

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Idaho National Engineering & Environmental Laboratory
Agreement Name	Consent Order Idaho Code § 39-4413
State	Idaho
Agreement Type	Consent Order
Legal Driver(s)	RCRA
Scope Summary	Resolve the alleged violation listed in the Notice of Violation (NOV) dated August 7, 2000 without litigation
Parties	DOE; Idaho Department of Environmental Quality; Bechtel BWXT Idaho, LLC (BBWI)
Date	1/25/2001

### SCOPE

- Resolve the alleged violation listed in the Notice of Violation (NOV) dated August 7, 2000 without litigation.

### ESTABLISHING MILESTONES

- Deadlines for resolving NOV issues are provided in this Order.
- If any event occurs that causes delay in the achievement of any compliance deadline or requirement of this Order, DOE and BBWI shall notify the Department in writing within 14 days.
- DOE or BBWI may request an extension of the compliance deadlines established pursuant to this Consent Order. The Department will grant an extension if the delay was caused by circumstances beyond the reasonable control of DOE or BBWI.
- This Consent Order may only be amended or modified by mutual agreement of the

Department, DOE and BBWI.

## **FUNDING**

- DOE shall take all necessary steps to obtain sufficient funding to comply with this Consent Order.
- DOE maintains that any requirement for the payment or obligation of funds by DOE under this Consent Order is subject to the provisions of the Anti-Deficiency Act, and that payment or obligation of funds is subject to the availability of appropriated funds.
- The Department recognizes the provisions of the Anti-Deficiency Act, but does not agree that failure to obtain adequate funds or appropriations shall constitute a circumstance beyond the reasonable control of DOE.
- BBWI recognizes that it is independently responsible for performance outlined in this Consent Order, and DOE's inability to obtain funding shall not constitute a defense by BBWI.

## **PENALTIES**

- In the NOV, the Department assessed DOE and BBWI a civil penalty of \$55,300. This penalty has been reduced to \$42,700 because of the dismissal of Violation Numbers 8 and 9.
- In full settlement of the matters included in the NOV, DOE and BBWI agree to implement a Supplemental Environmental Project (SEP) pursuant to Idaho Code § 39-4414(1).
- DOE and BBWI expressly recognize that failure to comply with the terms of this Consent Order may result in an enforcement action for any relief available under the HWMA.