

DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

SUMMARY

| Data Element | Data |
|-----------------|--|
| Site | Los Alamos National Laboratory |
| Agreement Name | Federal Facility Compliance Order |
| State | New Mexico |
| Agreement Type | Compliance Agreement |
| Legal Driver(s) | New Mexico Hazardous Waste Act (NMHWA)/ FFCAct /RCRA |
| Scope Summary | Require compliance with a Site Treatment Plan for the treatment of mixed waste at Los Alamos National Lab. |
| Parties | DOE; University of California; New Mexico Environment Department |
| Date | 10/04/1995 |

SCOPE

- Require compliance with a Site Treatment Plan for the treatment of mixed waste at Los Alamos National Lab.
- Bring the Los Alamos National Lab into compliance with the requirements for the storage and treatment of mixed waste under RCRA and the NMHWA.
- 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 set in the Site Treatment Plan, Compliance Plan Volume and are updated annually, no later than 31 March of each year.
- A revision to the Compliance Plan Volume is required for any occurrence that will change a compliance date by more than 90 days. NMED will make proposed revisions

available for public comment for 30 days, then will notify DOE if the proposed revision has been approved or rejected.

FUNDING

- DOE must take all necessary steps to obtain timely and sufficient funding, including submitting timely budget requests.
- DOE must provide NMED with an opportunity to participate in formulating the LANL EM budget and in setting LANL EM priorities.
- If adequate funds are not available, DOE must notify NMED in writing within 30 days of learning that funds are not available and may request a revision to the compliance dates.
- Failure to obtain funds or appropriations from Congress does not relieve DOE of their obligations under the Order and may result in NMED exercising its statutory and regulatory authority.

PENALTIES

- NMED reserves the right to pursue civil or administrative relief or refer a criminal action for violations of state or federal law.
- If DOE fails to comply with the Order, NMED will file a civil action and may assess civil penalties pursuant to the NM HWA.
- When NMED requires a revision to the Compliance Plan Volume of the STP, it will provide to the Respondents a written description and rationale for the revision.
- When Respondents propose a revision, they shall provide NMED a written proposal including a description, rationale, anticipated length of delay in performance, and a plan to address the delay; NMED will provide advance written notice of a determination to approve, modify, or disapprove a proposed revision.
- Proposed and required revisions shall be made available for public comment.
- Respondents may make a claim of force majeure within 7 days after an event where circumstances beyond their control result in noncompliance with any requirement of this Order; a force majeure shall include a delay in NMED's review of a permit application or issuance of a permit or permit modification required to meet a compliance date.