

COMPLIANCE WITH ENVIRONMENTAL ISSUES

Part II

NOTE: Required when company enters into a Cooperative Research and Development Agreement (CRADA) and that company is PHYSICALLY located on post.

ATTACH THE FOLLOWING TO THE AGREEMENT.

1. AIR EMISSIONS.

1.1. Picatinny Arsenal's (PA) air emissions are regulated under New Jersey Administrative Code, Title 7, Chapter 27 (NJAC 7:27). In accordance with NJAC 7:27 Subchapter 22, PA is a major facility and has obtained a facility-wide air emissions Operating Permit. All activities that generate air emissions must comply with PA's Operating Permit and the requirements of NJAC 7:27.

1.2. Certain types of air contaminant emitting equipment require permits from the State of New Jersey prior to operation.

1.2.1. For any contractor-owned equipment meeting the Subchapter 22 definition of "significant source", the contractor must have a current air permit issued by the NJ Department of Environmental Protection or get prior approval from the Environmental Affairs Division (EAD) before the equipment is brought onto the facility. Approvals to temporarily operate significant equipment on the facility are not guaranteed.

1.2.2. Prior to the installation of any equipment meeting the Subchapter 22 definition of "significant source", the contractor must obtain a copy of the preconstruction permit or receive approval from the EAD to commence installation.

1.3. Motor vehicles, forklifts, tractors and any mobile construction equipment can be used as needed and do not require any permits or prior approvals. Mobile construction equipment does not include any tow-behind or skid-mounted equipment such as engine-driven air compressors, pumps or electrical generators

2. HAZARDOUS MATERIALS & WASTE.

2.1. The contractor must obtain approval and training from the Environmental Affairs Division (973) 724-5951 prior to the generation of any hazardous waste. Treatment of Hazardous waste is not allowed on site without a permit. No hazardous waste is allowed to be brought on base from off-site.

2.2. All contractors must report any hazardous material brought onto Picatinny to the HAZMART (973) 724-2061. A "Hazardous Material" is any material that (1) may pose a treat to human health and the environment, (2) have a caution label on the container or (3) require a Material Safety date sheet. Some examples of hazardous materials are as follows:

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- Chemicals
- Miscellaneous specialty chemicals
- Paints, dyes and varnishes
- Preservatives and sealing compounds
- Adhesives
- Oils and greases (See Section 11.2)
- Any Aerosol Cans
- Pesticides
- Compressed Gas Cylinders

Excluded Materials:

The following list of material types will not be managed or stored at the HAZMART, and do not require pre-approval from the HAZMART:

- Office supplies
- Household cleaners
- Medical supplies
- Batteries
- Re-refined motor oil (See Section 11.2)
- Ammunition
- Pyrotechnics

3. ASBESTOS.

3.1 Asbestos is present within many buildings on Picatinny Arsenal. Contact the Chugach Environmental Division at (973) 724-3594 to speak with the Asbestos Program Manager or the Picatinny EAD at (973) 724-4615 for assistance in determining if asbestos is present in the work site.

3.2. The contractor may encounter asbestos that has not been previously identified on inspections. If the contractor encounters asbestos or encounters a suspected asbestos containing material, immediately stop the work and contact the Asbestos Program Manager and contracting officer.

3.4. Picatinny Arsenal's (PA) Asbestos Management Program is regulated under the U.S. Environmental Protection Agency 40 CFR, 61 Subpart M (NESHAP) and 40 CFR 763 subpart E (AHERA) and OSHA 29 CFR 1910.1001 General Industry Standard, as well as N.J.A.C. Title 7, Chapter 27 Air Pollution Control and Army Regulations 200-1 & 200-2.

3.5. A permit must be obtained from the Safety Office, prior to conducting any asbestos abatement work on the Arsenal. All abatement workers must meet New Jersey State Certifications and Licensing requirements.

