



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 16 2007

4-RCRA

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Jeff Allison, Site Manager  
U. S. Department of Energy  
Savannah River Operations Office  
P. O. Box A  
Aiken, SC 29802

RE: **Notice of Unacceptability** for all CERCLA Off-Site Rule Units  
· Savannah River Site, Aiken, SC

Dear Mr. Allison:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Region 4 has determined that conditions exist at the U.S. Department of Energy (DOE), Savannah River Site (SRS) facility which render all units previously approved for the receipt of CERCLA Off-Site Rule waste unacceptable for the receipt of such waste. The wastes to which this Notice of Unacceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule (OSR) found at 40 C.F.R. § 300.440.

EPA Region 4's Federal Facilities Branch (FFB) has learned through various documents and oral communications that DOE has disposed of Low Level Radioactive Waste in the E Area Slit Trenches at SRS. As a result of this disposal in these unlined trenches, tritium has migrated from the trenches into the vadose zone beneath the trenches. This tritium release was discovered via monitoring wells established in the vadose zone. FFB has determined that the tritium in the vadose zone is a "release" of a hazardous substance under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and 40 C.F.R. § 300.5.

The OSR states at 40 C.F.R. 300.440(b)(2)(ii)(D) that CERCLA wastes should not be transferred to any unit at an other-than-RCRA Subtitle C facility if the EPA Regional Office has information indicating that an environmentally significant release has occurred at that facility. Because of this current release, and the potential for future releases, it is imperative that no further CERCLA waste be emplaced in these trenches. Therefore, **the E Area Slit Trenches are immediately unacceptable for the receipt of CERCLA wastes.**

Because of the current release, and the potential for future releases of a hazardous substance from these unlined trenches, the other units at SRS that have been previously determined to be acceptable under the OSR are affected, as described above in 40 C.F.R. 300.440(b)(2)(ii)(D). Therefore, all those units at SRS will also become unacceptable for the receipt of CERCLA waste in **sixty (60) days** from the date of this letter. These other units include the following:

- E Area TRU Pads 7-19
- E Area Vaults
- F & H Effluent Treatment Facility
- K Area Reactor Seepage Basin
- M-1 Air Stripper
- P Area Reactor Seepage Basin
- PCB Storage Building 741-1N
- R Area Reactor Seepage Basin
- Storage Building 643-29E
- Storage Building 643-43E
- Storage Building 645-2N
- Storage Building 645-4N
- Storage Building 645-N
- Storage Pads 1,2,3
- TRU Pads 3, 4, 5, 6, 23, 24

The Off-Site Rule provides the facility an opportunity to request an informal conference with responsible officials to discuss the basis for the facility's unacceptable determination under the OSR. **The written request for an informal conference must be made within ten (10) calendar days from the date of this notice.** Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than thirty (30) calendar days after the date of this notice, if possible. During the informal conference SRS may discuss with EPA the basis for the determination of release, and its relevance to the units' acceptability to receive CERCLA cleanup wastes.

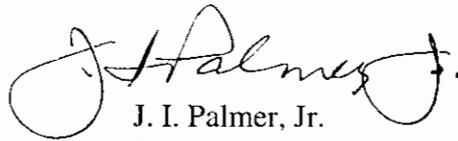
SRS may submit written comments within thirty (30) days from the date of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference, or submit written comments, will result in no further consideration by EPA. If SRS takes advantage of the opportunity to request an informal conference and/or submits written comments within the specified time frames to EPA for review by responsible officials, EPA will inform SRS of its decision after the informal conference and review of comments.

Within ten (10) calendar days of receipt of the notice from EPA that the supplemental information is insufficient to support an acceptable determination, SRS may request that the unacceptable determination be reconsidered. Reconsideration may be by review of records, by conference, or by other methods that are deemed appropriate. The reconsideration will be conducted within sixty (60) calendar days of the date of this initial notice, if possible, and does

not automatically stay the unacceptable determination. SRS will receive a written notice of the reconsideration decision.

If you have any questions concerning this notice, please contact Jack Cowart by telephone at (404) 562-8591 or by e-mail at [cowart.jack@epa.gov](mailto:cowart.jack@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", written in a cursive style.

J. I. Palmer, Jr.  
Regional Administrator

cc: M. A. Flora, Helen Belencan, William Spader, Yvette Collazzo, Wade Whitaker,  
Ben Gould, Michele Wilson - Savannah River Site  
Robert King, Keith Lindler - SCDHEC