



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

61 FORSYTH STREET, S.W.
ATLANTA, GEORGIA 30303

April 25, 2019

Certified Mail
Return Receipt Requested

Mr. Brian T. Hennessey
SRS Remedial Project Manager
Area Completion Project
U. S. Department of Energy
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29802



Dear Mr. Hennessey:

EPA Approval & Signature for the Minor Modification 2019 Suspension Agreement of FFA High-Level Waste Tank Milestones [SEMS 23 & 89] dated April 9, 2019

Enclosed please find the subject Minor Modification & Suspension Agreement with signature by our Superfund Division Director, Franklin Hill.

If you have any questions, please contact Jon Richards at 404-562-8648 or richards.jon@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Richards".

Jon Richards, Acting FFA RPM
Restoration & Site Evaluation Branch
Superfund Division

cc: C.L. Bergren, SNRS-ACP (Signed Original)
Susan Fulmer, SCDHEC

Savannah River Site Federal Facility Agreement Modification


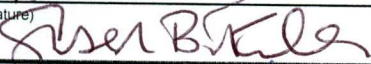

This form may be used for any modification not declared "major" under the terms of Section XLIII. of the Federal Facility Agreement.

Modification Requested By B. T. Hennessey	Requester Organization USDOE	Date
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Section To Be Modified Appendix L, Statements of Dispute Resolution

Reason for Modification Add the 2019 Suspension Agreement on Federal Facility Agreement (FFA) High-Level Waste (HLW) Tank Milestones
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<p>Modification Requested</p> <p>(1) After meetings were held on September 26, 2018; February 11, 2019; February 21, 2019; and March 20, 2019 the Department of Energy proposed replacing the Suspension Agreement Federal Facility Agreement High-Level Waste Tank Milestones (signed November 18, 2017), located in Appendix L of the FFA with the 2019 Suspension Agreement Federal Facility Agreement High-Level Waste Tank Milestones. The new suspension agreement will suspend Appendix L milestones, Items #6 - #8 and #12 - #15, from the Statement of Resolution of Dispute Concerning Extension of Closure Dates for Savannah River Site High-Level Radioactive Waste Tanks 19 and 18 (November 2007)</p> <p>(2) On April 4, 2019 the three parties agreed to the proposed 2019 Suspension Agreement and the language attached will be incorporated into the FFA Appendix L with the supporting projects identified to be incorporated into the FFA Appendices D and E, as appropriate per FFA Sections XX and XLIII.</p> <p>(3) Any future changes to milestone dates will be done in accordance with Section XXXI, "Extensions," of the FFA, without requiring further modification of the Suspension Agreement or Appendix L of the FFA.</p>
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DOE Approval (Signature) 	Date 4.8.19
SCDHEC Approval (Signature) 	Date 4/10/19
EPA-IV Approval (Signature) 	Date 4/15/19

2019 Suspension Agreement Federal Facility Agreement (FFA) High Level Waste (HLW) Tank Milestones

A. Background

The Federal Facility Agreement (FFA) Appendix L Statement of Dispute Resolution entered into on November 2007, documented the result of a dispute resolution and established certain waste tank systems removal plans and schedules. In November 2017, the Parties entered into an agreement to partially suspend this schedule (“Suspension Agreement”) in recognition of best available information, knowledge, and assumptions applicable at the time. In keeping with the 11/8/2017 Suspension Agreement, the Parties met on September 26, 2018; February 11, 2019; February 21, 2019; and March 20, 2019. The discussions covered the status of the delay in awarding a new liquid waste contract, budget issues, and the Liquid Waste System Plan Revision 21. Furthermore, the discussions addressed substantial programmatic issues as well as necessary adjustments that had been or will be made by U.S. Department of Energy (DOE) to the Liquid Waste Program including but not limited to the following issues:

1. Programmatic changes in the Savannah River Site (SRS) liquid waste services requirements, which led to the cancelation of the liquid waste services solicitation for a new operations contractor
2. Startup of the Salt Waste Processing Facility currently anticipated to begin hot commissioning by Dec. 31, 2019
3. Significant system outages (e.g., 2F Evaporator failure [2012], 3H Evaporator failure [2016]), Defense Waste Processing Facility [DWPF] Melter failure (2017) and replacement and maintenance, and several Actinide Removal Process/Modular CSSX Unit coalescer replacements (2018)
4. Tank waste issues (e.g., rheology, corrosion control, closure durations, chemical cleaning mixing pumps, tank farm aging Infrastructure)
5. New nuclear safety requirements regarding hydrogen generation rates within the tank systems.

