

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Hanford
Agreement Name	Federal Facility Compliance Agreement for Radionuclide NESHAP
State	Washington
Agreement Type	Federal Facility Compliance Agreement
Legal Driver(s)	CAA
Scope Summary	Bring DOE's Hanford site into compliance with CAA
Parties	EPA; DOE; Richland Operations Office (RL)
Date	02/07/1994

### SCOPE

- Bring DOE's Hanford site into compliance with CAA. This Compliance Plan contains a schedule for DOE to evaluate the monitoring systems associated with Designated Stacks to ensure that these systems conform to the standards for continuous monitoring systems in 40 Code of Federal Regulations (CFR) Part 61, Subpart H.

### ESTABLISHING MILESTONES

- Beginning 30 days after the effective date of this Agreement, DOE shall submit quarterly progress reports to EPA until the requirements contained in Amendment A are achieved.
- Any request for an extension of a deadline for 30 days or more shall be made in writing and received by EPA at least 30 days prior to the deadline. Extensions shall be granted for an event of force majeure and other cases as described in the Agreement.
- EPA may at any time request additional work through a written request to DOE.

## **FUNDING**

- All obligations and commitments established by this Agreement will be fully funded by DOE which will take all necessary steps to obtain sufficient funding in a timely manner, including timely budget requests, to meet its obligations and commitments.
- No provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act. In cases where payment or obligation of funds would constitute a violation of the Anti-Deficiency Act, the dates established requiring the payment of obligation of such funds shall be appropriately adjusted.
- Failure to obtain adequate funds from Congress does not in any way release DOE from its ultimate obligation to comply with CAA. If DOE fails to obtain appropriate funds, EPA reserves the right to initiate any other remedy absent in this Agreement.

## **PENALTIES**

- No specific monetary penalties are set forth in this Decree.
- In the event that DOE fails to bring the facility into full compliance with the regulatory requirements as specified in this Agreement within the time periods indicated herein, EPA reserves the right to pursue any remedies that it may have pursuant to Federal law.
- Should DOE fail to comply with the schedules set forth herein, the parties agree that EPA has the right to terminate this Agreement by written notice to the parties.
- In the event of a dispute, the parties shall engage in informal dispute resolution. If the issue is not resolved within 30 days, then a written statement shall be sent to the other party and also forwarded to the Dispute Resolution Committee (DRC) by the disputing party.
- Upon submission of the statement to the DRC, the other party shall, within 14 days, submit a written statement formally establishing its position. The DRC has 21 days to resolve the matter and issue a written statement.
- Should the DRC be unable to resolve the dispute within the 21-day period, the EPA DRC representative shall issue a written statement of his/her position by the 28<sup>th</sup> day following submittal. Within 14 days after the receipt of the EPA DRC representative's written position, DOE may submit a written notice of dispute to the Senior Executive

Committee (SEC). EPA's representative on the SEC will be the Regional Administrator.

- If the matter remains unresolved, the Regional Administrator will issue a written position within 14 days following the 21-day resolution process.
- DOE may, within 14 days of the receipt of the Regional Administrator's written position, issue a written notice elevating the dispute to the Administrator of EPA.
- The Administrator shall meet and confer with the Secretary of Energy to resolve the problem and issue a written decision within 21 days.