

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Battelle Columbus Laboratories
Agreement Name	Battelle Columbus Laboratories Director's Final Findings and Orders, October 4, 1995
State	Ohio
Agreement Type	Federal Facility Agreement
Legal Driver(s)	FFCAct
Scope Summary	Approve the Compliance Plan Volume of the amended PSTP, hereafter referred to as the "approved STP," and address the generation and treatment of mixed wastes at the Facilities
Parties	DOE; Ohio Environmental Protection Agency
Date	10/4/1995

### SCOPE

- Approve the Compliance Plan Volume of the amended PSTP, hereafter referred to as the "approved STP."
- Address the generation and treatment of all mixed wastes at the Facilities, which are not being accumulated in accordance with the timeframes established in OAC Chapter 3745-52 or with the LDR requirements of OAC rule 3745-59-50.
- Enforce Compliance Schedules established in the approved STP.

### ESTABLISHING MILESTONES

- On or before December 31 of each year these Orders remain in effect, DOE shall submit to Ohio EPA a written STP Annual Report for the previous federal fiscal year, and an updated STP.
- If Respondent or Ohio EPA identifies a need for DOE to amend the approved STP,

the Respondent or Ohio EPA shall provide written notification within 30 days of the identification of such need and the reasons therefor.

- DOE may request that a compliance schedule be extended. Ohio EPA will determine whether good cause for the requested compliance schedule extension exists, and shall approve the proposed STP amendment if good cause exists.
- These Orders may be modified only by mutual agreement of Respondent and Ohio EPA.

## **FUNDING**

- DOE shall take all necessary steps to obtain sufficient funding to comply with the provisions of the approved STP and these Orders.
- Ohio EP will consider funding availability in reviewing DOE proposals for establishing and amending compliance schedules pursuant to these Orders.
- It is the position of the Ohio EPA that the Anti-Deficiency Act does not apply to any obligations set forth in these Orders and that obligations hereunder are unaffected by the Respondent's failure to obtain adequate funds or appropriations from Congress.
- In February of 1999, and every three 3 years thereafter, as appropriate, unless DOE and Ohio EPA mutually agree that no modification of these Orders is warranted, DOE and Ohio EPA shall conduct a good faith dialogue to determine whether the compliance schedule and funding structure of these Orders should be modified.

## **PENALTIES**

- No specific monetary penalties are contained within these Orders
- Nothing contained herein shall be construed to prevent the Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against the Respondent for noncompliance with these Orders.
- Disputes shall be resolved according to Section IX (Dispute Resolution). Respondent and Ohio EPA shall make reasonable efforts to informally resolve any good faith dispute regarding these Orders. Issues that cannot be resolved will be submitted to the Ohio EPA's Deputy Director of Programs who will consult with the Manager of the DOE Chicago Operations Office.