B. Purpose

In consideration of these issues, the objectives of this Agreement are to:

1. Replace the 11/8/2017 Suspension Agreement,
2. Pursue a comprehensive plan and schedule for the removal of tank waste systems from service at the SRS,
3. Further all Parties’ shared interest in continuing risk reduction efforts,
4. Continue to communicate the extent DOE has sought and received funding sufficient to support the terms of this Agreement.

C. Terms

The undersigned agree to the following:

1. Suspend Appendix L milestones (Items #6 - #8 and #12 - #15)
2. DOE will remain committed to the near-term focus on waste removal from high risk Type I and II tanks.
3. DOE will continue to accelerate F Tank Farm operational closure.
4. DOE will perform the following activities to support closure of the Liquid Waste Tank Farms. These will be incorporated into the FFA Appendices D and E, as appropriate.
 - a. Supporting projects include:

Project	Milestone
F-Tank Farm (FTF) Deactivation Plan	6/30/2020
Demonstration of Ancillary Structure Closure (FDB-5 and FDB-6)	Operational Closure – 12/31/2022
	Submittal of an Explanation of Significant Difference to the F-Area Tank Farm, Tanks 17 & 20 Record of Decision or Interim ROD (as appropriate)
FTF OU ROD Acceleration	Record of Decision – 1/2040 Remedial Action Start – 4/2041
Support Tank Closure Cesium Removal	Water addition to Tank 9H to begin salt dissolution – 9/30/2020

5. DOE will accelerate other environmental project work as described below. The revised dates will be incorporated into the FFA Appendix D and E, as appropriate.
 - a. Supporting projects include:

Project	Milestone
D-Area Groundwater Operable Unit (NBN)	Treatability Study Field Start – 1/31/2020
	Treatability Study Data Report Submittal – 1/31/2021
	Action Memorandum Submittal – 5/31/2019 Removal Action Start – 4/30/2020
690-N, Process Heat Exchanger Repair Facility (aka Ford Building) Partial Decommissioning	Submit Decommissioning Project Final Report – 6/30/2021

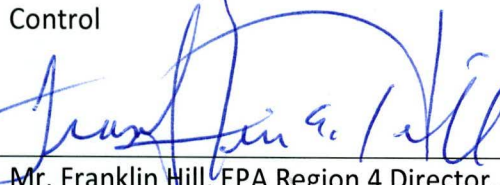
6. Any future changes to milestone dates will be done in accordance with Section XXXI, "Extensions," of the FFA, without requiring further modification of this Suspension Agreement or Appendix L of the FFA.
7. The Parties will act in good faith to:
 - a. Update the comprehensive plan and schedule pursuant to FFA Section IX.E.1. If any party determines the provisions of this section of the agreement (C.7) are not being accomplished in good faith, an FFA request for DOE to submit a plan(s) and schedule(s) for review and approval may be sought as provided under FFA Section IX.E.1.
 - b. Initiate discussion for the negotiation of Appendix L milestones (Items #6 - #8 and #12 - #15) within 30 days of DOE issuing a notice to proceed for a new contract that includes the Liquid Waste Program scope with an expectation of the parties to complete the negotiation by 9/30/2022.
 - c. Provide informal updates during the existing Liquid Waste Program quarterly meetings performed in accordance with the November 2007 Statement of Resolution of Dispute Section 9b.
 - d. Transfer beneficial activities from previous agreements under Appendix L of the FFA into the updated comprehensive plan and schedule discussed in paragraph 7(a) above.
 - e. Issue an FFA modification with the comprehensive plan and schedule to the parties for signatures and to be incorporated into the FFA.


Mr. James Folk, Assistant Manager,
Waste Disposition, U.S. Department of
Energy

4/8/2019
Date


Mr. Henry Porter, Chief
Bureau of Land and Waste Management
S.C. Dept. of Health & Environmental
Control

4-10-2019
Date


Mr. Franklin Hill, EPA Region 4 Director,
Superfund Division

4/14/2019
Date