



June 21, 2024

Ms. Avery G. Hammett, SRS Remedial Project Manager
Remediation and Deactivation & Decommissioning Division
U. S. Department of Energy
Savannah River Operations Office
Post Office Box A
Aiken, South Carolina 29802

ENVIRONMENTAL COMPLIANCE &

JUN 21 2024

AREA COMPLETION PROJECTS

Re: South Carolina Restructuring

Dear Ms. Hammett:

In response to our recent discussion regarding the restructuring of the South Carolina Department of Health and Environmental Control (DHEC) whereby all functions, powers and duties of the environmental divisions, offices, and programs of the DHEC are vested in the newly established Department of Environmental Services (DES), I am providing the following information.

Pursuant to South Carolina Act No. 60 of 2023, as of July 1, 2024, all functions, powers and duties of DHEC, including all rights and obligations, under the FEDERAL FACILITY AGREEMENT for the SAVANNAH RIVER SITE dated, August 16, 1993, (as has previously been amended, supplemented, or otherwise modified), will be transferred to the Department of Environmental Services. It is our position that all references to the Department of Health and Environmental Control or DHEC will be deemed to refer to the Department of Environmental Services without the necessity of an amendment or any other action by the parties, and in all other respects, the Agreement, shall remain fully in effect after that time according to its terms. We suggest the parties to the FFA note this in the administrative record.

For ease of reference, applicable portions of Act No. 60 provide as follows:

SECTION 4, adopting new code Section 48-6-20(A):

Section 48-6-20. (A) The Department of Environmental Services is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of the Department of Health and Environmental Control on the effective date of this act.

SECTION 7B, adopting new code Section 1-30-140:



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Section 1-30-140. There is hereby created, within the executive branch of the state government, the Department of Environmental Services, headed by a director appointed by the Governor pursuant to Section 48-6-10. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the environment prior to the effective date of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Environmental Services.

SECTION 14(B). When an agency, department, entity, or official is transferred to or consolidated with another agency, department, division, entity, or official, regulations promulgated by that transferred agency, department, entity, or official under the authority of former provisions of law pertaining to it are continued and are considered to be promulgated under the authority of present provisions of law pertaining to it. When powers and duties of an agency, department, entity, or official are transferred to and devolved upon another department, agency, or subdivision thereof, the power and duty to promulgate regulations is also transferred to and devolved upon that department, agency, or subdivision thereof.

SECTION 15. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

If you have any questions or I can provide any additional information, please let me know. If your legal counsel have any questions, please have them reach out to Jackie Dickman.

Sincerely,

Susan B. Fulmer Digitally signed by Susan B. Fulmer
Date: 2024.06.21 14:06:20 -04'00'

Susan B. Fulmer, P.G., Manager
Federal Remediation Section
Division of Site Assessment, Remediation, and Revitalization
Bureau of Land and Waste Management

cc: C. L. Bergren, SRNS-ACP (Signed Original)
Travis Fuss, Aiken Environmental Affairs Office (via email)
Jon Richards, EPA Region IV
Heather Cathcart, BLWM