

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

Data Element	Data
Site	Fernald
Agreement Name	Stipulated Amendment to Consent Decree Entered December 2, 1988, and Settlement of Charges in Contempt
State	Ohio
Agreement Type	Consent Decree
Legal Driver(s)	RCRA
Scope Summary	Settle alleged violations of the Consent Decree
Parties	DOE; Westinghouse Materials Company of Ohio, Inc. (WMCO); State of Ohio
Date	1/22/1993

SCOPE

- Settle alleged violations of the Consent Decree.
- Amend the Consent Decree by modifying/replacing the paragraphs 3.5.1 Hazardous Waste Evaluations, 3.8 Plant 1 Pad, 3.9 Pit 5, 3.10 Underground Storage Tank 5, 3.11 Revisions to Part A and Part B Permit Applications, Paragraph 4.13, Paragraph 7.10.

ESTABLISHING MILESTONES

- Applicable schedules and deadlines are set forth in this Amendment to Consent Decree.

FUNDING

- DOE agrees to advise the State of Ohio of its efforts to obtain the appropriated

funding necessary to implement this Amendment to Consent Decree.

- In any judicial proceeding seeking to enforce the terms of this Amendment to Consent Decree and/or to find DOE in contempt for failure to comply or for delay in compliance, DOE may raise as a defense that its failure or delay was caused by the unavailability of appropriated funds.
- The State of Ohio disagrees that such a defense exists.
- It is the position of WMCO and DOE that providing the funds necessary for compliance with the terms of this Amended Consent Decree is solely the responsibility of DOE.

PENALTIES

- Within 30 days after the entry of this Amended Consent Decree WMCO shall pay to the State of Ohio \$15,000 in full and final settlement of the claims brought by the State of Ohio in its charges in contempt.
- Within 30 days after the entry of this Amended Consent Decree DOE shall pay to the State of Ohio \$10,000 in full and final settlement of the claims brought by the State of Ohio in its charges in contempt and the matters addressed in the Amended Consent Decree to reimburse the State for its litigation costs.