

## **PERFORMANCE WORK STATEMENT**

### **UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK INSPECTION SUPPORT IN NEW YORK STATE**

#### **I. BACKGROUND:**

The United States Environmental Protection Agency (EPA), Region 2, Division of Enforcement and Compliance Assistance (DECA) in compliance with the Safe Drinking Water Act (SDWA) Amendments of 1986, is responsible for the implementation of Underground Injection Control (UIC) Program in New York State. The SDWA provides a State with primary enforcement responsibility (primacy) by the class of wells once that State has adopted regulations at least as stringent as those promulgated by EPA. EPA is responsible for enforcing the federal regulations (by class) in those States that have not adopted the federal regulations (direct implementation), such as New York State.

In addition, in compliance with the Resource Conservation and Recovery Act (RCRA), as amended by the Energy Policy Act of 2005 (EpAct), the EPA is responsible for the implementation of the Underground Storage Tank (UST) Program in New York State. Under the EpAct amendments to RCRA Subtitle I, the UST Program is responsible for insuring that all federally regulated USTs that have not been inspected since December 22, 1998 be inspected no later than August 8, 2007. Thereafter, all federally regulated USTs must be inspected once every three years.

The Ground Water Compliance Section (GWCS) of the Water Compliance Branch of DECA is responsible for the UIC and UST programs. Much of the compliance monitoring of the UST program occurs at sites that are also appropriate targets for UIC program compliance monitoring. As such, the EPA is seeking contractor support in performing UIC and UST inspections in New York State.

#### **II. PURPOSE:**

The Contractor shall collect data in accordance with specific written technical direction documents to support the Agency's efforts in compliance monitoring activities for various classes or subclasses of UIC wells and USTs. The contractor shall furnish the materials and equipment, and provide the necessary professional, technical and supporting personnel for performance of the work required under this contract.

#### **III. TECHNICAL REQUIREMENTS:**

##### **A. Performance, Compliance Monitoring and Technical Support**

The contractor shall provide support with compliance inspections. This support shall include the following: conducting routine UST and UIC inspections (including witnessing dye tests and collecting fluid-level measurements), witnessing mechanical integrity tests (MIT), witnessing

plugging and abandonment (P & A) of wells, witnessing well remediation activities (REM), and collecting photographic and global positioning system (GPS) location data. Photographs and GPS locational data shall be collected for facilities that may contain Class I, II, III, IV and V wells and at facilities that have USTs. All tasks shall be specified in monthly technical direction documents.

**SDWA UIC Compliance Inspections** - In accordance with EPA Order 3500.1, the contractor shall perform pre-inspection activities and conduct field testing and measurement activities as specified in written technical direction documents, take photographs and collect global positioning system (GPS) locational data on first time visits, or on visits to facilities which have not been sited by GPS. For Class I, Class II and Class III wells, the location of the well at the wellhead shall be collected. For Class IV and V facilities, a location collected at the entrance of the facility is required. The technical directive documents will provide the contractor with the names and locations of each system or facility to be inspected along with all background materials needed to conduct the inspections. The contractor shall collect data necessary to identify any unauthorized injection wells that are observed while conducting the compliance inspection. The contractor shall photograph all sites for identification. SDWA inspection reports will consist of a Notice of Inspection page, a diagram page, an inspection page (submitted digitally) and a photograph. The contractor shall forward to the Contracting Officer Representative any documentation provided by the facility owner/operator, such as blueprints, MSDS sheets, or copies of permits.

**RCRA Subtitle I UST Compliance Inspections** - In accordance with EPA Order 3500.1 the contractor shall perform pre-inspection activities, conduct field testing and measurement activities as specified in written technical directive documents, collect photographs and global positioning system (GPS) locational data on first time visits, or on visits to facilities which have not been sited by GPS. For UST sites, a location collected at the entrance of the facility is required and shall be the same location as for a UIC inspection. The technical directive documents will provide the contractor with the names and locations of each system or facility to be inspected, along with all background materials needed to conduct the inspections. The contractor shall collect data necessary to identify any UST or component thereof out of compliance with the RCRA Subtitle I. The contractor shall photograph all sites for identification. RCRA Subtitle I inspection reports will consist of a Notice of Inspection page, the UST Inspection Checklist (Attachment 1) and a photograph, which may be a copy of the photograph used for the UIC inspection. The UST inspection spreadsheet provided in the technical directive shall be completed and submitted digitally.