4. CULTURAL RESOURCES.

4.1. Picatinny Arsenal has an Integrated Cultural Resource Management Plan (ICRMP) which serves as the Arsenal's protection and compliance plan for cultural resources including historic structures and archeologically sensitive areas. The contractor must

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comply with all Federal statutes and regulations identified in the ICRMP including but not limited to the National Historic Preservation Act of 1966 (as amended), the National Environmental Policy Act of 1969, Executive Order 11593, the Advisory Council Procedures for the Protection of Historic and Cultural Properties (36CFR Part 800) and Army Regulations 200-1. The contractor must contact the Picatinny EAD Cultural Resources Manager (973) 724-3664 to coordinate all Section 106 consultations on National Register of Historic Places (NRHP)-eligible or potentially eligible historical structures and archeological resources prior to initiating any construction activities, preferably during the planning stages of a proposed action.

4.2. Historical Properties

4.2.1. All actions that impact the historical nature of any NRHP eligible structure and or district must have the modification approved by the New Jersey State Historical Preservation Office (SHPO) through the Section 106 consultation process. This includes such things as penetrating the wall structure, modifying the original use of the structure, modifying its internal or external appearance, including landscaping etc. The Picatinny Cultural Resources Manager (CRM) will coordinate all Section 106 consultations with NJSHPO.

4.2.2. All work completed by the contractor or its subcontractors must be completed by personnel with appropriate professional qualifications and in accordance with the Secretary of the Interior's Standards and Guidelines for Rehabilitation on Historic Structures.

4.2.3. Once a Scope of Work (SOW) for completing work on a historical structure has been approved by the SHPO, no modifications can be made to the SOW without further consultation with the CRM and SHPO.

4.2.4. NRHP Eligible Historical structures

4.2.4.1. The Picatinny EAD maintains a database of NRHP eligible buildings and structures identified at the Arsenal. It should be noted that Picatinny conducts periodic historic architectural surveys of all buildings and structures on Picatinny property that have reached 45-50 years of age in order to determine NRHP eligibility. The contractor must therefore consult with the CRM in order to confirm a buildings NRHP status prior to completing any work on the structure.

4.3. Archeological Resources

4.3.1 An archeological survey has been completed to determine potential sensitivity (i.e. occurrence) for prehistoric and historic archeological resources at Picatinny. The Picatinny CRM must be consulted on all projects involving planned land disturbance in order to determine if additional archeological investigation will be required prior to construction. Archeological surveys in support of the project must be completed in accordance with the Secretary of Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37) and the Treatment of Archeological Properties (Advisory Council on Historic Preservation 1980). Additionally, if any archeological items or evidence of human culture (pottery, arrowheads, etc) are discovered during the

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course of the contractor's performance, the contractor must immediately stop work and contact the EAD. No further work will be allowed until a determination can be made concerning the discovered items.

4.3.2. Upon discovery of human remains, all work must stop. Allow no further disturbance of the discovery site and immediately notify both the EAD and the Federal Police Desk, (973)724-6666. The location of the remains shall not be disclosed to anyone other than the appropriate point(s) of contact at Picatinny Work is not allowed to proceed until cleared by both the EAD and the Police.

5. LEAD BASED PAINT (LBP)

5.1. Lead Based Paint is present within many buildings on Picatinny Arsenal. Contact the Chugach Environmental Office at (973) 724-3594 or the Picatinny Industrial Hygiene Office at (973) 714-8458 for assistance in determining if lead based paint is present in the work site or suspected.

5.2. The contractor may encounter peeling or flaking paint that has not been previously identified on inspections. If the contractor encounters additional suspect areas, notification to the Program Manager must be made.

5.3. Picatinny Arsenal (PA) manages lead based paint and is regulated under OSHA 29 CFR 1910.25 Occupational Exposure to Lead and OSHA 29 CFR 1926.62 Safety and Health Regulations for Construction-Lead. Construction work is defined as work for construction, alteration, and/or repair. It includes demolition, removal, clean up, transportation and disposal of lead.

5.4. A permit must be obtained from the Safety Office, prior to conducting any lead based paint abatement work on the Arsenal.

