. Applicators that apply pesticides or supervise pesticide applications will have the appropriate State of Nevada certifications. Contractor will be required to report this information formally via the AEDB reporting system and will coordinate all data input with HWAD Government Staff.

1.9. CULTURAL RESOURCES:

1.9.1 The contractor shall develop and manage a comprehensive program that complies with legally mandated requirements and results in sound and responsible cultural resources stewardship. The contractor will prepare, implement, and maintain a Cultural Resources Management Plan. The plan will include training of personnel and preparation of Standard Operating Procedures for specific situations (exp. finding of human remains and artifacts). The plan will demonstrate compliance with all cultural and historic laws including but not limited to management of Native American artifacts and human remains and consultations with Federally recognized tribal governments and other Native American organizations and historic structures and historic districts. This plan will be evaluated during the selection process and will become part of the final contract.

1.10. LANDSCAPING:

1.10.1 The contractor will strive for xeric landscaping. The contractor must coordinate these efforts with the Installation's Government Natural Resources

Professional (NRP) to ensure what practices the Government will accept. The NRP will incorporate the practices in the Installation's Integrated Natural Resources Management Plan.

1.11. INSPECTION/FINAL ACCEPTANCE

1.11.1. Representatives of AMSJM-ISM and the HWAD Government Staff shall monitor performance of this section. The contractor shall provide support for periodic inspections (at least 2 times yearly) of supporting documentation and onsite visits.