

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

Data Element	Data
Site	West Valley
Agreement Name	Administrative Order on Consent DOCKET No. II RCRA-3008(h)-I 92-0202
State	New York
Agreement Type	Consent Order
Legal Driver(s)	RCRA
Scope Summary	Protect human health and the environment from releases of hazardous waste and/or hazardous constituents
Parties	DOE; US EPA; New York State Energy Research and Development Authority; New York State Department of Environmental Conservation
Date	3/5/1992

SCOPE

- Protect human health and the environment from releases of hazardous waste and/or hazardous constituents.
- Perform Interim Measures (IM) at the Facility to reduce or eliminate any threats to human health or the environment.
- Perform a RCRA Facility Investigation (RFI) to determine fully the nature and extent of any release(s) of hazardous waste and/or hazardous constituents from the Facility into the environment
- Where necessary, perform a Corrective Measures Study ("CMS") to determine the most environmentally beneficial corrective measure(s) for each solid waste management unit.

ESTABLISHING MILESTONES

- Schedules and time limits for requirements are established in this Order.
- This Order may be modified by mutual agreement of EPA and NYSDEC and Respondents.
- Respondent shall perform all requirements within the time limits set forth unless the performance is prevented or delayed solely by events which constitute a force majeure. Insufficient availability of appropriated funds shall constitute a force majeure provided such funds were sought using reasonable diligence.

FUNDING

- It is the expectation of the Parties to this Agreement that all obligations of DOE or NYSERDA arising under this Agreement will be fully funded.
- Any requirement for the payment or obligation of funds by DOE or NYSERDA established by the terms of this Order shall be subject to the availability of appropriated funds.
- No provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act or New York State Finance Law, Section 41.
- If appropriated funds are not available to fulfill NYSERDA's or DOE's obligations under this Order, EPA reserves the right to initiate any other action which it deems to be appropriate absent this Order.

PENALTIES

- No specific monetary penalties are contained in this Order.
- EPA and NYSDEC expressly reserve all of their statutory and regulatory powers, authorities, rights, remedies and defenses, both legal and equitable, including, without limitation the right to seek injunctive relief, cost recovery, monetary penalties or punitive damages.
- All Parties to this Order shall make reasonable efforts to informally resolve all disputes arising under this Order. In the event that disputes cannot be resolved according to the dispute resolution process, the Administrator of EPA shall make a final decision regarding the issue.