

Utah Solid and Hazardous Waste Control Board Electronic Meeting
Anchor Location: Utah Department of Environmental Quality
195 North 1950 West (Canyonlands Conference Room #2124), SLC
April 24, 2014
1:30 p.m.

Board Members

Participating By Phone: Dennis Riding (Vice-Chair), Eugene Cole, Mark Franc, Brett Mickelson and Dwayne Woolley

Board Members Present at Anchor Location:

Kevin Murray (Chair), Jeff Coombs and Shane Whitney

Board Members Absent: Amanda Smith

Staff Members Present: Scott Anderson, Ed Costomiris, Arlene Lovato, Otis Willoughby and Raymond Wixom

Other Phone Call

Participants: Sean McClatchey, URS

Others Present at Anchor Location:

Tim Orton

I. Call to Order.

Kevin Murray (Chair) called the meeting to order at 1:31 p.m. and proceeded with a roll call. Amanda Smith was excused from the Board meeting.

II. Approval of the Meeting Minutes for the March 13, 2014 Board Meeting.

It was moved by Shane Whitney and seconded by Jeff Coombs and **UNANIMOUSLY CARRIED** to approve the March 13, 2014 Board Meeting minutes.

III. Hazardous Waste Section.

A. EnergySolutions LLC request for a site-specific treatment variance for waste codes D009 and U151 (High Mercury-Organic Subcategory or High Mercury-Inorganic Subcategory). (Board Action Item)

Otis Willoughby, Environmental Scientist, Hazardous Waste Section, informed the Board that EnergySolutions LLC has requested a one-time, site specific treatment variance to stabilize a waste stream that carries the waste codes D009 and U151 (High Mercury-Organic Subcategory or High Mercury-Inorganic Subcategory). This variance, if granted, would be valid for one year from the date of approval. EnergySolutions has requested similar treatment variances for High Subcategory Mercury; the first approval took place in January 2002.

EnergySolutions proposes to receive waste streams from generators that carry the waste codes for High Subcategory mercury. The volume of waste that may be shipped over the next year is approximately 1500 cubic feet. The technology-based treatment code for this material is either IMERC (incineration)

or RMERC (roasting/retort followed by recovery). The RMERC and IMERC processes generate secondary waste streams. The secondary waste streams, when greater than 260 mg/kg mercury, are required to be further stabilized to a level of 0.2 mg/L or 0.25 mg/L for soils based on the toxicity characteristic leaching procedure (TCLP) in SW846.

EnergySolutions is proposing to treat the waste directly with a stabilization method rather than going through the initial retort or incineration of the waste due to the mixed waste nature of the waste stream, i.e. a hazardous waste with a radioactive component. The hardship for this case is that radioactive mercury cannot be recycled and it would require extra handling of the waste. The EPA has issued a Determination of Equivalent Treatment (DET) for such High Mercury Subcategory wastes. In its determination, the EPA concluded that, for wastes that contain mercury and are radioactive, the recovery portion of RMERC or IMERC is not appropriate and that alternative treatment processes should be pursued. EnergySolutions is proposing to stabilize the waste to a level below 0.2 mg/L or 0.25 mg/L for soils based on the TCLP method. This would satisfy the high mercury subcategory requirement. In addition, LDR compliance will be met for all other waste codes associated with the waste prior to disposal.

A 30-day public comment period on the variance request began on March 13, 2014 and ended on April 11, 2014. A public hearing to receive comments was held on March 26, 2014. No comments were received. Based on the timing of this request, it was not presented to the Board as an information item in a previous meeting.

The Director recommends approval of this variance request based on the following findings: the proposed alternative treatment method meets the regulatory basis for a variance, will be as safe to human health and the environment as the required method and will not require waste handling that could possibly expose workers to unnecessary contact with the waste.

It was moved by Dennis Riding and seconded by Shane Whitney and UNANIMOUSLY CARRIED that the Board approve, for one year, EnergySolutions LLC request for a site-specific treatment variance for waste codes D009 and U151 (High Mercury-Organic Subcategory or High Mercury-Inorganic Subcategory).

**B. EnergySolutions LLC request for a site-specific treatment variance for mixed waste requiring treatment with PCB as an underlying hazardous constituent.
(Board Action Item)**

Otis Willoughby, Environmental Scientist, Hazardous Waste Section, informed the Board that EnergySolutions LLC submitted a request for a one-time, site specific treatment variance from the Utah Hazardous Waste Management Rules. If granted, this variance would be valid for one year from the date of approval. EnergySolutions has requested similar treatment variances for PCBs in the past; the last similar variance was approved in April 2013.

EnergySolutions' Mixed Waste Facility has generated waste containing listed hazardous constituents which may also contain Polychlorinated Biphenyls (PCBs) as Underlying Hazardous Constituents. Through treatability studies performed at the site, EnergySolutions has confirmed successful treatment below the treatment standards for all contaminants except PCBs. The PCB treatment standard is not attainable using the current chemical treatment technologies, thus the need for the variance.

