



April 21, 2016

CD16-0086

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

Subject: Request for a Site-Specific Treatment Variance for Mixed Waste Requiring Treatment with a PCB Underlying Hazardous Constituent

Dear Mr. Anderson:

EnergySolutions, LLC (EPA Id Number UTD982598898) hereby requests a variance that provides an exemption from 40 CFR 268.40(e) 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 Utah Administrative Code (UAC) R315-13-1 (40 CFR 268.44 incorporated by reference), which allows a site-specific variance from an applicable treatment standard provided 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.

This request is submitted in accordance with the requirements of 40 CFR 260.20(b).

**40 CFR 260.20(b)(1):** This petition is being submitted by

EnergySolutions, LLC  
299 South Main Street, Suite 1700  
Salt Lake City, UT 84111

**40 CFR 260.20(b)(2):** 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.

**40 CFR 260.20(b)(3):** *EnergySolutions* proposes that the waste be treated in accordance with permit requirements and disposed in the MWLC upon meeting the treatment standards for all hazardous waste constituents and UHCs, with the exception of PCBs.

**40 CFR 260.20(b)(4):** The need and justification for this action are as follows.

This variance is being requested for up to approximately 50 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 268 ppm (mg/kg). The UTS concentration for PCBs is 10 mg/kg.

Over the past several years, approximately 13 tons of this type of waste was generated and treated at the Clive Facility. Analytical data 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 has 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  $\geq 50$  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 permitted 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 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.

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This variance was previously requested in letters dated November 17, 2011; March 7, 2013; and March 4, 2015. These variance requests were approved on February 9, 2012; April 11, 2013; and April 10, 2014, 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:

Mr. Vern Rogers  
Manager, Compliance and Permitting  
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) 649-2144.

Sincerely,



Timothy L. Orton, P.E.  
Environmental Engineer

cc: Don Verbica, DWMRC

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.