



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Douglas J. Hansen
Director

April 24, 2023

The Deseret News
Legal Advertising Department

EMAIL: legals@deseretnews.com

RE: Account #53606

To Whom It May Concern:

This email constitutes authorization to publish the attached NOTICE in the Deseret News on Wednesday, April 26, 2023.

Please send invoice and affidavit of publication to:

Douglas J. Hansen, Director
Division of Waste Management and Radiation Control
P.O. Box 144880
Salt Lake City, UT 84114-4880

Enclosure: Public Notice

c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department
Bryan Slade, Environmental Health Director, Tooele County Health Department
EnergySolutions General Correspondence Email
LLRW General Correspondence Email
Ashley Sumner (Email), Kaci McNeill (Email), Tom Ball (Email),
Doug Hansen (Email), Larene Wyss (Email)
Facility File, Public Participation File, Alisa Westenskow



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April 24, 2023

Salt Lake Tribune
Legal Advertising Department

EMAIL: legals@sltrib.com

RE: Account #SLT0010250

To Whom It May Concern:

This email constitutes authorization to publish the attached NOTICE in the Salt Lake Tribune on Wednesday, April 26, 2023.

Please send invoice and affidavit of publication to:

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Division of Waste Management and Radiation Control
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Tooele Transcript Bulletin
Legal Advertising Department

EMAIL: tbp@tooeletranscript.com

RE: Account #02100050

To Whom It May Concern:

This email constitutes authorization to publish the attached NOTICE in the Tooele Transcript Bulletin on Wednesday, April 26, 2023.

Please send invoice and affidavit of publication to:

Douglas J. Hansen, Director
Division of Waste Management and Radiation Control
P.O. Box 144880
Salt Lake City, UT 84114-4880

Enclosure: Public Notice

c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department
Bryan Slade, Environmental Health Director, Tooele County Health Department
EnergySolutions General Correspondence Email
LLRW General Correspondence Email
Ashley Sumner (Email), Kaci McNeill (Email), Tom Ball (Email),
Doug Hansen (Email), Larene Wyss (Email)
Facility File, Public Participation File, Alisa Westenskow

NOTICE OF PUBLIC COMMENT ON
EnergySolutions LLC
Mixed Waste Facility
UTD982598898

Site-Specific Treatment Variance for the Macroencapsulation of Lithium and Lithium-Ion Batteries

EnergySolutions requests approval to receive an exemption from Utah Administrative Code (UAC) R315-268-40 and R315-268-45 for the direct macroencapsulation treatment of lithium and lithium-ion batteries.

Lithium and lithium-ion batteries typically exhibit the hazardous characteristics of ignitability (D001) and reactivity (D003). Regulations in UAC R315-268-40 (40 CFR 268.40, 2015 Edition, incorporated by reference) require that these characteristic hazards be deactivated to remove the characteristic prior to land disposal. As an alternative, UAC R315-268-45 allows hazardous debris to be treated using an immobilization technology (e.g., macroencapsulation). However, the U.S. Environmental Protection Agency (USEPA) has ruled that intact batteries are containers and not considered debris. Furthermore, the definition of macroencapsulation in UAC R315-268-42 states that “Macroencapsulation specifically does not include any material that would be classified as a tank or container.”

In order to meet the regulatory standards described above, lithium and lithium-ion batteries would need to be shredded and mixed with chemicals to deactivate them; or punctured (and then considered debris) to macroencapsulate them. Both of these activities (shredding and puncturing) severely agitate the waste and would expose the reactive portion of the waste to open air which could cause an adverse reaction or explosion. Although this type of waste management is possible, from a safety and health standpoint, it is inappropriate.

EnergySolutions proposes to manage this waste by directly macroencapsulating the intact batteries. Macroencapsulation is a permitted treatment technology that isolates hazardous waste from the environment, eliminating the potential for harmful reactions from exposure to the environment. Macroencapsulation requires less handling of the waste and creates a waste form for disposal that is protective of human health and the environment.

Final disposal of the waste will occur in the Mixed Waste Disposal Cell at the EnergySolutions Mixed Waste Facility.

The public comment period to receive comments on the proposed action will commence on Thursday, April 27, 2023, and end on Friday, May 26, 2023. A public hearing on these issues will be held upon request.

Documents related to this application can be reviewed on the Internet at:
<https://deq.utah.gov/waste-management-and-radiation-control/waste-management-radiation-control-public-notice>

Written comments will be accepted if received by 5:00 p.m. on May 26, 2023. Comments should be submitted to the address below or by electronic mail as detailed below.

Douglas J. Hansen, Director
Division of Waste Management and Radiation Control
Department of Environmental Quality
P.O. Box 144880
Salt Lake City, UT 84114-4880

Comments can also be sent by electronic mail to: dwmrcpublic@utah.gov. Comments sent in electronic format should be identified by putting the following in the subject line: "Public Comment on Treatment Variance Request". All documents included in comments should be submitted as ASCII (text) files or in pdf format.

Under Utah Code Section 19-1-301.5 a person who wishes to challenge a Permit Order may only raise an issue or argument during an adjudicatory proceeding that was raised during the public comment period and was supported with sufficient information or documentation to enable the director to fully consider the substance and significance of the issue.

For further information contact Tyler Hegburg of the Division of Waste Management and Radiation Control at 385-622-1875. In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources at (801) 536-4284, Telecommunications Relay Service 711, or by email at lwyss@utah.gov.