

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

Data Element	Data
Site	Brookhaven National Laboratory
Agreement Name	Brookhaven National Laboratory Federal Facility Agreement Under CERCLA Section 120, February 28, 1992
State	New York
Agreement Type	Federal Facility Agreement
Legal Driver(s)	CERCLA
Scope Summary	Establish a procedural framework and schedule for developing, implementing and monitoring appropriate response actions at the Site
Parties	DOE; USEPA; New York State Department of Environmental Conservation (NYSDEC)
Date	2/28/1992

SCOPE

- Establish a procedural framework and schedule for developing, implementing and monitoring appropriate response actions at the Site.
- Ensure that Removal and Remedial Actions at the Site will be in compliance with applicable federal and state requirements.
- Provide NYSDEC involvement in the initiation, development, selection and enforcement of Remedial Actions to be undertaken at BNL.
- Identify Operable Unit alternatives which are appropriate at the Site prior to the implementation of final Remedial Action(s).
- Establish requirements for the performance of Remedial Investigation(s) and the performance of Feasibility Studies(s).

ESTABLISHING MILESTONES

- Specific schedules and deadlines are set forth in Section XVII (Project Schedules and Deadlines).
- The proposed Schedule shall identify, as described in this Agreement, when work is to begin for each Operable Unit or Removal Action identified in the Response Strategy, the calendar quarter and year in which work is planned to begin. It shall also include a date for submittal of a Completion Report for each AOC for which DOE believes that response action previously taken is adequate and that no further response is required.

FUNDING

- It is the expectation of the Parties to this Agreement that all obligations of DOE arising under this Agreement will be fully funded.
- Any requirement for the payment or obligation of funds, including stipulated penalties, by DOE shall be subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act.

PENALTIES

- In the event that DOE fails to submit a primary document or fails to comply with a term or condition of this Agreement relating to Operable Units or final Remedial Action, EPA may assess a stipulated penalty against DOE not to exceed \$5,000 for the first week (or part thereof) and \$10,000 for each additional week (or part thereof).
- If appropriated funds are not available to fulfill DOE's obligations under this Agreement, EPA and NYSDEC reserve the right to initiate any action which would be appropriate absent this Agreement.
- Disputes shall be resolved according to the terms specified in this Agreement (Section XVI - Resolution of Disputes).
- Either a Timetable and Deadline or a schedule shall be extended upon receipt of a timely request for extension and when good cause exists for the requested extension.