



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, WA 98101

1 2 JUN 2007

AMWTP  
Approved  
RBDA

Reply to  
Attn of: OCE-164

David L. Wessman  
TSCA Compliance Manager  
U.S. Department of Energy  
1955 Fremont Avenue, MS 1216  
Idaho Falls, ID 83415

Subject: Approval of the Toxic Substance Control Act (TSCA) Risk-Based Disposal Approval (RBDA) Application for Management of Transuranic Polychlorinated Biphenyl (PCB) Remediation Waste at the Advanced Mixed Waste Treatment Project (AMWTP) Facility

Dear Mr. Wessman:

This letter constitutes approval under the authority of 40 Code of Federal Regulations (CFR) 761.61(c) to manage transuranic (TRU) PCB remediation waste, currently in storage at the Advanced Mixed Waste Treatment Plant (AMWTP) and destined for disposal at the Waste Isolation Pilot Plant (WIPP). The approval is subject to conditions established below. The management activities which may be conducted pursuant to this approval are within the definition of "disposal" at 40 CFR 761.3. The scope of this approval, however, is limited by conditions of the approval to certain work that will be conducted at the AMWTP necessary for the wastes to qualify for disposal at the WIPP. The rationale of the U.S. Environmental Protection Agency (EPA) for establishing each of these conditions is contained in the Statement of Basis appearing as Enclosure 2 of this letter. The written decision for a risk-based method for disposal of transuranic (TRU) PCB remediation waste is based on the U.S. Department of Energy, Idaho Operations Office (DOE-ID) application for a RBDA request dated March 1, 2007, as well as additional information provided to the EPA in support of this application, identified in Enclosure 1. In granting this approval, EPA finds that the proposed management of transuranic PCB remediation waste destined for disposal at the WIPP, subject to the conditions below, will not pose an unreasonable risk of injury to human health or to the environment. The conditions of this approval are enforceable under TSCA and implementing regulations 40 CFR 761.61(c). Any actions by the DOE which violate the terms and conditions of this letter may result in administrative, civil, or criminal enforcement by EPA in accordance with Section 16 TSCA, 15 USC § 2615.

## Conditions

- 1) This approval applies to TRU PCB remediation waste currently stored at the AWMTP identified as IDC RF003, IDC BC203 and IDC RF480 that has been designated by the Secretary of Energy to be disposed of at the WIPP facility located in Carlsbad, New Mexico, and which are potentially multi-phasic, with an upper bound of ten (10) percent by volume liquids (based on the primary container volume). Wastes that are not eligible for or have not been designated by the Secretary for disposal at the WIPP are not covered under this approval. This approval shall remain in effect as necessary to complete processing of wastes identified in this condition, any additional wastes approved pursuant to Condition 2, or five years from the effective date of this approval. EPA may extend the duration of this approval
- 2) PCB remediation wastes other than those currently in storage at the AWMTP that otherwise meet the requirements in Condition 1 may be managed under this approval if DOE-ID provides a written request to EPA Region 10 to manage these wastes, and EPA Region 10 provides written approval of the request. Any written request submitted by DOE-ID will document that the proposed additional wastes otherwise meet the requirements in Condition 1.
- 3) DOE-ID is authorized to absorb incidental liquids in wastes identified in Condition 1 for purposes of meeting waste acceptance requirements of WIPP. DOE-ID may use absorbents, according to manufacturers directions, identified in the RBDA Application, Section 4, Management of PCB remediation waste for this purpose may occur in soft-sided containment tents within WMF-628 and/or WMF-635 in accordance with requirements of Condition 5, the bulleted items in Section 4 of the RBDA application (Reference 1, incorporated by reference into this condition) and according to the requirements of Attachments 1.C and 1.E of the RCRA permit. Equipment and types of manual/mechanical means used to separate the liquid or mix liquids with absorbent for purposes of absorption of liquid shall not result in uncontrolled or un-permitted bulk or aerosol emissions.
- 4) Management of PCB remediation waste under this approval shall follow requirements of real-time radiography/visual examination to meet WIPP certification requirements according to the EPA-approved waste characterization program for WIPP shipment and disposal of waste streams managed under this approval for purposes of ensuring that liquids (including but not limited to liquids in oil-filled equipment) other than incidental liquids are not managed under this approval.
- 5) Management of PCB remediation wastes under this approval shall be in compliance with and conducted only in units subject to permits issued by the State of Idaho pursuant to IDAPA 58.01.05.008 (the RCRA permit) and IDAPA 58.01.01.200 – 223 (the Air Permit), 10 CFR Part 835 and DOE Order 5400.5.

