

## DOE EM CLEANUP AND COMPLIANCE AGREEMENT FACT SHEET

### SUMMARY

Data Element	Data
Site	Idaho National Engineering Laboratory
Agreement Name	Idaho National Engineering Laboratory Consent Order § 39-4413
State	Idaho
Agreement Type	Consent Order
Legal Driver(s)	RCRA
Scope Summary	Resolve the Notice of Noncompliance (NON), Docket No. 1090-1-24-6601, issued by EPA to DOE on January 29, 1990
Parties	DOE; US EPA; Idaho Department of Health and Welfare
Date	4/3/1992

### SCOPE

- Resolve the Notice of Noncompliance (NON), Docket No. 1090-1-24-6601, issued by EPA to DOE on January 29, 1990.

### ESTABLISHING MILESTONES

- Deadlines relevant to each violation are set forth in this Consent Order.
- If any event occurs that causes, or may cause, delay in the achievement of any compliance deadline or other requirement of this Consent Order, DOE shall notify the Department in writing within 10 days of the date DOE knew, or reasonably should have known of the event.
- Except as set forth in § 10.5, this Order may only be amended or modified by mutual agreement of the Department, DOE and EPA.
- § 10.5: The requirements of this Consent Order may be amended or modified by the

Department upon issuance of a permit pursuant to the HWMA and the Rules, Regulations and Standards for Hazardous Waste.

## **FUNDING**

- DOE shall take all necessary steps to obtain sufficient funding to comply with the provisions of this Consent Order.
- DOE maintains that any requirement for the payment or obligation of funds is subject to the provisions of the Anti-Deficiency Act. DOE also maintains that payment or obligation funds is subject to the availability of appropriated funds and that unavailability of such funds may constitute a valid defense to any action that may be brought to enforce the terms of this Consent Order. The Department does not agree that these are valid defenses.
- If adequate funds or appropriations are not available, DOE shall notify the Department in writing and the Department shall determine whether or not it is appropriate to adjust the deadlines in this Consent Order.

## **PENALTIES**

- Specific monetary penalties are not discussed in this Consent Order.
- DOE expressly recognizes that failure to comply with the terms of this Consent Order may result in an enforcement action for relief available under the HWMA.
- DOE acknowledges that this Consent Order is enforceable pursuant to the citizen suit provisions of RCRA. DOE agrees that the State and its agencies are a “person” within the meaning of RCRA.
- DOE agrees that if Congress waives sovereign immunity, or a court determines that sovereign immunity has been waived, for civil or criminal penalties for violations of state hazardous waste laws, the Department may seek such remedies in enforcing this Consent Order.
- The Department reserves the right to disapprove of work performed by DOE.