

## Savannah River Site

ARF-024033

## Federal Facility Agreement Modification

This form may be used for any modification not declared "major" under the terms of Section XLIII. of the Federal Facility Agreement.

Modification Requested By <b>Brian T. Hennessey</b>	Requester Organization <b>USDOE</b>	Date <b>1/5/2023</b>
Section To Be Modified <b>Appendix L, <i>Statements of Dispute Resolution</i></b>		
Reason for Modification <b>Inclusion of <i>2022 High Level Waste Tank Milestones Agreement</i></b>		
Modification Requested <p>(1) The U. S. Department of Energy-Savannah River Operations Office, South Carolina Department of Health and Environmental Control, and the U. S. Environmental Protection Agency-Region 4 signed <i>2022 High Level Waste Tank Milestones Agreement</i> will be added to the Federal Facility Agreement (FFA), Appendix L, <i>Statements of Dispute Resolution</i>, to document that the purpose and requirements of the <i>2019 Suspension Agreement – Federal Facility Agreement (FFA) High Level Waste (HLW) Tank Milestones</i> have been satisfied and the actions to be taken to reduce the risk to the environment by removing waste and closing tanks with a goal of completion of the liquid waste program by 2037.</p> <p>(2) The milestones listed in the <i>2022 High Level Waste Tank Milestones Agreement</i> will be added to FFA Appendices D and E, as applicable. These milestones are associated with (1) submittal and issuance of the F-Area Diversion Boxes FDB-5 and -6 Explanation of Significant Difference to the Interim Record of Decision, F-Area Tank Farm, Tanks 17 and 20, (2) Preliminary Cease Waste Removal dates for a specified number of tanks, and (3) Operational Closure dates for a specified number of tanks.</p>		
DOE Approval (Signature) <b>JIMMY MCMILLIAN</b>	Digitally signed by JIMMY MCMILLIAN Date: 2023.01.05 09:25:32 -05'00'	Date
SCDHEC Approval (Signature) <b>Susan B. Fulmer</b>	Digitally signed by Susan B. Fulmer Date: 2023.01.06 12:59:14 -05'00'	Date
EPA-IV Approval (Signature) <b>JON RICHARDS</b>	Digitally signed by JON RICHARDS Date: 2023.01.08 16:34:41 -05'00'	Date

## 2022 High Level Waste Tank Milestones Agreement

On December 20, 2022, the United States Department of Energy (DOE) – Savannah River Operations Office (SR), the South Carolina Department of Health and Environmental Control (SCDHEC), and the United States Environmental Protection Agency, Region 4 (EPA) agreed to resolve all elements of the Savannah River Site (SRS) Federal Facility Agreement (FFA) Appendix L, Statement of Dispute Resolution, entered into in November 2007 and most recently revised in the Suspension Agreement (April 2019), with the exceptions of Paragraphs 9.b and 18 from the 2007 Statement of Dispute Resolution in Appendix L (incorporated below), by committing to implement the actions in this 2022 High Level Waste Tank Milestones Agreement (Agreement). This Agreement, including the schedule (Attachment B), will be incorporated into the FFA by modification pursuant to FFA XLIII (Modification to Agreement). These actions are consistent with and supportive of the joint SRS Liquid Waste Program Common Values and Goals, included as Attachment A, specifically, Goal 1: Reduce risk to the environment by removing waste and closing tanks with a goal of completion of the liquid waste program by 2037.

### Inclusion of FFA Milestones and Long-Term Projections

A. The Parties agree to include liquid waste milestones, which will supersede all current milestones in FFA Appendix L, except for paragraphs 9.b and 18 from the 2007 Statement of Dispute Resolution in Appendix L, incorporated into this Agreement.

Paragraphs 9.b and 18 from the 2007 Statement of Dispute Resolution in Appendix L:

Paragraph 9.b states, “The Parties agree to the following process concerning waste removal. For each tank, DOE shall involve SCDHEC and EPA throughout each stage of the bulk waste and heel removal processes to explain the activities undertaken, results of removal operations, challenges, and DOE’s next steps. DOE shall consider and openly discuss any feedback from participants prior to proceeding to the next stage. These interactions are anticipated to be frequent and informal meetings or conference calls as agreed to by the participating parties but shall occur no less than quarterly. When DOE considers waste removal to be complete, DOE shall notify EPA and SCDHEC and provide any supporting documentation to SCDHEC and EPA for review. DOE, SCDHEC and EPA shall mutually agree that waste removal activities may cease.”

Paragraph 18 states, “ In connection with the annual report on the status of tanks being removed from service due by March 9<sup>th</sup> of each year in accordance with Section IX.E.3 of the FFA, DOE shall report on the status of bulk waste and heel removal activities for F Area and H Area tanks, F Area and H Area Tank Farm Performance Assessments, F Area and H Area Tank Farm General Closure Plans, operational closure of groups of tanks in F and H Areas, and implementation of Section 3116(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 with respect to F Area and H Area tanks.”

