

## DISCREPANCY GUIDE FOR INSPECTION OF SERVICES (MAJOR)

**MAJOR:** Major discrepancies are primarily derived from elements of Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA) compliance and enforcement criteria as they may apply to DRMS hazardous waste disposal contracting. These types of discrepancies are indicative of situations in which contractor performance endangers human health and/or the environment, violates hazardous waste disposal regulations, or substantially increases DRMS environmental liabilities. Other major discrepancies are keyed to instances where a contractor's performance, or lack of performance, places DoD facilities in jeopardy of being in noncompliance with hazardous waste management regulations.

1. Significant failure of a contractor/transporter/treatment, storage, or disposal facility (TSDF) to comply with the RCRA/Department of Transportation (DOT) manifest system or substantial deviation from manifest requirements.
2. Disposal of hazardous waste in violation of the land disposal or “soft hammer” provisions, or other RCRA and/or state regulations. Mixing, solidifying, or otherwise diluting hazardous waste to circumvent land disposal restrictions, or otherwise obscure the identity of the waste. Certifying a hazardous waste for disposal/treatment in violation of the land disposal restrictions.
3. Deficient waste determination(s) to include inadequate or no analysis or representation as a less hazardous waste. (For example, a contractor makes changes to the Government hazardous waste determination without supporting documentation and prior approval of the contracting officer.)
4. Falsification, alteration, misrepresentation on hazardous waste tracking documentation (i.e., manifests, certificates of disposal/destruction, weight documents, etc.).
5. Failure to perform within the timeframes outlined in 40/49 CFR and the generator (DoD) is placed in a status of noncompliance as a direct result of the contractor's untimely performance.
6. Use of a TSDF or transporter which fails to meet the evaluation criteria standards specified by clause in section H.5 of the contract, Evaluation Criteria of Technical Acceptability.
7. Other discrepancies so grievous (for example, continued late removals, etc.) or repetitive in nature in the judgement of the Hazardous Certification Office or Contracting Officer that they constitute a major nonconformance.
8. Loss of audit trail required by clause in section C of the contract, Segregation of Hazardous Waste.

9. Failure to store transport, manage or dispose of waste as required by clauses in section C of the contract.

10. Use of non-qualified transporter on pickup manifests.

11. Quantities picked up do not match the tracking log pickup/disposal quantities.

12. Contractor did not submit all documentation required by the G clause for inspection for acceptance of services.

13. Use of non-qualified TSDFs.

## DISCREPANCY GUIDE FOR INSPECTION OF SERVICES (MINOR)

**MINOR:** “Minor” discrepancies are differentiated from the “major” discrepancies because they most generally reflect nonconformance with contract requirements, rather than regulatory infractions.

There may be a potential for some of the discrepant services noted below to be major. These types of discrepancies make reference back to the list of major discrepancies, which should be referred to when making a determination as to the assignment of an appropriate discrepancy code.

### 1. Section C Clause, Reports:

#### a. Pickup Report (DRMS Form 1155, DRMS Form 1786, or DRMS Form 1668):

- (1) Incorrectly filled out.
- (2) Illegible.
- (3) Not Submitted.
- (4) Pickup report not signed by COR/transporter.

#### b. Manifest Tracking Log (DRMS Form 1683):

- (1) Incorrectly filled out.
- (2) Illegible.
- (3) Not submitted.
- (4) Certificate of Disposal not signed/dated by contractor.

### 2. Section C Clause, Definition of Final Treatment/Disposal:

a. No certificates of Destruction from the subcontractor if required in Part b of this contract clause (major discrepancy for PCBs).

### 3. Section C Clause, Manifesting/Shipping Documentation:

a. Not signed and dated by the Government official/transporter/TSDf (see 1A(1)).

### 4. Section H clause, Use of Subcontractor:

a. Use of non-qualified transporter on interim and disposal manifests.

b. Use of TSDf or Transporter which meets DRMS standards, but is not listed on the contract or qualified lists.

## DISCREPANCY GUIDE FOR INSPECTION OF SERVICES (DOUBLE MINOR)

**DOUBLE MINOR:** “Double Minor” discrepancies are just information only for contracting personnel to act upon.

1. **Section F Clause, Period of Performance:**

- a. Contractor has not submitted all required reports/documentation within the allotted timeframe.

2. **Section F Clause, Removal:**

- a. Contractor has exceeded the required removal timeframe.

3. **Section F clause, Disposal:**

- a. Contractor has exceeded timeframes for disposal as defined by this clause.

4. **Section G Clause, Submission of Documentation:**

- a. Contractor submitted duplicate packet for a “retrack” packet instead of a new revised packet for “retrack” items only.