**Coordinated UIC/UST Compliance Inspection.** This is a UIC inspection and an UST inspection of the same facility at the same time, or within 24 hours.

4. **Witnessing of Well Mechanical Integrity Tests (MIT)s** - The contractor shall witness injection well MITs. The contract shall record observations and results of the MITs so that a determination can be made regarding a well's compliance with mechanical integrity UIC regulations.

Witnessing of Well Plugging and Abandonment (P&A) Procedures - The contractor shall witness P&A of injection wells. The contractor shall record observations and results of the P&A and determine if the operators are performing work in accordance with an EPA approved injection well P&A plan or closure plan.

6. Witnessing of Well Remediation (REM) Procedures - The contractor shall witness REM of injection well(s) as specified in the technical direction document. The contractor shall record observations and results of the REM and determine if the operators are performing work in accordance with EPA approved procedures.

7. GPS Location Data Collection - The contractor shall collect GPS location data on sites assigned by the specific sites that will not be inspected. The contractor shall take a photograph of all GPS sites for identification. GPS location data shall be collected in accordance to the document "Office of Environmental Information: Global Positioning Systems - Technical Implementation Guidance" which can be found at <http://www.epa.gov/oei/pdf/GPS-TIG.pdf>

## B. Deliverables

Monthly reports addressing the status of work performed on items specified on the technical direction documents shall be submitted no later than the 10<sup>th</sup> of each month.. The monthly report shall list the number of compliance inspections (UIC, UST or Coordinated), MIT's P&As, REMs, and GPS locations performed. Each individual item shall include the following:

For UIC sites:

Operator name and address

Property owner name and address

UIC Well Type (Class I, II, III, IV or V), UST or coordinated UIC/UST

Action item title (Compliance Inspection, MITs, P&A's, REMs or GPS)

Date and time

Person(s) contacted during field operation

Written description of field operation including site diagrams (Compliance Inspection, MITs, P&As, REMs or GPS)

Data specifics of Compliance Inspection, MITs, P&As, REMs and GPS locations

For UST sites:

Operator name and address

Property owner name and address

UST checklist filled out completely

Date and time

Person(s) contacted during field operation

Written description of field operation including site diagrams

Data specifics of Compliance Inspection

The monthly report shall also include pending work that has not been addressed which was present on previous technical direction documents. An explanation addressing the reasons for not performing the work shall be included with the monthly report.

**C. Location of Inspections**

Inspections will be targeted in all counties in New York State excluding New York State Department of Environmental Conservation’s Region 1 (Nassau, Suffolk), Region 2 (Queens, Richmond, Kings, Bronx, New York), Region 3 (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester) and Region 4 (Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady, Schoharie). See Attachment 2 for map of targeted and non-targeted counties in New York State.

**D. Technical Direction Document**

The Contracting Officer Representative will issue monthly Technical Direction Documents listing individual inspection sites, type of inspections to be performed and the deliverable requirements. Wherever feasible, the Contracting Officer Representative will group inspections per geographic location. Technical Direction Documents will be issued in accordance to the Technical Direction clause in Section H.

**E. Quality Assurance Surveillance Plan**

The following Quality Assurance Surveillance Plan outlines the performance standard for determining the contractor’s success in meeting the requirements, the maximum allowable deviation from these standards that the Government will accept before the contractor’s prospect of receiving an award term are negatively impacted and the method of surveillance the Government will utilize to monitor the contractor’s performance.

The following tasks will be measured in accordance with this Quality Assurance Surveillance Plan and evaluated in accordance with the clause entitled “Award Term Incentive Plan.”

