

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Portsmouth
Agreement Name	Portsmouth Gaseous Diffusion Plant Director's Final Findings and Orders, October 4, 1995
State	Ohio
Agreement Type	Federal Facility Agreement
Legal Driver(s)	FFCAct
Scope Summary	Agreement between the Ohio EPA and DOE approving the STP and setting waste treatment milestones
Parties	DOE; Ohio Department of Environmental Protection
Date	10/4/1995

### SCOPE

- Approve the Compliance Plan Volume of the amended PSTP submitted to Ohio EPA on October 2, 1995, hereafter referred to as "approved STP."
- Set forth guidelines for storage and treatment of mixed wastes at the Facility which are not being stored in accordance with the LDR requirements of OAC rule 3745-59-50.
- Establish milestones and target dates for approved STP.

### ESTABLISHING MILESTONES

- Milestones shall be established for a three year rolling period consisting of the current federal fiscal year plus two additional federal fiscal years.
- Non-enforceable target dates will be established for the outyears beyond the three year rolling milestone period.

- By December 31 each year, DOE shall submit to Ohio EPA a written STP Annual Report for the previous federal fiscal year, and an updated STP .
- If Respondent or Ohio EPA identifies a need for DOE to amend the approved STP, except for volumes of waste, the Respondent or Ohio EPA shall provide written notification within 30 days of the identification of such need and the reasons therefore.
- DOE shall submit an amended STP within 30 days of written notification of a proposed extension of a milestone or change of a treatment facility/technology; within 90 days of written notification of a proposed change in target date; and annually to address changes in volumes of wastes identified in the amended PSTP or the approved STP.
- If DOE disagrees with an Ohio EPA notification of the need to amend the approved STP, DOE shall, within 30 days, notify Ohio EPA in writing. If the two parties are unable to resolve the disagreement, either party may invoke the dispute resolution process.

## **FUNDING**

- DOE shall take all necessary steps to obtain sufficient funding to comply with the provisions of the approved STP and these Orders.
- DOE shall consult with the Ohio EPA in formulating its annual EM budget request as set forth in section X of this Order.
- It is the position of the Ohio EPA that the Anti-Deficiency Act does not apply to the obligations established in these Orders.
- Insufficient funding is not explicitly listed as good cause for extension of a milestone.

## **PENALTIES**

- No specific monetary penalties are contained within these Orders.
- Nothing shall be construed to prevent the Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against the Respondent for noncompliance with these Orders.
- Disputes shall be resolved according to the terms specified in this Order. Disputes that cannot be resolved by the dispute resolution process shall be submitted to the

Ohio EPA's Deputy Director of Programs.. Within 30 days, the Deputy Director will consult with the Manager of the DOE Oak Ridge Field Office and will notify the Project Managers and representatives in writing of the final decision.