



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 17 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

SUBJ: Notice of Acceptability under the CERCLA Off-Site Rule
E-Area Slit Trenches, Savannah River Site, Aiken, South Carolina

Dear Mr. Allison:

The U.S. Environmental Protection Agency (EPA), Region 4, has made an affirmative determination of acceptability for the receipt of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) wastes at the E-Area Slit Trenches located at the U.S. Department of Energy's (DOE's) Savannah River Site in Aiken, South Carolina. The CERCLA Off-Site wastes to which this Notice of Acceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, CERCLA. The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule (OSR), 40 C.F.R. § 300.440.

On February 16, 2007, EPA sent a Notice of Unacceptability to the DOE making the E-Area Slit Trenches immediately unacceptable for the receipt of CERCLA Off-Site waste. In September 2007, DOE submitted a revised version of Appendix C, "RCRA/CERCLA Units," of the Federal Facility Agreement (FFA) for Fiscal Year 2008 that includes the E-Area Low Level Waste Facility. The E-Area Slit Trenches are part of that Facility. In addition, DOE has agreed to complete the following actions:

1. As part of the FFA Appendix E, "Deliverable Commitment Dates and Milestone Commitment Dates," submittal, DOE will provide a milestone date for submittal of an Interim Record of Decision (IROD) that will address interim cover requirements for an operationally closed Slit Trench (group of five trenches). Additional interim closure milestones will be included in future revisions of Appendix E as a Slit Trench (group of five trenches) is operationally closed. Operational constraints and budget cycles will be considered during the development of these milestones.

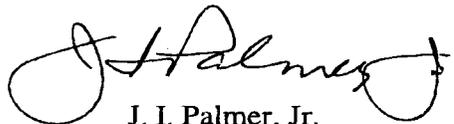
2. Detailed design requirements for the interim cover, which will consist of an adequate amount of soil and a high density plastic cover to promote runoff and limit water infiltration, will be presented in the Remedial Action Implementation Plan (RAIP). It is anticipated that each subsequent Slit Trench interim closure will refer to the same IROD and RAIP described above, using a Technical Evaluation Report (or similar report) to document the application of the IROD and RAIP to the specific Slit Trench. As each interim closure is completed, an Interim Remedial Action Completion Report describing construction details will be prepared and submitted.
3. At the conclusion of the operational period for the E-Area Low Level Waste Facility a Record of Decision will be issued that addresses the final closure of the E-Area Low Level Waste Facility.

DOE's placement of the E-Area Low Level Waste Facility on Appendix C of the FFA means that the E-Area Slit Trenches are under an enforceable agreement in accordance with 40 C.F.R. § 300.440(f)(3)(v). Therefore, subject to the above-listed conditions, the E-Area Slit Trenches are determined to be acceptable for the receipt of CERCLA Off-Site waste upon the date of this Notice of Acceptability.

Please note that this determination is subject to the accuracy and completeness of the information provided by both facility representatives and regulatory personnel. Additionally, EPA would like to make it clear that this affirmative determination of acceptability does not, and cannot, grant any facility the right or authority to exceed any of its permit or license provisions; receive any waste not allowed by its permits or licenses; or violate any local, state or federal law, rule, regulation or ordinance. Specifically, this determination does not supersede, limit, conflict with or set aside the requirements of any environmental program.

Should any new information affecting this determination develop, EPA reserves its right to revisit this decision. Please note that the CERCLA Off-Site status for a facility is dynamic in nature and is subject to change. EPA reserves its right to rescind this Notice of Acceptability pursuant to the OSR if necessary. If you have any questions concerning this matter, please contact Jack Cowart of my staff at (404) 562-8591 or cowart.jack@epa.gov.

Sincerely,



J. I. Palmer, Jr.
Regional Administrator

cc: William Spader, Yvette Collazzo, Wade Whitaker, Brian Hennessey - DOE-SR
M. A. Flora, Ben Gould, Michele Wilson - WSRC
Robert King, Keith Lindler, Don Siron - SCDHEC