If this waste did not carry the listed codes (contained only PCBs at these levels), then EnergySolutions would be permitted to directly dispose of this waste. EnergySolutions will generate approximately

50 tons of this waste. Following treatment of the listed waste contaminants, final disposal of the waste will occur in the Mixed Waste Landfill Cell at the EnergySolutions Mixed Waste Facility.

A 30-day public comment period for this variance request began on March 13, 2014 and ended on April 11, 2014. A public hearing to receive comments was held on March 26, 2014. No comments were received. Based on the timing of this request, it was not presented to the Board as an information item at a previous meeting.

The Director recommends approval of this request based on the following findings: the proposed alternative treatment method meets the regulatory basis for a variance and will be as safe to human health and the environment as the required method. In addition, if these wastes did not contain hazardous contaminants, the PCBs could be directly disposed without further treatment.

Dennis Riding commented that this variance request has a shorter history than the one previously presented and presumes something changed to make this type of variance request necessary and questioned how much longer this type of variance will be needed. Otis Willoughby stated that as long as EnergySolutions continues to receive PCB waste and the rules remain as currently written, these annual variance requests will be needed. Tim Orton, EnergySolutions, clarified that at this time, this type of variance request will continue indefinitely. Mr. Orton further explained that approximately five years ago, EnergySolutions received approval from the USEPA to shred PCB capacitors. Therefore, this type of waste will continue to be generated as a secondary waste stream.

It was moved by Jeff Coombs and seconded by Dennis Riding and UNANIMOUSLY CARRIED that the Board approve, for one year, EnergySolutions LLC request for a site-specific treatment variance for mixed waste requiring treatment with a PCB underlying hazardous constituent.

C. Clean Harbors Grassy Mountain request for a site-specific treatment variance for waste codes D009 (Mercury) (Information Item).

Ed Costomiris, Environmental Scientist, Hazardous Waste Section, informed the Board that Clean Harbors Grassy Mountain, LLC has requested a site-specific treatment variance from the Utah Hazardous Waste Management Rules. The Grassy Mountain Facility seeks authorization to stabilize a waste stream containing mercury and residue from the demilitarization, treatment and testing of nerve and chemical agents. The treated waste will be disposed in a hazardous waste cell at the facility.

The Grassy Mountain Facility proposes to stabilize and dispose of a carbon filter media from the air pollution control system from the Chemical Demilitarization Incinerator at the Deseret Chemical Depot (now Tooele Army Depot South) which is currently undergoing closure. The waste is a characteristic hazardous waste due to its mercury content (D009). It is also defined as a listed hazardous waste in Utah because it has been contaminated with nerve agent (F999). The technology-based treatment code for this waste is RMERC (roasting/retorting followed by recovery). The RMERC process generates secondary waste streams. Secondary waste streams, when greater than or equal to 260 mg/kg total mercury, are required to be further stabilized to a level of 0.20 mg/l using the toxicity characteristic leaching procedure (TCLP). Secondary waste streams, when less than 260 mg/kg total mercury, are required to be treated to 0.025 mg/l TCLP.

The Grassy Mountain Facility proposes to treat all of the waste to the more restrictive level of 0.025 mg/l, or less, based on the TCLP. The Grassy Mountain Facility will treat the waste directly with a stabilization method rather than going through the initial retorting or roasting of the waste. Due to the F999 waste code, the retorting company will not accept the waste for processing. The hardship for

Grassy Mountain and Tooele Army Depot South is that there currently is no alternative to treat and dispose of this waste. The Grassy Mountain Facility has conducted a treatability study on the waste stream. The treatment formula developed for this waste stream resulted in mercury concentrations below the concentration of 0.025 mg/L TCLP. This is more stringent than the high mercury subcategory requirement and meets the standard for Low Mercury – Subcategory Inorganic. In addition, LDR compliance will be met with all other waste codes associated with the waste prior to disposal.

A 30-day public comment period on the variance request will begin on April 29, 2014 and end on May 29, 2014. A public hearing to receive comments has been scheduled for May 14, 2014.

This variance, if granted, will be valid until June 6, 2015. The Grassy Mountain Facility has requested similar site-specific treatment variances for High Mercury. The Board approved the last request in June 2013. This is an informational item; the Director will make a formal recommendation to the Board at the next Board meeting.

IV. Other Business.

Kevin Murray commented that he received positive responses from the public regarding the Board conducting its March Board meeting in conjunction with the SWANA Symposium in Springdale, Utah and thanked all Board members who were able to attend.

The May 8, 2014 Board meeting has been cancelled due to scheduling conflicts. The next Board meeting is scheduled for June 12, 2014 at 1:30 p.m. in the UDEQ Board Conference Room #1015. Kevin Murray requested all Board members be in attendance, as many agenda items will be presented including final adoption of proposed rule changes.

Mr. Murray stated that with the request from the March Board meeting asking for assistance in understanding the proposed rule changes, the Division staff has prepared a summary of the proposed rule changes and will provide them to the Board prior to the June meeting.

Scott Anderson thanked all the Board members who adjusted their schedule to participate by phone for this meeting. The regularly scheduled April 10, 2014 meeting needed to be moved to today, April 24, 2014, because the action items before the Board included variance requests that had public comment periods that did not end until April 18, 2014.

V. Adjourn.

The meeting adjourned at 1:52 p.m.