

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

Data Element	Data
Site	West Valley
Agreement Name	West Valley Demonstration Project (WVDP) Administrative Consent Order, August 27, 1996
State	New York
Agreement Type	Consent Order
Legal Driver(s)	FFCAct
Scope Summary	Establish commitments regarding compliance with the approved Site Treatment Plan (STP) regarding mixed waste stored and generated at the WVDP
Parties	DOE; New York State Department of Environmental Conservation (NYSDEC)
Date	8/27/1996

SCOPE

- Establish commitments regarding compliance with the approved Site Treatment Plan (STP) regarding mixed waste stored and generated at the WVDP.
- Establish an enforceable framework in which DOE will develop and apply treatment or otherwise meet Land Disposal Restriction (LDR) requirements.
- Provide for storage of current and projected LDR mixed wastes at the WVDP pending the development of treatment technology or capacity, and ultimate treatment or other disposition of such wastes according to LDR requirements during the term of this Order.

ESTABLISHING MILESTONES

- Milestones shall be established for a three year rolling period consisting of the current federal fiscal year (FY) plus two additional federal fiscal years (FY+1 and FY+2).

- Planning schedule activities shall be established for the out-years beyond the three year rolling milestone period.
- By February 15, 1997, and by February 15 of each fiscal year thereafter, DOE shall provide an Annual Update of the STP to DEC for review and comment. The update shall include a proposed schedule reflecting the annual conversion of planning schedule activities to milestones, with any approved, conditionally approved, or proposed Amendments.

FUNDING

- DOE shall take all necessary steps to obtain sufficient funding to comply with the provisions of the approved STP and this Order.
- DOE shall consult with DEC in formulating its annual EM budget request as set forth in this section.
- By March 31 of each year following issuance of this Order, DOE shall provide DEC with information or a briefing on the proposed EM budget request for the facility including, at DEC's request, appropriate supporting documents.
- DOE shall notify DEC when it provides confidential budget information to DEC.
- DOE and DEC shall discuss work scope, priorities, milestones, and planning schedule activities funding levels required to comply with the approved STP and this Order before DOE submits its annual budget request to Headquarters.

PENALTIES

- Any failure by DOE to comply with the terms of this Order may constitute a failure to perform under this Order and a violation under ECL. In such cases, DEC shall be entitled to seek any relief allowable at law or in equity in a proceeding initiated by the Attorney General or DEC, including, but not limited to an action or suit by the State.
- DOE shall not suffer any penalty under this Order if performance is prevented or delayed by any event that constitutes a force majeure.
- Disputes shall be resolved according to the provisions set forth in this Agreement (Section X - Dispute Resolution).