- 6) DOE-ID shall ensure that personnel involved in work subject to this approval are adequately trained and provided appropriate personnel protection equipment (PPE) according to requirements of DOE Order 5400.5 and 10 CFR Part 835 applicable to such work.
- 7) Secondary waste generated as a result of activities subject to this approval shall be managed according to the applicable requirements of 40 CFR Part 761.
- 8) All equipment and structures which are or may be contaminated by PCB remediation waste as a result of work subject to this approval shall be decontaminated according to the requirements of 40 CFR 761.79, a clean debris surface according to the alternate treatment standards for hazardous debris in 40 CFR 268.45, or disposed of according to applicable requirements of 40 CFR Part 761. Work may also be accomplished according to the requirements of Attachment 8 of the RCRA permit provided that PCBs, as measured by Aroclor mixtures, are included as a contaminant of concern. This work shall be conducted on a schedule consistent with closure requirements of the RCRA permit. DOE-ID shall provide written notice to EPA at least 30 days prior to the start of this work.
- 9) Any spills or releases of PCB remediation waste associated with work subject to this approval shall be addressed according to the requirements of the RCRA permit, 10 CFR Part 835 and DOE Order 5400.5.
- 10) Nothing in this approval relieves DOE-ID of any obligations to comply with all other rules and regulations applicable to the activities subject to this approval.
- 11) If anytime before during or after management of PCB remediation waste under this approval, DOE-ID possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in this RBDA application) indicating that activities approved herein may pose an unreasonable risk of injury to health or the environment, DOE-ID must report such data, via facsimile or e-mail to EPA within five working days, and in writing to the Regional Administrator within 30 calendar days, of first being made aware of that data. DOE-ID shall also report new or different information related to a condition at any element of the AMWTP treatment activities if the information is relevant to this approval. DOE-ID shall immediately cease all activities approved herein that may pose an unreasonable risk of injury to health or the environment. Such activities shall not resume until EPA provides written notification that the activities in question no longer pose an unreasonable risk of injury to health or the environment.
- 12) EPA reserves the right to modify or revoke this approval based on information provided pursuant to Condition 11, or any other information available to EPA that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment. DOE-ID may request modification of this approval by providing written notice according to Condition 13. If EPA accepts a request for modification, EPA will provide written approval to DOE-ID. Prior to obtaining written approval of a modification request, DOE-ID shall comply with the existing approval conditions.

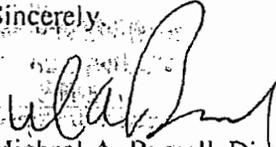
13) Submissions required by this approval shall be provided to EPA as follows:

EPA: Michael A. Bussell  
Office of Compliance and Enforcement  
EPA Region 10  
1200 6<sup>th</sup> Ave., MS OCE-164  
Seattle, WA 98101  
E-mail: [Bussell.michael@epa.gov](mailto:Bussell.michael@epa.gov)  
Facsimile: (206) 553-7176

w/copies to Dave Bartus  
Office of Air, Waste and Toxics  
EPA Region 10  
1200 6<sup>th</sup> Ave., MS AWT-122  
Seattle, WA 98101  
  
E-mail: [Bartus.dave@epa.gov](mailto:Bartus.dave@epa.gov)  
Facsimile: (206) 553-1847

Should you have any questions or comments, please contact Dave Bartus at (206) 553-2804, or [Bartus.dave@epa.gov](mailto:Bartus.dave@epa.gov).

Sincerely,

  
Michael A. Bussell, Director  
Office of Compliance and Enforcement

cc: Robert Bullock, IDEQ

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