



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

August 28, 2013

Dr. Ernest Moniz, Secretary
United States Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: Savannah River Site
Liquid Waste Milestones

Dear Secretary Moniz:

The high level radioactive liquid waste stored in aging tanks at the Savannah River Site (SRS) poses the single largest environmental threat in South Carolina. Accordingly, South Carolina and the federal government worked toward reasonable agreements that timely reduce the risk through waste treatment and tank closure. The Department of Energy agreed to meet certain milestones, including operation of the Salt Waste Processing Facility by 2015, closure of 20 liquid waste tanks by 2022, and treatment of all high level waste by 2028.

Given the high stakes, the federal government's commitments are of utmost importance to our state. Instead of honoring its commitment, DOE submitted budget requests to Congress that reward underperforming sites in other parts of the country and make it virtually impossible for SRS to meet the milestones promised to the people of South Carolina. DOE proposed a budget for Fiscal Year 2014 that jeopardizes well over thirty risk reduction milestones for waste treatment and tank closure from 2015 through 2028 in agreements enforced by DHEC.

Missing the agreed upon milestones for waste treatment and tank closure triggers significant penalties. For example, missing the startup date for the Salt Waste Processing Facility (SWPF) carries a stipulated penalty of \$105,000 per day, potentially totaling up to \$154 million. It simply makes more sense to invest in the site now than put off the work and pay penalties in the future. DOE, however, has signaled an intention to request extensions from DHEC, rather than seeking the funding required for its commitments.

On enforcement by DHEC, let me be abundantly clear. South Carolinians place an extraordinary amount of trust in our agency to be the state's eyes and ears at SRS and to ensure DOE keeps its

promises. We will not compromise the future of our state by moving the goalposts. We intend to fully enforce all milestones, including the following:

- The Saltstone Disposal Facility Permit requires operation of the Salt Waste Processing Facility by October 31, 2015 in Special Condition A.1.d.i-iii. If DOE does not meet the requirements of Special Condition A.1.d.i-iii, DOE is subject to \$105,000 per day starting from September 30, 2011 until present day and an additional \$105,000 per day going forward. This potential penalty already exceeded \$68,000,000, will exceed \$154,000,000 on October 31, 2015, and will continue to grow until the agreed upon milestones are met.
- Consent Order 95-22-HW requires treatment of all high level waste by 2028 in accordance with the Site Treatment Plan. Missing this date subjects DOE to \$3000 per day in stipulated penalties.
- The F-Area Industrial Wastewater General Closure Plan and the H-Area Industrial Wastewater General Closure Plan both contain closure schedules for 20 liquid waste tanks by 2022. Failure to meet these schedules subjects DOE to enforcement action by DHEC.

In addition, DHEC is a party to the Federal Facility Agreement, which contains enforceable schedules for closure of 20 liquid waste tanks by 2022. The Environmental Protection Agency (EPA), also a party to the Federal Facility Agreement, recently wrote “[w]e are also very concerned that the lack of funding has significant potential to jeopardize the successful completion of milestones...” (Letter from Meiburg to Templeton, August 16, 2013).

DHEC will not restructure these agreements simply because DOE decides to fund other sites instead of SRS. DOE took the largest cut in the proposed Fiscal Year 2014 Environmental Management budget from SRS. The low priority assigned by DOE to liquid waste risk reduction in South Carolina is more than troubling to the people of South Carolina – it contradicts enforceable agreements DOE reached with the state. Two of the enforceable mechanisms referenced above require DOE to use its best efforts to obtain the funding necessary to meet its commitments. Diverting funding to other sites is a far cry from best efforts.

The opportunity, however, is not lost. Our relationship has historically been defined by success, and I believe in the promise of our mutual best efforts. DHEC, EPA, DOE, and others worked hard to chart a technical and regulatory course for high level waste. Our successful cooperation resulted in 2012 closures of Tanks 18 and 19 and current closures of Tanks 5 and 6. With a promising course in place, we urge DOE to seek the funding necessary to keep us on track.

Whether we like it or not, the high level waste tanks at SRS are continuing to age. Eight of the tanks are partially or completely submerged in groundwater, with recent evidence showing a pathway for groundwater and rainwater intrusion into tank structures. Present action can prevent future crisis, but the time to act is now. DHEC expects DOE to honor its commitments to protect the environment and citizens of South Carolina and Georgia, and we look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Templeton".

Catherine B. Templeton

cc: Dr. David Moody, SRS
Dr. A. Stanley Meiburg, EPA
Mr. David Huizenga, DOE
Mr. Mathy Sanislaus, EPA
Ms. Cynthia Giles, EPA
Mr. Reggie Cheatham, EPA
Mr. David Kling, EPA
Ms. Elizabeth Dieck, SCDHEC
Ms. Shelly Wilson, SCDHEC
Mr. Joshua Baker, SC Office of the Governor