

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Oak Ridge Reservation
Agreement Name	Compliance Agreement Between The United States Department of Energy and The United States Environmental Protection Agency Region 4 - Toxic Substances Control Act (Also Known As The Oak Ridge Reservation Polychlorinated Biphenyl Federal Facilities Compliance Agreement (ORR-PCB-FFCA))
State	Tennessee
Agreement Type	Federal Facility Agreement
Legal Driver(s)	TSCA
Scope Summary	Bring DOE's Oak Ridge Reservation (ORR) into compliance with TSCA and its implementing regulations at 40 CFR Part 761, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions"
Parties	DOE; US EPA
Date	10/28/1996

### SCOPE

- Bring DOE's Oak Ridge Reservation (ORR) into compliance with TSCA and its implementing regulations at 40 CFR Part 761, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions."

### ESTABLISHING MILESTONES

- A remedial implementation plan (Attachment I of this Agreement) has been developed through consultation between EPA and DOE. This plan provides performance requirements and for the development and implementation of a

schedule or schedules under which DOE will ultimately achieve full compliance with TSCA for matters addressed herein.

- Deadlines shall be extended by EPA upon its receipt of a timely request for an extension and when good cause exists for the requested extension. Force majeure, including insufficient availability of funds in accordance with Section XV (Funding), shall constitute good cause. DOE shall notify EPA in writing within 21 days of the time that DOE reasonably knew that a force majeure had occurred or would occur.
- Modifications to this Agreement may be requested by EPA or DOE.
- EPA may at any time request additional work, including modifications, investigatory work, or engineering evaluations, which they determine necessary to accomplish the purposes of this Agreement

## **FUNDING**

- DOE 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 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.
- In cases where payment or obligation of funds would constitute a violation of the Anti-Deficiency Act, the dates established requiring the payment or obligation of such funds shall be appropriately adjusted.
- Subject to the terms of this Agreement, if appropriated funds are not available to fulfill DOE's obligations under this Agreement, 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 fails to bring the ORR into full compliance with the regulatory requirements as specified in this Agreement within the time periods indicated herein, EPA reserves the right to pursue any remedies that it may have pursuant to federal law.

- Parties shall make a first attempt to resolve disputes through informal discussions. If a dispute cannot be resolved by the formal dispute resolution process, the EPA Administrator will make a final ruling on the issue.