5.5. In the event there is an accidental disturbance or release of lead based paint dust, the contractor must notify the Spill Response Program Manager immediately, (973) 724-5951.

6. PEST MANAGEMENT

6.1. The Army Environmental Center (AEC) and the New Jersey Department of Environmental Protection (NJDEP) are the lead regulatory agencies for pesticide use at Picatinny Arsenal. The regulations governing pesticides at Picatinny Arsenal are AR 200-5, DoDI 4150.7 and New Jersey Administrative Code, Title 7, Chapter 30 Subchapters 1-13 (Adopted 12/6/2004).

6.2. Picatinny's Pest Management Program is administered by the Picatinny Arsenal Pest Management Coordinator (PMC). The Pest Management Coordinator can be reached at 973-724-5185. The PMC performs quality control of all contractors/subcontractor's performing pest control operations. Any pest control activities required by the contractor or its subcontractors must be requested through the Service Order Desk at 973-724-2785.

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6.3. All contractors must be properly trained and licensed in appropriate categories: 2 [forest], 3A, 3B [Ornamental and Turf], 5 [aquatic], 6B [right-of-way], 7A [General and house], 7B [Termite and Wood Destroying Organisms], 8A [General Public Health] and 8B [mosquitoes].

6.4. The contractor must provide copies of all licenses to the PMC.

6.5. The contractor is required to ensure all pesticide applicators use proper Personal Protective Equipment (PPE) according to product.

6.6. The contractor must adhere to the installation IPMP (Integrated Pest Management Plan) and meet all requirements stated in AR 200-1 and other applicable DoD Directives and environmental regulations, as well as federal, state and local laws. A copy of the plan is available from the PCM.

6.7. The contractor must submit a monthly 1532-1 pesticide usage report or a similar computer generated report as required by AR 200-1 to the PMC, as well as any other documents requested by the PMC.

6.8. The contractor must make emergency notification of any pesticide spill by dialing 911 or X6666 and shall also immediately notify the PMC.

6.9. The contractor must instruct all pesticide applicators on all safety requirements while on Picatinny Arsenal.

6.10. If pesticide application is required in other sections of this contract, contact the contracting officer and the PMC immediately and do not apply any pesticides.

7. SOIL MANAGEMENT REGARDING THE INSTALLTION RESTORATION PROGRAM.

7.1. This paragraph relates to the requirements of aspects of the contract dealing with soil covering, soil movement and soil management activities. It does not address Safety related issues regarding soil contamination including compliance with OSHA 1910.10 or safety rules regarding unexploded ordnances. Project proponents should consult the safety office to obtain guidance in this area.

7.2. Contractor must comply with the Soil Management Procedures during construction activities or any soil disturbance, as outlined on Environmental Affairs Web site or comply with an approved specific Soil Management Plan developed during the design stage of this contract. If you do not have access to the Picatinny Intranet, contact (973) 724-6748 for a copy of the Soil Management Procedures.

7.3 The procedures are mandated because the entire acreage of Picatinny Arsenal is designated as a National Priority List site under Superfund. There are over 150 areas of concern. Picatinny has various institutional and engineering requirements under Records of Decision signed by both the EPA and the Army that require compliance with determining and dealing with contaminated soils. The requirements are also consistent

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with NJAC 7:14 and related New Jersey Department of Environmental Protection Policies.

8. AFFIRMATIVE PROCUREMENT. (This section complies with FAR 23.704)

Affirmative Procurement is part of the Federal Government's program to promote recycling and the use of recycled material and bio-based products. The requirements are defined in RCRA Section 6002, and Executive Order 13423.

The Environmental Protection Agency (EPA) Comprehensive Procurement Guideline List (CPG) and the Department of Agriculture (DA) designated items listed on the bio-based products list: During the performance of a contract, contractors are required to purchase items of those lists in the recommended percentage recommended by the EPA, as if they were government employees.

