

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Rocky Flats Environmental Technology Site
Agreement Name	Compliance Order on Consent No. 97-08-21-02
State	Colorado
Agreement Type	Consent Order
Legal Driver(s)	RCRA
Scope Summary	Establish compliance requirements and schedules for the implementation of a "Waste Chemical Project Plan"
Parties	DOE; Kaiser-Hill Company, LLC; Colorado Department of Public Health and Environment
Date	8/21/1997

### SCOPE

- Establish compliance requirements and schedules for the implementation of a "Waste Chemical Project Plan" (the "Waste Chemical Plan") at RFETS.
- Resolve violations of the Colorado Hazardous Waste Act and the Colorado Hazardous Waste Regulations.

### ESTABLISHING MILESTONES

- Activities in the Waste Chemical Plan shall be completed by no later than December 31, 1999, except as to Excluded Chemicals (discussed in Paragraph 22 of this Order on Consent).
- Except for Excluded Chemicals, the first nine Facility Groups shall be in compliance no later than June 30, 1999.

- DOE and K-H shall annually submit to the Department a written status report on the Waste Chemical Plan's implementation. DOE and K-H shall provide the Department with oral status reports on a quarterly basis.

## **FUNDING**

- In the event that K-H is unable to comply with this Order on Consent due to the lack of timely and adequate funding by DOE, K-H shall not be required to provide funding itself.
- Consistent with RFCA paragraph 63, the Department will coordinate its regulatory decisions under this Order on Consent through the RFCA budget planning process.
- If appropriated funds allocated for any fiscal year are not available to fulfill DOE's and K-H's obligations under this Order on Consent, DOE's or K-H's project manager shall promptly notify the Department's project manager.

## **PENALTIES**

- The Parties agree that in any administrative or judicial proceeding, DOE may raise as a defense that any failure or delay was caused by the unavailability of appropriated funds. While the Department disagrees that such a defense exists, the Department and DOE agree that the issue is not ripe for adjudication.
- DOE and K-H agree not to challenge the Department's authority to bring, or the court's jurisdiction to hear, any action to enforce the terms of this Order on Consent.
- Disputes shall be resolved according to the terms specified in this Order on Consent.