

# Federal Facility Agreement ...and Consent Order

## Federal Facility Agreement and Consent Order

From 1951 to 1992, the Nevada Test Site hosted hundreds of nuclear tests and related support operations. These activities resulted in some contamination at the facility, located 65 miles northwest of Las Vegas. The Nevada Environmental Restoration Project was established in 1989 by



*The U.S. Department of Energy, the state of Nevada, and the U.S. Department of Defense signed the Federal Facility Agreement and Consent Order in May 1996.*

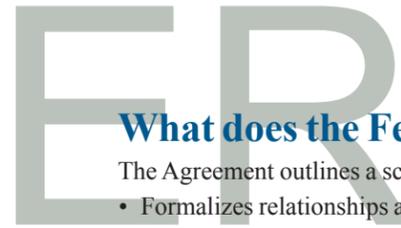
the U.S. Department of Energy (DOE) to address contamination from weapons research at the Nevada Test Site, as well as other locations in Nevada. The project's goal is to protect public health and the environment through investigations and corrective actions.

What is being done about cleaning up these areas? How are contaminated sites prioritized? How are different kinds of contamination categorized? And how does the state of Nevada oversee and enforce corrective actions at these areas?

These questions have been addressed by the Federal Facility Agreement and Consent Order (FFACO), a document that will significantly improve environmental restoration process for DOE, the state of Nevada, and local residents.

The Agreement was signed in May 1996 by DOE, the state of Nevada's Division of Environmental Protection, and the U.S. Department of Defense (DoD). The Agreement outlines a schedule of cleanup and monitoring commitments for sites contaminated by DOE and DoD. It covers all DOE administered sites within Nevada, and DoD sites at the Nevada Test Site. The Agreement ensures these government entities will work together to authorize cost-effective corrective action activities in the state, and minimizes the likelihood of litigation among the parties. It also establishes a framework for identifying, prioritizing, investigating, remediating, and monitoring contaminated sites covered by the Federal Facility Agreement and Consent Order.

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## What does the Federal Facility Agreement and Consent Order Do?

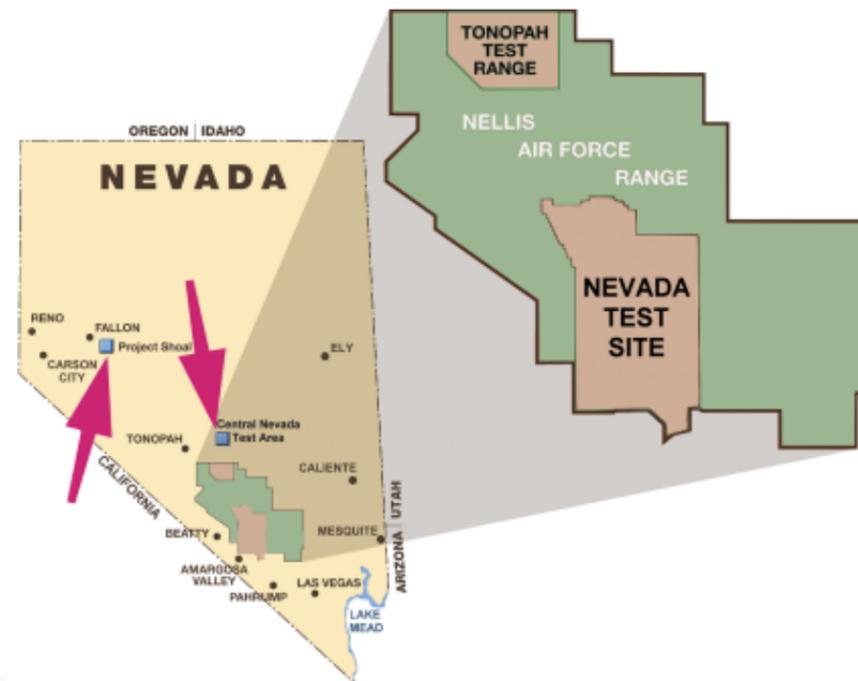
The Agreement outlines a schedule of cleanup and monitoring commitments as follows:

- Formalizes relationships among the state of Nevada, DOE and the DoD
- Identifies sites of potential historic contamination and prioritizes them for cleanup
- Defines the regulations the state of Nevada will use to direct and enforce corrective action activities
- Establishes a corrective action strategy for cleanup activities
- Ensures that all parties work together in a cooperative manner
- Provides public involvement opportunities.