Background: The EPA issued the Comprehensive Procurement Guidelines (CPGs) that have established the mandatory procurement by federal agencies of 61 items produced with recovered materials. The EPA has also issued Recovered Material Advisor Notices (RMANs) to accompany the CPG list that provide recommended recycled-content (percentages) when buying items on that list. Designated items may change every two years. The only exemptions that apply are:

- 1) The product is not available within a reasonable period of time.
- 2) The product does not meet the performance standards in applicable specifications or fails to meet reasonable performance standards of the procuring agency.
- 3) The product is not available at a reasonable price. "Unreasonable price" has been defined as ... if the price of the recycled-content product exceeds the cost of a non-recycled item, then the price is considered unreasonable. However, we should be reasonable and try to comply.

Refer to <http://www.epa.gov/cpg/products.htm>.

9. ENVIRONMENTAL MANAGEMENT SYSTEM (EMS).

9.1. Executive Order 13123 requires that all Federal agencies implement an EMS. Since the contractor's actions affect Picatinny's EMS goals, they shall be required to support all the goals of the installation EMS. They shall not be required to have their own EMS. Picatinny is using ISO 14001 as its EMS standard.

9.2. The COR is responsible to ensure the contractor and all subcontractors are aware and understand the Picatinny EMS. This can be accomplished by either having them view the EMS video or receiving an EMS informational card. Contact the EMS Program Manager, (973) 724-5951 for copies of either of these items.

10. SOLID WASTE MANAGEMENT

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10.1. Disposal of solid waste, including construction and demolition (C&D) debris is the responsibility of the contractor.

10.2. The contractor shall recycle C&D waste to the maximum amount possible.

10.3. If the contract allows, the contractor may use the installations recycling dumpsters and custodial services.

10.4. There shall be no dumping of debris, except where allowable under this contract.

11. SPILL CONTROL & RESPONSE.

11.1. The contractor shall conduct all operations to minimize the possibility of a spill or release of a hazardous material or pollutant in accordance with the Picatinny Spill Prevention and Countermeasure Plan.

11.2. All hazardous materials or pollutants (including oils) must be stored on containment pallets, in containment storage cabinets (contractor must assure material in the cabinets are compatible) or in a diked/bermed area under cover.

11.3. Notify the HAZMART (973) 724-2061, of the storage location of hazardous materials or pollutants when they come on the installation.

11.4. Report all spills that reach soil or waterways immediately to security (973) 724-6666, whether or not spill can be cleaned-up by operators.

11.6. The contractor must have a spill kit on site at all times with the appropriate type and amount of containment material for the materials on site.

11.7. The contractor shall reimburse the Government for all clean up and disposal costs.

12. LAND USE MANAGEMENT. All permit applications must be prepared by the proponent and submitted through the Environmental Affairs Division (B319) before being submitted to the appropriate regulatory agency.

12.1. Storm water: Any development disturbing more than 1 acre or increasing the impervious area by more than a ¼ acre will be required to do the following:

Fill out a checklist entitled “Post Construction Program Design Checklist for Individual Projects” at http://www.njstormwater.org/public_complex/forms.htm#postconstruction
Submit an “Authorization to discharge storm water permit application” to the appropriate regulatory agency.

12.1.1. Comply with the applicable design and performance standards established under NJAC 7:8 subchapter 5 at
http://www.nj.gov/dep/rules/adoptions/2004_0202_watershed.pdf

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12.1.2. Comply with the design standards for storm drain inlets under Picatinny's Public Complex Storm water General Permit (Attachment C) found at:
http://www.nj.gov/dep/dwq/pdf/final_public_complex.pdf

12.2. Soil disturbances: In accordance with the "Standards for Soil Erosion and Sediment Control in New Jersey" any project disturbing more than 5,000 ft² of soil must have an approved soil erosion and sediment control plan prior to any soil disturbances.
(<http://www.mcsed.org/Forms.htm>)

12.3. Wetlands: In accordance with NJAC 7:7A-2.2 any project within 150 ft of a wetland may be required to get Wetland Permits from the NJDEP. Check with the EAD to determine applicability.

