

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

| Data Element | Data |
|-----------------|---|
| Site | Hanford |
| Agreement Name | Federal Facility Compliance Agreement on Storage of Polychlorinated Biphenyls, August 8, 1996 |
| State | Washington |
| Agreement Type | Federal Facility Compliance Agreement |
| Legal Driver(s) | TSCA |
| Scope Summary | Address DOE and the NNPP's inability to comply at this time with the regulations in 40 |
| Parties | DOE; US EPA; US Naval Nuclear Propulsion Program (NNPP) |
| Date | 8/8/1996 |

SCOPE

- Address DOE and the NNPP's inability to comply at this time with the regulations in 40 CFR 761.65(a), which require polychlorinated biphenyls (PCBs) stored for disposal to be removed from storage and disposed of within one year of being placed in storage, and the Department of Transportation (DOT) container specifications in 40 CFR 761.65(c)(6).

ESTABLISHING MILESTONES

- Annually, starting six months after the effective date of this Agreement, DOE and the NNPP shall submit a joint Annual Status Report to the EPA's Federal Facility Enforcement Office and the affected EPA Regional Offices.
- A scheduled date shall be extended upon receipt of a timely request for extension where good cause exists for the requested extension. Any request for an extension shall be made at least 30 days prior to the scheduled date, except a request for force majeure.

- This Agreement may be modified by mutual consent of the Parties at any time

FUNDING

- DOE and NNPP shall take all necessary steps and use its best efforts to obtain timely and sufficient funding to meet its obligations and commitments under this Agreement.
- Any requirement for the payment or obligation of funds by DOE or the NNPP established by the terms of this Agreement shall be subject to the availability of appropriated funds, and no provision herein shall be interpreted to require the obligation or payment of funds in violation of the Anti-Deficiency Act.
- Failure to obtain adequate funds or appropriations from Congress does not in any way release DOE and NNPP from its ultimate obligation to comply with TSCA. If appropriated funds are not available, EPA may exercise any or all of its applicable statutory and regulatory authority.

PENALTIES

- No specific monetary penalties are set forth in this Agreement.
- In the event that DOE and NNPP fail to comply with the schedules set forth herein subject to Funding, Modification, Extensions and Dispute Resolution Sections of this Agreement the parties agree that EPA shall have the right to terminate this Agreement by written notice to the parties.
- Nothing herein shall preclude any actions by EPA to enforce the terms of this Agreement or to address or bring any available legal or equitable claims.
- Disputes shall attempt to be resolved informally before initiating the formal dispute resolution process. If disputes cannot be resolved by the dispute resolution process, the EPA Administrator shall make a final ruling on the dispute.