



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 18 2008

Mr. Richard Fizanco
Technical Services Manager
East Tennessee Materials and Energy Corporation
2010 Highway 58, Suite 1020
Oak Ridge, TN 37830

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Mr. Fizanco:

Thank you for your petition request dated August 28, 2008. The petition asks for a variance from the land disposal restrictions (LDR) treatment standards for certain mixed radioactive hazardous wastes.

The current treatment standards for the wastes in question are expressed as a required method of treatment: combustion (CMBST). This means that the wastes must be treated in high temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable RCRA permit requirements, and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process. You request that we make a finding that treatment by vacuum-assisted thermal desorption (VTD) provides equivalent treatment to that provided by combustion for the hazardous mixed wastes that you treat.

We will fully evaluate your petition and the data that were included. Our decision to grant or deny the petition must be published in the *Federal Register* for comment, as does our final determination. The technical evaluation and the preparation and review of the *Federal Register* notices typically take six months to one year. We will immediately begin this process; however, I am unable to give you an exact date when our decision will be finalized. We will be in further contact with you by email or phone as we begin the review of your petition and data.

Again, thank you for your petition request. If you have questions please do not hesitate to call Mary Jackson of my staff on 703-308-8453, or by email Jackson.mary@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Berlow".

James R. Berlow
Director
Hazardous Waste Minimization and
Management Division

Handwritten initials, possibly "JRB", in a stylized cursive font.