

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Portsmouth
Agreement Name	Director's Final Findings and Orders (Integrated Units)
State	Ohio
Agreement Type	Federal Facility Agreement
Legal Driver(s)	Ohio EPA
Scope Summary	Integrating the PORTS on-site closure work required by various sources in order to avoid duplication of effort, and efficiently perform sitewide ground water monitoring and surveillance and maintenance activities
Parties	DOE; Bechtel Jacobs Company LLC; State of Ohio Environmental Protection Agency
Date	3/18/1999

### SCOPE

- Integrate the on-site closure work required for specific units to avoid duplication of effort, and efficiently perform sitewide ground water monitoring and surveillance and maintenance activities at PORTS.
- Recognize that a substantial portion of the tasks required under existing approved closure plans have been completed and incorporate the remaining tasks into the Integrated Groundwater Monitoring Plan and the Surveillance & Maintenance Plans.
- Terminate any further obligation under the existing closure plans.
- Provide exemptions from specific solid and hazardous waste requirements of the Ohio Administrative Code as necessary to accomplish the integration process discussed above.

### ESTABLISHING MILESTONES

- Within 20 days after the effective date of this Order, Respondents shall submit to Ohio EPA for approval a Surveillance and Maintenance Plan providing for post closure care and/or operation and maintenance for specified units.
- Respondents shall commence implementation of the IGWMP and the S&M Plan together on April 1, 1999.
- The approved IGWMP or approved S&M Plan may be amended as necessary by either DOE or Ohio EPA.
- Upon identification of a need to amend the approved IGWMP or S&M Plan, Respondents shall submit an amended plan to Ohio EPA to approve, amend, or disapprove.

## **FUNDING**

- DOE shall take all necessary steps and use its best efforts to obtain timely funding to meet its obligations under this Order.
- DOE shall provide to US EPA and Ohio EPA a copy of its annual report to Congress including, but not limited to, the specific cost estimates and budgetary proposals associated with the implementation of this Order.
- DOE's performance of the commitments under this Order is subject to the availability of appropriated funds for such purposes.
- It is Ohio EPA's position that the Anti-Deficiency Act does not apply to the obligations set forth in these Orders.

## **PENALTIES**

- No specific monetary penalties are discussed within these Orders.
- Nothing in these Orders shall be construed to prevent the Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action, as deemed appropriate and necessary, including seeking penalties against Respondents for noncompliance with these Orders.
- If, for any reason, approval of the S&M Plan by Ohio EPA has not been obtained by April 1, 1999, these Orders are and all exemptions contained herein will terminate.