12.4. Flood Hazard Area Control Act: In accordance with NJAC 7:13, any development, or vegetative disturbances in a floodplain or within 300 feet from the top of the channel bank or water body may require a Flood Hazard Permit. Check with the EAD to determine applicability.

12.5. Drinking water lines: In accordance with NJAC 7:10-11.10b2 any water main construction exceeding 1500 ft is required to prepare and submit a water main extension permit.

12.6. Sewer connection: In accordance with NJAC 7:14A-22.3 any project requiring the building, installing, modifying or operating any sewer line, pumping station, or force main which serves more than two buildings or will convey 8,000 gallons per day or more of flow to a treatment works is required to prepare and submit a treatment works approval permit.

13. PROHIBITED DISCHARGES TO SEWER: Section 5 of Picatinny's permit with Rockaway Valley Regional Sewerage Authority (RVRSA) prohibits the following discharges into Picatinny's sewer distribution system:

13.1. Storm waters, surface water, groundwater, roof runoff, swimming pool water, subsurface drainage, foundation or basement sump drainage, pond water, cooling water, or unpolluted process water.

13.2. Any liquid or vapor having a temperature higher than 140 degrees F (60 degrees C), or in excess of that permitted by pretreatment standards.

13.3. Any liquid containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l of solvent soluble materials or containing substances which may solidify or become viscous at temperatures between 32 and 140 degrees F (0 degrees to 60 degrees C).

13.4. Any residues from petroleum storage, refining or processing; waste fuels, lubricants, solvents, or paints.

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13.5. Any wastewater containing any liquids, solids or gases which, by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to create an explosive, flammable or combustible atmosphere in any part of the Regional or Local Sewerage System.

13.6. Any solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers or interference with the proper operation of the Sewerage System, such as, but not limited to, mud, straw, metal, rags, glass, tar, plastics, wood and shavings, ashes, cinders, sands, feathers, whole blood, paunch manure, hair and fleshings, entrails, paper or plastic containers, etc.

13.7. Any ground or underground garbage, either from garbage disposal units or any other source.

13.8. Any waste having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the RVRSA.

13.9. Any radioactive waste or isotope of such half-life or concentration as to be in excess of that permitted by appropriate regulatory agencies having control over their use or in such quantity as to cause damage or hazard to structures, equipment and personnel of the RVRSA.

13.10. Any waste containing phenols, noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

13.11. Any wastewater containing toxic pollutants or other substances in sufficient quantity to cause injury, damage or hazard to personal, structures or equipment, or interfere with the Regional and Local sewerage system or any portion of the liquid or solids treatment or handling processes, or that will pass through the treatment facilities in such condition that it will not achieve State, Federal or other existing requirements for the effluent or for the receiving waters. Except as otherwise provided in this permit, the following chemicals are specifically prohibited: alcohols, aldehydes, arsenic, and arsenicals, bromine, chlorinated hydrocarbons, compounds with chlorine demands in excess of 100 ppm, chromium compounds, copper and copper salts, cresols, cyanides or cyanide compounds, fluorine, iodine, mercury and mercury compounds, nickel and nickel compounds, pesticides, silver and silver compounds, sulfonamides, toxic dyes(organic or mineral), zinc and zinc compounds or other heavy metals; all strong oxidizing agents such as peroxide, chromates, dichromates, permanganates, etc., compounds producing hydrogen sulfide or any other toxic inflammable or explosive gases, either upon acidification, alkalization, reduction or oxidation; strong reducing agents such as nitrates, sulfites, sulfides; strong acids or strong alkalis.

13.12. Any material which exerts or causes:

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13.12.1. Unusual concentrations of inert suspended solids (such as, but not limited to Fuller's Earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

13.12.2. Excessive discoloration (such as, but not limited to, dye solutions and vegetable tanning solutions) which cannot be removed by the waste water treatment plant. In no case shall a discolored discharge be permitted if, in the opinion of the Authority, said discharge is likely to interfere with the operation of the treatment system or to cause a violation of the facilities NJDES permit, applicable water quality criteria, or sludge disposal regulations.

