

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

| Data Element    | Data  |
|-----------------|---|
| Site            | Mound   |
| Agreement Name  | Director's Final Findings and Orders  |
| State           | Ohio  |
| Agreement Type  | Compliance Agreement  |
| Legal Driver(s) | FFCAct  |
| Scope Summary   | Approve the Compliance Plan Volume of the amended PSTP, hereafter referred to as the "approved STP" |
| Parties         | DOE; Ohio Environmental Protection Agency   |
| Date            | 10/4/1995   |

### SCOPE

- Approve the Compliance Plan Volume of the amended PSTP, hereafter referred to as the "approved STP."
- The approved STP and these Orders address storage and treatment of all mixed wastes at the Facility, which are not being stored in accordance with the LDR requirements of OAC rule 3745-59-50.

### ESTABLISHING MILESTONES

- Milestones shall be established for a three year rolling period consisting of the current federal fiscal year plus two additional federal fiscal years.
- Enforceable milestones in the approved STP are established for the next three federal fiscal years.
- Target dates shall be established for the out-years beyond the three year rolling milestone period. Non enforceable target dates in the approved STP are established for the out-years beyond FY+2.

- By December 31 of each year these Orders remain in effect, DOE shall submit to Ohio EPA a written STP Annual Report for the previous federal fiscal year.
- Except as expressly provided in these Orders, DOE shall cause all work to be performed in accordance with the milestones established in the approved STP.
- DOE may request that a milestone be extended.
- These Orders may be modified only by mutual agreement of Respondent and Ohio EPA.

## **FUNDING**

- DOE shall consult with the Ohio EPA in formulating its annual EM budget request.
- By March 31 of each year, DOE shall provide Ohio EPA with information or a briefing on the proposed EM budget request for the Facility.
- In February of 1999, and every 3 years thereafter, DOE and Ohio EPA shall conduct a good faith dialogue to determine whether the schedule and funding structure should be modified.
- Ohio EPA will consider funding availability in reviewing DOE proposals for establishing and adjusting milestones and target dates pursuant to these Orders.
- It is the position of the Ohio EPA that the Anti-Deficiency Act does not apply to any obligations set forth in these Orders and, except as otherwise provided in these Orders, obligations are unaffected by failure to obtain adequate funds or appropriations from Congress.

## **PENALTIES**

- Nothing contained in these Orders shall be construed to prevent the Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders, including seeking penalties against the Respondent for noncompliance with these Orders.
- Disputes shall be resolved according to Section IX (Dispute Resolution). DOE and Ohio EPA agree to make reasonable efforts to informally resolve any good faith dispute. If a dispute cannot be resolved through the dispute resolution process, the issue shall be submitted to the Ohio EPA's Deputy Director of Programs who will consult with the Manager of the Ohio Field Office before making a final decision.