

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

Data Element	Data
Site	Los Alamos National Laboratory
Agreement Name	Consent Agreement
State	New Mexico
Agreement Type	Consent Agreement
Legal Driver(s)	New Mexico Hazardous Waste Act/ RCRA
Scope Summary	Resolve Compliance Orders issued against DOE regarding the placement of transuranic waste on existing pads. The agreement will result in DOE subsequently placing transuranic waste on pads that are compliant with RCRA and the NM Hazardous Waste Act.
Parties	DOE; University of California; New Mexico Environment Department
Date	12/10/1993

SCOPE

- Establish a remediation plan and compliance schedule for placing transuranic mixed waste in storage areas that comply with the New Mexico Hazardous Waste Act (NMHWA).
- Resolve issues raised by New Mexico Compliance Orders 93-01, 93-02, 93-03, and 93-04 issued against DOE and the University of California regarding violations of the NMHWA requirements for handling and storage of hazardous and mixed waste.
- Establish that DOE and the University of California have both joint and several liability for meeting the conditions of the agreement.

ESTABLISHING MILESTONES

- Milestones are fixed and were established in Attachment C of the agreement.

- A request for the extension of a due date of more than 30 days must be received by NMED at least 30 days prior to the due date that the extension is being sought for. The Secretary will approve or deny the extension in writing within 21 days.
- Requests for extensions of deadlines for less than 30 days must be received by NMED at least 7 days prior to the due date and NMED will provide written confirmation within 24 hours.

FUNDING

- NMED stipulates that the obligations incurred under the Consent Agreement (including stipulated penalties) are joint and several and, therefore, unaffected by DOE's failure to obtain adequate funds or appropriations from Congress.

PENALTIES

- The University, on behalf of the Respondents, shall make payment to the State of New Mexico \$700,000.
- Failure to submit deliverables to NMED on or before the due date shall result in a stipulated penalty of \$1,000 per day for each deliverable, per day. After the 14th day, the penalty shall be increased to \$2,500 per deliverable, per day.
- Failure to complete the remediation activities on schedule shall be penalized at a rate of \$2,500 per day for each action not completed. After the 14th day, the penalty per action not completed shall be increased to \$5,000 per day.
- Penalties will accrue beginning on the relevant due date unless the parties have requested and been granted an extension prior to the passing of the due date.