

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

Data Element	Data
Site	Savannah River Site
Agreement Name	Savannah River Site Federal Facility Agreement Under Section 120 of CERCLA, January 15, 1993
State	South Carolina
Agreement Type	Federal Facility Agreement
Legal Driver(s)	CERCLA
Scope Summary	Ensure that the environmental impacts associated with past and present activities at the Savannah River Site are thoroughly investigated and that appropriate response actions are taken to protect the public health, welfare, and the environment.
Parties	DOE; US EPA; South Carolina Department of Health and Environmental Control (SCDHEC)
Date	1/15/1993

SCOPE

- Ensure that the environmental impacts associated with past and present activities at the Savannah River Site are thoroughly investigated and that appropriate response actions are taken to protect the public health, welfare, and the environment.
- Ensure that all releases of hazardous substances, as defined by CERCLA, and hazardous waste or constituents, as defined by RCRA, are addressed to achieve a comprehensive remediation of the site.
- Establish a procedural framework and schedule for developing, prioritizing, implementing, and monitoring response actions in accordance with CERCLA, RCRA, and applicable South Carolina law.
- Establish requirements for the SRS high-level radioactive waste tank system.

ESTABLISHING MILESTONES

- Appendix F of the Agreement establishes procedures for prioritizing work activities. DOE must submit a revised Appendix F by October 1 of each fiscal year for FY+2 priorities.
- By November 15 of each fiscal year, DOE must submit projected deliverable dates for FY+1 through FY+3 in Appendix E.
- Projections for FY+3 and beyond will be used for planning purposes only.
- Activities and schedules for FY+1 and FY+2 will be enforceable commitments under the Agreement.
- Timetables, deadlines, and schedules can be extended for good cause. If an extension due to good cause is granted, the enforceable deadlines in the Agreement will be modified.
- EPA and SCDHEC must respond to written requests for schedule modifications within 14 business days.
- Major modifications to the Agreement are subject to the public participation process outlined in the Agreement. Modifications are considered “major” if designated as such by any of the parties to the Agreement.

FUNDING

- DOE-SR must notify EPA and SCDHEC of receipt of the annual budget allotment within 5 business days.
- DOE must take all necessary steps and use its best efforts, including submitting timely budget requests, to obtain timely and sufficient funding to meet its obligations and commitments under the Agreement.
- The requirements for payments or obligations of funds should not be interpreted to require a violation of the Anti-Deficiency Act.
- If sufficient funds are not available, EPA and SCDHEC reserve the right to initiate any other action that would be appropriate absent the agreement.
- Insufficient availability of funds can constitute a force majeure if DOE has made timely request for the funds as part of the budgetary process established in the

Agreement.

PENALTIES

- If DOE fails to submit primary documents on schedule or fails to comply with the conditions or requirements of the agreement, EPA and SCDHEC can *jointly determine* that a stipulated civil penalty be assessed.
- Stipulated penalties can be assessed in amounts up to \$5,000 for the first week (or part thereof), and up to \$10,000 for each additional week (or part thereof).
- The deadlines, terms, and conditions of the Agreement can be enforced by any person and are subject to civil penalties.