

## 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. 99-09-24-01
State	Colorado
Agreement Type	Consent Order
Legal Driver(s)	RCRA
Scope Summary	Substitute this Consent Order for the MR Consent Order; establish requirements for mixed residues management.
Parties	DOE ; Kaiser-Hill Company, LLC; Safe Sites of Colorado, LLC; Rocky Mountain Remediation Services, LLC; Colorado Department of Public Health and Environment
Date	9/24/1999

### SCOPE

- Substitute this Consent Order for the MR Consent Order by modifying in its entirety the Settlement Agreement and Compliance Order on Consent, number 93-04-23-01, (the "MR Consent Order").
- Establish requirements for certain activities involving mixed residues management.
- Establish enforceable commitment dates.

### ESTABLISHING MILESTONES

- Provisions regarding enforceable commitment dates and the procedures to add additional enforceable commitment dates are discussed in this Order. Since certain aspects of the MR Tank Management Plan are no longer applicable, the Parties have agreed to replace the MR Tank Management Plan with the MR Tank Plan and the enforceable commitment dates therein.

- DOE may request that an enforceable commitment date be changed when good cause exists including force majeure.

## **FUNDING**

- Consistent with RFCA paragraph 63, the Department will coordinate its regulatory decisions under this Consent Order through the RFCA budget planning process. The term “regulatory decisions” does not include any enforcement action that the Department may choose to bring.
- In any administrative or judicial proceeding seeking to enforce this Consent Order, the parties agree DOE may raise as a defense the unavailability of appropriated funds caused failure or delay. While the Department disagrees that such a defense exists, the Department and DOE agree that the issue is not ripe for adjudication.

## **PENALTIES**

- DOE, K-H, SSOC and RMRS agrees not to challenge the Department’s authority to bring, or the court’s jurisdiction to hear, any action to enforce the requirements of this Consent Order.
- Disputes shall be resolved according to the terms specified in this Order.