The Federal Facility Agreement and Consent Order covers five locations:

- The Nevada Test Site
- The Central Nevada Test Area
- The Project Shoal Area
- Parts of the Tonopah Test Range
- Parts of the Nellis Air Force Range

The Federal Facility Agreement and Consent Order is a legally binding document with six appendices. The appendices describes the Nevada facilities; identify the contaminated sites; list and prioritize milestones, due dates, and deadlines; outline a corrective action strategy; and detail the public involvement process. The Agreement also satisfies the corrective action requirements of the Resource Conservation and Recovery Act (RCRA), superceding previous requirements of a RCRA permit issued in May 1995.



*Locations covered by the Federal Facility Agreement and Consent Order.*

## The Corrective Action Strategy

One of the Agreement's appendices, the Corrective Action Strategy, outlines the approach for identifying, prioritizing, investigating, and remediating sites. A corrective action ranges from no action to clean closure (the removal of all pollutants from a site). Corrective action sites are grouped into units having common contaminants, geology, location, or other factors. These groups, called Corrective Action Units, are prioritized based on potential risk to workers and the public, available technology, future land use, agency and stakeholder concerns, and other criteria.

The units are divided into four main groups:

- **Underground Test Area Sites** are those where underground nuclear detonations have resulted, or might result, in impacts to the groundwater.
- **Industrial Sites** were used to support nuclear testing activities, either directly or indirectly. Industrial Sites may or may not have radioactive contamination.
- **Soils Sites** are those where atmospheric (aboveground) nuclear and near-surface tests have resulted in surface and/or subsurface contamination.
- **Offsites** are located outside the Nevada Test Site boundaries but within the state of Nevada, and include Project Shoal Area and the Central Nevada Test Area.



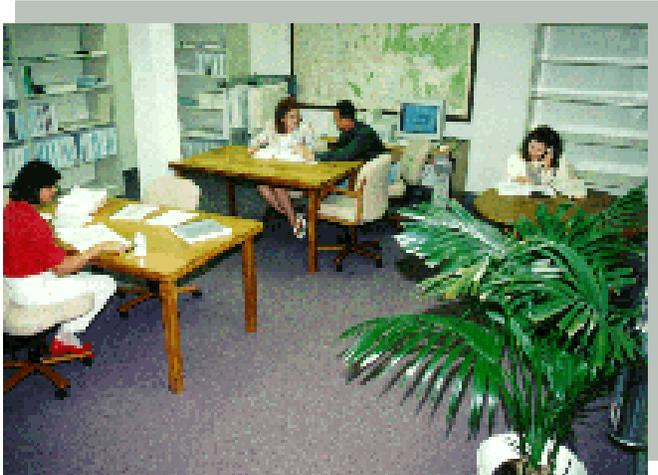
*Future environmental restoration activities will be categorized and prioritized by the Federal Facility Agreement and Consent Order.*

Under the agreement, the DOE and DoD will propose and discuss priorities with the state, which then makes recommendations. The recommendations will be presented for public review, including the Community Advisory Board for Nevada Test Site Programs. Following the public's input, the state, DOE and DoD will develop a final prioritization of units for investigation and corrective action.

## Public Participation

Making sure the public receives timely and useful information on environmental restoration activities is a very important part of the Federal Facility Agreement and Consent Order. For that reason, public reading facilities have been established in Las Vegas and Carson City, Nevada. Both facilities contain information related to the activities covered by the Agreement, including the Agreement itself and all appendices. A number of documents are associated with the corrective action process, including investigation plans, work plans, decision documents, and closure reports. Once a site or corrective action unit has been closed, the states issues a Notice of Completion, which also will be available in the reading facility.

There are other public involvement activities associated with the DOE Environmental Management Program. Interested stakeholders can receive updates on proposed and current activities by signing up for the



*Federal Facility Agreement and Consent Order is available to area residents at the DOE's Public Reading Facility.*

Environmental Management Update, a publication distributed three or four times each year. Quarterly Community Advisory Board public meetings provide opportunities for the public to play an active role in the decision-making process, and speakers can be requested for presentations to community organizations.

*For more information, please contact:*  
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