

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Oak Ridge Reservation
Agreement Name	Federal Facility Agreement for the Oak Ridge Reservation
State	Tennessee
Agreement Type	Federal Facility Agreement
Legal Driver(s)	CERCLA
Scope Summary	Establish a procedure framework and schedule for developing, implementing, and monitoring appropriate response actions at the Site
Parties	DOE; US EPA; Tennessee Department of Environment and Conservation
Date	1/1/1992

### SCOPE

- Ensure that appropriate remedial action is taken as necessary to protect the public health and welfare and the environment.
- Establish a procedure framework and schedule for developing, implementing, and monitoring appropriate response actions at the Site.
- Minimize the duplication of investigative and analytical work and documentation.
- Establish a basis for a determination that the DOE has completed the Remedial Investigation/Feasibility Study(s), remedial design(s), and remedial action(s) at the Site pursuant to CERCLA and applicable Tennessee State laws.

### ESTABLISHING MILESTONES

- DOE agrees to submit to EPA and TDEC certain deliverables to fulfill the obligations and meet the purpose of this Agreement. The schedule for the deliverable submittals

are specified in Appendix E to this Agreement.

- Enforceable timetables and deadlines established by the Parties for the submittal of D1 primary documents and/or milestones are contained in Appendix E of this Agreement.
- DOE shall submit the projected FY+1 funding profile and any proposed changes to the existing FY+1 profile and any proposed changes to the existing FY+1 milestones to the EPA and TDEC by August 1 each year.
- Either a timetable and deadline or a schedule shall be extended upon receipt of a timely request for extension and when good cause, including but not limited to force majeure, exists for the requested extension. Any request shall be made prior to the deadline or scheduled deliverable date.
- Either EPA or TDEC may at any time request additional work which they deem necessary to accomplish the purpose of this Agreement.
- This Agreement may be modified by agreement of all the Parties.

## **FUNDING**

- DOE shall take all necessary steps to obtain sufficient funding to comply with this Agreement.
- DOE shall consult with EPA and TDEC in formulating its annual DOE-OR Environmental Management (EM) budget requests.
- By February 15 of each year, DOE shall provide EPA and TDEC with information, including the Priority List, or a briefing on the proposed DOE-OR EM budget request.
- If funds appropriated to DOE are not sufficient for its nationwide environmental management activities, then within 15 business days of receipt of field allocation, DOE shall provide information on the allocation process and results to EPA and TDEC.
- DOE may raise as a defense that its failure or delay was caused by the unavailability of appropriated funds. The TDEC disagrees that the lack of appropriations or funding is a valid defense.

## **PENALTIES**

- A stipulated penalty may be assessed in an amount not to exceed \$5,000 (total amount of EPA and TDEC assessment) for the first week (or part thereof), and \$10,000 (total amount of EPA and TDEC assessment) for each additional week (or part thereof).
- Parties agree to attempt to informally resolve disputes at the Project Manager or immediate supervisor level. In the event that disputes cannot be resolved informally or by the dispute resolution process, the Administrator of EPA will make a final decision on the matter.