

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

Data Element	Data
Site	Idaho National Engineering & Environmental Laboratory
Agreement Name	Federal Facility Agreement and Consent Order
State	Idaho
Agreement Type	Federal Facility Agreement
Legal Driver(s)	CERCLA
Scope Summary	Ensure that the environmental impacts associated with releases or hazardous substances are thoroughly investigated and that appropriate response action are taken.
Parties	DOE; US EPA; State of Idaho
Date	12/9/1991

SCOPE

- Ensure that the environmental impacts associated with releases or hazardous substances are thoroughly investigated and that appropriate response action are taken.
- Establish a procedural framework and schedule for developing, prioritizing, implementing, and monitoring appropriate response actions.
- Supersede the Consent Order and Compliance Agreement Docket No. 1086-05-16-3008/3013, executed on July 10, 1987.

ESTABLISHING MILESTONES

- Enforceable non-rolling deadlines are set out in Appendix A of the Action Plan.
- Timetables, deadlines, and schedules can be extended for good cause if a timely request for extension is submitted by DOE . Within 7 days of receiving a request for an extension, EPA and IDHW will respond to DOE in writing regarding the request.

FUNDING

- DOE must submit timely budget requests and allow EPA and the state to comment annually on the cost estimates used by DOE.
- U.S. DOE will provide to U.S. EPA and IDHW a copy of the President's Budget Request to Congress and sections of the U.S. DOE Congressional Budget Request pertaining to the Environmental Restoration and Waste Management Program.
- DOE must notify EPA and the state of differences between the President's budget and the estimates submitted by DOE.
- If funding has been requested in accordance with the process described in the agreement and appropriate funding is still unavailable, the parties shall attempt to agree upon appropriate adjustments to the dates that require payment or obligations of funds.
- If no agreement on adjustments can be reached, EPA and the State reserve the right to initiate any other action that would be appropriate absent the agreement.
- DOE obligations under the agreement are subject to the provisions of the Anti-Deficiency Act.
- Insufficient availability of appropriated funds is considered a force majeure if DOE has made a timely request for funds as part of the budgetary process established in Part XXVIII of the Agreement.

PENALTIES

- All timetables, deadlines, conditions, or requirements of the Agreement can be enforced by any person through the use of civil penalties.
- If DOE fails to submit primary documents on schedule or fails to comply with the conditions or requirements of the agreement at an EPA-lead operating unit, EPA can assess stipulated penalties against DOE. If the operating unit is state-lead, then the Idaho Department of Health and Welfare can identify and recommend stipulated penalties to US EPA.
- Stipulated penalties can be assessed in amounts up to \$5,000 for the first week (or part thereof), and up to \$10,000 for each additional week (or part thereof).