<b>Performance Standards</b>	<b>Maximum Allowable Deviation</b>	<b>Surveillance Method</b>
All inspections on monthly technical direction document are completed, except for unforeseen circumstances such as schedule of well operator or severe weather.	10% of possible inspections are not performed during the month scheduled.	Monthly check by the COR
Inspection reports are accurate and complete.	No more than 5% of Inspection Reports are returned for corrections and/or additional information	Monthly check by the COR

Performance shall be measured by the percent of inspections completed as specified on technical direction documents. Monthly technical direction documents may present several options or be amended to accommodate operators special circumstances/needs or provide revisions based on unforeseen conditions, such as severe weather. In order to earn an Award Term, the contractor shall not exceed the maximum allowable deviation for the Award Term Evaluation Period outlined in the “Award Term Incentive Plan”.

#### F. Inspector Credentials

The EPA Region II Office (Ground Water Compliance Section) will provide each inspector with appropriate credentials, such a Letter of Introduction/Authorization to Inspect signed by the DECA Division Director, which will include a picture of the contract inspector. This letter will specify that inspector is authorized to perform site inspections as a contractor to the EPA. Upon arrival at an inspection location, the contract inspector will identify himself as a contractor to the EPA by presenting the Letter of Introduction/Authorization to Inspect to the facility owner/operator, or duly delegated representative.

#### IV. BACKGROUND CHECKS

The contractor shall provide qualified personnel that meet the background check and drug screening requirements established below. The EPA has established 2 levels of criteria. Level 1 contains background check criteria that applies to all contractor employees working at a response site. Level 2 contains background check criteria and drug screening requirements that apply to all contract employees working at sites that are designated by EPA as “Sensitive Sites.” Examples of such sites include those that involve law enforcement activities, apparent or suspected terrorist activities, any indoor cleanups (including private residences), drug lab cleanups, and response actions at geographically sensitive locations such as military installations and government buildings. Contractor personnel who shall perform under this contract must meet the Level 2 EPA Background Check Criteria. If a background check has been performed within one (1) year prior to the requirement for the background check, the contractor need not conduct another background check.

#### **LEVEL 1 - EPA Background Check Criteria:**

- Can be a non U.S. citizen with a valid visa,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, including development of defense plans or policies, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.- No weapons offense in the last five (5) years,
- No felony conviction in the last three (3) years,
- Not a fugitive from justice,

- Not listed in the Excluded Parties Listing System (EPLS). EPLS is a web-based database that identifies parties excluded throughout the U.S. Government from receiving federal contracts or subcontracts. The EPLS is available at: <http://epls.gov>

### **LEVEL 2 - EPA Background Check Criteria For Sensitive Sites:**

- Must be a U.S. citizen,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, including development of defense plans or policies, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.
  - No weapons offense in the last ten (10) years,
- No felony conviction in the last seven (7) years,
- No misdemeanor conviction in the last five (5) years,
- No convictions for three (3) separate offenses in the last ten (10) years (excluding traffic offenses),
- Not a fugitive from justice,
- Not listed in the Excluded Parties Listing System (EPLS). EPLS is a web-based database that identifies parties excluded throughout the U.S. Government from receiving federal contracts or subcontracts. The EPLS is available at: [www.epls.gov](http://www.epls.gov)

### **Drug Screening at Sensitive Sites:**

Contractor employees working at designated "Sensitive Sites" must pass, within the previous 90 calendar days, a drug test for the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP) in conformance with the Mandatory Guidelines for Federal Workplace Drug Testing Programs first published by the Department of Health and Human Services in the Federal Register on April 11, 1988 (53 FR 11979, and revised on June 9, 1994 (59 FR 29908), on November 13, 1998 (63 FR 63483), and on April 13, 2004 (69 FR 196440); and Procedures for Transportation Drug Testing Programs, 49 CFR Part 40. References to "DOT" shall read, as "EPA" and the split sample method of collection shall be used.

The requirements in Level 2 may be waived by the Contracting Officer, on a case-by-case basis, at a specific location, or for a specific individual. If the results of an employee's background check or drug screening do not meet the criteria in Level 2, as required, the Contractor may apply for a waiver. To initiate the waiver process, the contractor must submit, in writing, the background report or drug test on the employee and an explanation of the need for the employee for approval by the Contracting Officer before the employee performs contract services for EPA. The contracting officer will notify the contractor of their decision within five (5) days of receipt of the contractor's request for a waiver.