

January 25, 2023

CD-2023-015

Mr. Doug Hansen
Director
Division of Waste Management and Radiation Control
195 North 1950 West
Salt Lake City, UT 84114-4880

Subject: EPA ID Number UTD982598898 – Request for a Site-Specific Treatment Variance for Mixed Waste Requiring Treatment with a PCB Underlying Hazardous Constituent

Dear Mr. Hansen:

EnergySolutions hereby requests a variance from Utah Administrative Code (UAC) R315-268-40(a)(3) for waste generated at the Clive Facility that carries characteristic and listed hazardous waste codes and also contains Polychlorinated Biphenyls (PCBs) as an Underlying Hazardous Constituent (UHC). This request is submitted in accordance with the requirements of UAC R315-260-19.

The regulatory requirement authorizing this request is found in UAC R315-268-44 which allows a site-specific variance from an applicable treatment standard provided that the following condition is met:

40 CFR 268.44(h)(2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible.

EnergySolutions requests approval to treat waste containing hazardous contaminants and PCBs and dispose of the treated residual in EnergySolutions' Clive Facility Mixed Waste Landfill Cell (MWLC). The concentration of PCBs within the treated residual will not meet the Universal Treatment Standards (UTS) described in R315-13-1 (40 CFR 268.48 incorporated by reference). All actions requested in this variance will be performed in accordance with EnergySolutions' state-issued Part B Permit.

This variance is being requested for up to approximately 12 tons of waste generated at the Clive Mixed Waste Facility (site-generated waste) that may be circumstantially contaminated with PCBs from operations at the site. Examples of site-generated wastes

include baghouse dust, sump clean-out material, and decontamination sludges. Site activities involving PCBs include, but are not limited to, repackaging waste containers and shredding PCB capacitors. Analysis of site-generated waste over the last year has detected PCB concentrations up to 19.4 ppm (mg/kg). The UTS concentration for PCBs is 10 mg/kg.

This type of waste has been generated and successfully treated in the past at the Clive Facility. Treatment formulas have been developed and analytical data has demonstrated that all contaminants, except PCBs, met treatment standards in these treatment runs. EnergySolutions has many years' data demonstrating that the treatment formulas developed for site-generated waste have successfully treated the waste.

PCB waste generated at the site which is greater than 50 ppm is regulated by the Environmental Protection Agency (EPA) as PCB remediation waste. The EPA has clarified the disposal of PCB remediation waste with a concentration greater than 50 ppm PCBs in 40 CFR 761.61(a)(5)(i)(B)(2)(iii) as follows:

Bulk PCB remediation wastes with a PCB concentration ≥ 50 ppm shall be disposed of in a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA.

The MWLC is a regulated hazardous waste landfill permitted by the State of Utah. Consequently, if the PCB waste did not contain RCRA hazardous waste codes, but contained the same PCB concentrations, it could be disposed in the MWLC or LLRW without additional treatment. Therefore, treatment of the PCBs within this waste stream is technically inappropriate and not required for final disposal of the waste form.

This variance was previously requested in letters dated November 17, 2011; March 7, 2013; March 4, 2014; April 21, 2016; and September 27, 2017. These variance requests were approved on February 9, 2012; April 11, 2013; April 10, 2014; June 9, 2016; and November 9, 2017 respectively.

EnergySolutions requests that a variance be granted to allow the land disposal of site-generated waste that will be treated to meet all treatment standards except the treatment standard for PCBs.

The name, phone number, and address of the person who should be contacted to notify EnergySolutions of decisions by the Director is:



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Mr. Vern Rogers
Director, Regulatory Affairs
EnergySolutions LLC
299 South Main Street, Suite 1700
Salt Lake City, UT 84111
(801) 649-2000

Should there be any questions to this request, please contact me at (801) 649-2043.

Sincerely,

Steve D. Gurr
Environmental Engineer

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.