13.12.3. Unusual BOD, CBOD or chlorine requirements in such quantities as to constitute an unacceptable load on the wastewater treatment works.

13.12.4. Any unusual volume of flow or concentrations of wastes constituting a "slug" of such volume or strength so as to cause a treatment process upset and subsequent loss of treatment efficiency.

13.13. Any wastes containing pollutants of such character or quantity that will:

13.13.1. Not be susceptible to treatment or will interfere with the process or efficiency of the treatment system, or will exhibit inhibitory toxicity in the treatment system.

13.13.2. Violate Federal Pretreatment or State Standards as the same may be promulgated from time to time.

13.13.3. Cause the RVRSA facilities to violate their NPDES and NJPDES Permits, applicable receiving water standards, permit regulating sludge which is produced during treatment or any other Permit issued to RVRSA.

13.14. Cooling water

13.15. Seepage or wastes from septic tanks, cesspools or other such sources of sanitary wastes.

13.16. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits.

14. ENDANGERED/THREATENED SPECIES MANAGEMENT

14.1. No tree will be trimmed, pruned or felled between 1 April and 15 Nov of the calendar year unless evaluated by the Natural Resource Manager of Picatinny (973) 724-4691. All tree trimming should occur between 16 Nov and 31 March.

14.2 NJ Freshwater wetlands or stream encroachment permitting procedures, notwithstanding, any charges in operations or new construction which may occur within 150 feet of any stream / intermittent stream/wetlands boundary on post must be evaluated

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well in advance to determine if Section 7 (Endangered Species Act) consultation may be required (for the bog turtle or Indiana bat).

15. FUELWOOD AND FOREST RESIDUAL DISPOSAL PROGRAM.

15.1. Any woody material (limbs, boles) greater than or equal to six inches ($\geq 6''$) in diameter will be salvaged and deposited in designated fuel wood storage areas on post.

15.2. Any woody material (small trees, shrubs) less than six inches ($\geq 6''$) in diameter may be:

a. Left in woodlands (semi-improved or unimproved grounds) if it comprises a relatively small quantity; is not a fire hazard under explosive safety rules; and do not constitute visual pollution in the setting.

b. Hauled off post for disposal at an approved landfill.

c. Chipped on site and dispersed in place so long as it is at least fifty feet (50') from any watercourse or wetland boundary.

d. Chipped on site and deposited in designated fuel wood storage areas on post.

Guidance should be obtained from the COR and/or the Natural Resource Manager (NRM) as to the final disposition of the material.

15.3. Stumps within improved grounds will be ground flush with existing terrain or removed, unless allowed to remain in place. No stumps will be salvaged or deposited in any fuel wood storage areas on post. Stumps will be hauled off post for disposal at an approved landfill.

16. VEGETATION MANAGEMENT

16.1. Any herbaceous or fibrous vegetative material (other than invasive species) which is trimmed, cut down, or uprooted may be:

a. Left in woodlands (semi-improved or unimproved grounds) if it comprises a relatively small quantity; is not a fire hazard under explosive safety rules; and do not constitute visual pollution in the setting.

b. Hauled off post (as brush) for disposal at an approved landfill.

c. Chipped on site and dispersed in place so long as it is at least fifty feet (50') from any watercourse or wetland boundary.

d. Chipped on site and deposited in designated fuel wood storage areas on post.

16.2. Any herbaceous or fibrous vegetative material which is an invasive species will be:

a. Hauled off post (as brush) for disposal at an approved landfill.

b. Chipped on site and deposited in designated areas on post.

16.3. New Landscaping or vegetative modifications around any building (existing or newly constructed) must be evaluated by the NRM on (973) 724-4691, to preclude introduction of invasive species and conformance with landscape planting plans and fabric/character of historic districts/buildings.

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