B. Milestones to be included:

- Preliminary Cease Waste removal for non-compliant Tanks<sup>1 2 3</sup>
  - See Attachment B
- Operational Closure Complete for non-compliant Tanks<sup>1</sup>
  - See Attachment B
- F-Area Diversion Boxes FDB-5 and -6 Explanation of Significant Difference (ESD) to the Interim Record of Decision, F-Area Tank Farm, Tanks 17 and 20
  - Submit Rev. 0 ESD by 9/30/2023
  - Issue ESD by 3/1/2024

C. With respect to the first addendum (September 9, 2010) to the 2007 dispute resolution and the current milestones related to bulk waste removal efforts being superseded by this Agreement, DOE will no longer be required to seek approval from SCDHEC and EPA for the reuse of a tank which had previously completed bulk waste removal efforts. This specifically applies to tanks 4F, 7F, 8F, 10H, 11H, and 15H.

D. The remaining tanks that are yet to be operationally closed and grouted, including the 27 compliant tanks (25-51), will follow the closure process outlined in the latest SCDHEC-approved revision of the Consolidated General Closure Plan for F-Area and H-Area Waste Tank Systems, SRR-CWDA-2017-00015. [As of the date of this Agreement, the latest approved revision is Revision 1 (dated April 2017).] While a schedule for closure of the compliant tanks is not part of this Agreement, it is the understanding of DOE, SCDHEC, and EPA that these tanks will be closed by the end of calendar year 2037.

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<sup>1</sup> “Non-compliant Tanks” are the remaining 16 tanks (Tanks 1-4, 7-11, 13-15, 21-24) that do not meet secondary containment standards of FFA Appendix B, Subsection C “Standards for Containment/Release Detection.”

<sup>2</sup> Although not anticipated, the addition of any sludge solids or contaminated liquids to a waste tank for which DOE, SCDHEC and EPA have reached a preliminary agreement that waste removal activities may cease, will require approval by SCDHEC and EPA.

<sup>3</sup> As described in the *Consolidated General Closure Plan for F-Area and H-Area Waste Tank Systems*, when DOE is satisfied that waste removal activities are sufficiently complete, a briefing will be provided to EPA and SCDHEC to present the preliminary waste removal data, the estimated remaining residuals volume, the plan to characterize the residuals, the initial isolation strategy, and whether the standard or alternate closure module preparation approach will be used. Following the briefing, DOE will submit a letter to SCDHEC and EPA requesting concurrence that further waste removal is not technically practicable from an engineering perspective. Preliminary Cease Waste Removal milestones will be considered met upon DOE’s submittal of the letter to SCDHEC and EPA, contingent upon concurrence by SCDHEC and EPA. Upon SCDHEC and EPA concurrence, SCDHEC and EPA will each provide a concurrence letter to DOE to suspend active waste removal activities and to proceed to the sampling and analysis phase. This agreement to proceed to the sampling and analysis phase is a non-binding preliminary decision and does not satisfy the requirement of FFA Appendix L, requirement 9.b for demonstrating that waste removal activities may cease.

Attachment A  
SRS Liquid Waste Program  
Common Values and Goals (2022 – 2037)

June 29, 2022

VALUES

1. Maintain transparency with open communication between regulators, DOE, and the contractor on program progress, and significant emerging issues.
2. Ensure DOE's strategy and plans are subject to stakeholder engagement and input, including SCDHEC permitting processes, and CERCLA, as appropriate.
3. Maximize the amount of curies (especially long-lived radionuclides) vitrified and ready for ultimate disposal out of state.
4. Limit disposal of curies onsite at SRS so that residual radioactivity is as low as reasonably achievable.

GOALS (in priority order)

1. Reduce risk to the environment by removing waste and closing tanks with a goal of completion of the liquid waste program by 2037.
2. Reduce operational and environmental risk by aggressively removing curies from the waste tanks.
3. Reduce operational and environmental risk by optimizing operations to minimize liquid waste program total life cycle.
4. Complete waste removal and subsequent grouting of all waste tanks and ancillary structures with a risk-based priority order: first to tanks in the water table, followed by F Tank Farm tanks, followed by remainder of waste tanks, followed by ancillary structures, recognizing the potential for future emergent conditions or opportunities.

## Attachment B

## Schedule for Remaining Non-Compliant Tanks

Milestone Date	Preliminary Cease Waste Removal (# of Tanks)	Operational Closure (# of Tanks)
12/31/2023	0	0
12/31/2024	1	0
12/31/2025	3	0
12/31/2026	2	0
12/31/2027	2	0
12/31/2028	0	3
12/31/2029	2	0
12/31/2030	1	2
12/31/2031	0	3
12/31/2032	0	1
12/31/2033	0	2
12/31/2034	1	0
12/31/2035	1	0
12/31/2036	1	1
12/31/2037	2	4
Total	16	16

Approved:

**James L. Folk**

 Digitally signed by James L. Folk  
Date: 2022.12.20 22:10:04 -05'00'

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James L. Folk, Jr.  
Assistant Manager for Waste Disposition  
Savannah River Operations Office  
U.S. Department of Energy

Date



*12-21-2022*

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Henry J. Porter, Chief  
Bureau of Land and Waste Management  
S.C. Department of Health and Environmental Control

Date

**RANDALL  
CHAFFINS**

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CHAFFINS  
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Randall Chaffins  
Acting Director | Superfund & Emergency Management Division  
US Environmental Protection Agency | Region 4

Date