

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Hanford
Agreement Name	United States Court Easter District of Washington Consent Decree (as amended on September 19, 2000.)
State	Washington
Agreement Type	Consent Decree
Legal Driver(s)	RCRA
Scope Summary	Renegotiate a schedule to pump liquid radioactive hazardous waste from single-shell tanks to double-shell tanks
Parties	DOE; State of Washington, Department of Ecology
Date	09/30/1999; Amended 09/19/2000

### SCOPE

- Address DOE's obligations to the State of Washington, Department of Ecology concerning missed and remaining milestones under the Hanford Federal Facility Agreement (HFFACO) and Consent Order of May 15, 1989.
- Establish a judicially enforceable schedule for pumping radioactive hazardous waste from single-shell to double-shell tanks.

### ESTABLISHING MILESTONES

- Schedules for work to be performed are described in Attachment A of the Consent Decree. Any changes to this schedule are cited in the amendment dated September 19, 2000 attached herein.
- DOE shall submit to Ecology a written report documenting tank stabilization activities on a quarterly basis.

- This Decree may be amended by mutual agreement of the State and DOE upon approval of the Court.
- Extensions are acceptable under certain circumstances including events of force majeure including but not limited to insufficient funds due to the absence of an approved budget for DOE.

## **FUNDING**

- With regard to funding related to implementing the schedule, DOE agrees to advise the State of its efforts to obtain the appropriate funds. If necessary funds are unavailable, the parties agree to utilize the dispute resolution procedures contained in the Agreement.
- The Parties agree that in any judicial proceeding to enforce the terms of this Decree, DOE may raise as a defense that its failure or delay was caused by the unavailability of appropriated funds. The State disagrees that lack of appropriations or funding is a valid defense.
- With regard to milestone-related funding, if DOE does not have adequate funding to comply with this Decree and all of the requirements of the HFFACO, DOE will likely request extensions of some current HFFACO milestones for work that it believes is of a lower priority than the work to be performed under this Decree.
- Unavailability or insufficiency of funds due to a shut-down of the federal government or to the absence of an approved budget for DOE by the beginning of a fiscal year may constitute a force majeure.

## **PENALTIES**

- No specific monetary penalties are set forth in this Decree.
- The Court retains jurisdiction over both the subject matter of this Decree and the parties for the duration of the performance of the terms and conditions of this Decree.
- The purpose of the Court is to enable any of the parties to apply for further order, direction, sanction, or relief as may be necessary or appropriate for the construction or modification of this Decree.
- Nothing in this Decree gives the Court jurisdiction over any of the HFFACO milestones.

- In the event of a dispute, the party invoking the dispute shall send a written demand to the other party for good faith dialogues not to exceed 40 calendar days. If the dispute continues, either party may seek Court involvement within 30 days after the end of the 40-day period.