

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

| Data Element    | Data  |
|-----------------|---|
| Site            | Portsmouth  |
| Agreement Name  | Toxic Substance Control Act Uranium Enrichment Federal Facilities Compliance Agreement (TSCA-UE-FFCA), February 20, 1992  |
| State           | Ohio  |
| Agreement Type  | Compliance Agreement  |
| Legal Driver(s) | TSCA  |
| Scope Summary   | Establishes responsibilities and commitments for bringing DOE's former and active Uranium Enrichment Plants in Paducah, Portsmouth, and Oak Ridge into compliance with TSCA and PCB Regulations |
| Parties         | DOE; U.S. EPA   |
| Date            | 2/20/1992   |

### SCOPE

- Establish a plan and the responsibilities and commitments for conducting actions to bring DOE's Uranium Enrichment Plant (and support facilities) located in Paducah, Kentucky into compliance with TSCA and the PCB Regulations found at 40 C.F.R. Part 761.
- Address the requirements of TSCA and PCB Regulations.
- Address the storage and disposal of radioactive contaminated wastes generated from activities required by the Agreement.

### ESTABLISHING MILESTONES

- Interim Measures and Compliance Measures and their respective schedules are outlined in Attachment I - *Portsmouth and Paducah Gaseous Diffusion Plants Remedial Implementation Plan*.

- EPA shall review all deliverables generated by DOE pursuant to this Agreement.
- DOE is required to secure EPA approval of a permit pursuant to Attachment I(2)(B), *Process Lubrication Oil Removal*.
- Except as otherwise provided for in this Agreement, DOE shall follow the disposal procedures set forth in C.F.R.
- Modifications to this Agreement may be requested by EPA or DOE.

## **FUNDING**

- DOE will take all necessary steps to obtain timely funding to meet DOE's obligations under this Compliance Agreement including budget requests supported by DOE's Environmental Restoration and Waste Management Five-Year Plan.
- No provision herein shall require the obligation or payment of funds in violation of the Anti-Deficiency Act. In cases where payment would constitute a violation, the dates established requiring the payment of such funds shall be appropriately adjusted.
- DOE's performance of the commitments under this Compliance Agreement is subject to the availability of appropriated funds.
- A force majeure includes but is not limited to unavailability of funds due solely to the restrictions of the Anti-Deficiency Act and only if DOE has demonstrated that it used its best efforts to obtain timely funding.
- In the event of force majeure, DOE must notify EPA in writing at least 7 calendar days before the anticipated delay.

## **PENALTIES**

- DOE shall notify EPA in writing at least seven days prior to any anticipated delay.
- In the event of force majeure, the parties agree to review and modify the deadline(s) as necessary.
- If EPA determines that the delay has not been caused by a force majeure event, the existing deadline(s) shall remain in force.
- Disputes shall be resolved according to the guidelines specified in this Agreement. If an agreement cannot be reached through the dispute resolution process, the

Administrator of EPA shall resolve the dispute in accordance with all applicable laws and procedures. Prior to resolving the dispute, the Administrator shall meet with the Secretary of DOE to discuss the issues under the dispute.