

Utah Solid and Hazardous Waste Control Board Meeting
Utah Department of Environmental Quality
195 North 1950 West (Conference Room #1015) SLC, Utah
June 13, 2013

Board Members Present: Kevin Murray (Chair), Dennis Riding (Vice-Chair), Eugene Cole, Jeff Coombs, Mark Franc, Brett Mickelson, Amanda Smith, Shane Whitney and Dwayne Woolley

Board Members Absent: None

Staff Members Present: Scott Anderson, Brent Everett, Tom Ball, Edward Costomiris, Karma Kehler, Arlene Lovato, David McCleary, Terry Montgomery, Rick Page, Boyd Swenson, Don Verbica, Otis Willoughby and Raymond Wixom

Others Present: Les Ashwood, Lon Griffith, Scott Kuhn, Michael Marlowe, Melissa Scales, Brent Stephens and Nayeli Taylor

I. Call to Order.

Kevin Murray (Chair) called the meeting to order at 1:32 p.m.

Eugene Cole, who was not at the April Board meeting, introduced himself to the Board. Dr. Cole is a professor at Brigham Young University teaching environmental health science courses. Dr. Cole has experience with various environmental issues including solid and hazardous waste. Dr. Cole represents the public health position on the Board.

II. Approval of the Meeting Minutes for April 11, 2013 Board Meeting. (Board Action Item)

It was moved by Dwayne Woolley and seconded by Jeff Coombs and UNANIMOUSLY CARRIED to approve the April 11, 2013 Board meeting minutes.

III. Underground Storage Tanks Update.

Brent Everett informed the Board that the actual cash balance of the Petroleum Storage Tank (PST) Trust Fund at the end of April 2013 was \$11,743,246.00. The preliminary cash balance of the PST Trust Fund at the end of May 2013 was \$11,952,255.00. The Division of Environmental Response and Remediation (DERR) will continue to watch the cash balance to ensure sufficient coverage for the petroleum release liabilities that are covered by the PST Trust Fund.

Mr. Everett updated the Board on the PST Viability Study. This study came about due to legislation sponsored by Representative Steve Eliason. There were two responses to DERR's Request for Proposals. The responses were evaluated on both cost and qualifications. A contract will be awarded and signed by mid-June with the study commencing July 1, 2013. The cost to complete the PST Viability Study will be \$120,000.00. The study will include all elements proposed by the legislation. The study findings will be reported to the Legislative interim committee, preliminarily scheduled for November. Mr. Everett will keep the Board informed as the study progresses.

Mr. Everett also informed the Board that DERR is considering changing one of its fees in the fee schedule. In the current fee schedule, there is a green tag replacement fee of \$25.00 per green tag. Last year, the existing green tag program was replaced with a red tag program. At this time, as green tags are no longer used, DERR does not see a need to have a green tag replacement fee. Instead of the former green tag program, red tags are now placed on underground storage tanks that are out of compliance. The red tag alerts fuel deliverers that the tank is not in compliance and is not allowed to receive fuel. DERR would like to implement a fee to replace a red tag removed by a facility owner without authorization and has held preliminary discussions regarding this matter. Stakeholders will be consulted to obtain further input. The fee amounts being considered for red tag removal are substantial. One possibility is a \$250.00 fee for removal of a red tag. The reason for a large fee is to offset the cost of a tank inspector or contracted county health department going to a facility to replace the missing red tag. Currently, the only recourse if a red tag is removed and fuel delivery is received, is a

\$500.00 per occurrence penalty. The purpose of an additional fee would be to deter unauthorized red tag removal. Mr. Everett will be taking feedback on this subject.

Mr. Everett introduced Elisa Smith as Administrative Secretary for DERR. Ms. Smith will assist Arlene Lovato in her support of the Board.

IV. Commercial/Federal Facilities.

A. Clean Harbors Grassy Mountain, LLC request for a site-specific treatment variance. (Board Action Item)

Raymond Wixom, Utah Attorney General's Office, explained to the Board why variance requests are required to be approved on a yearly basis rather than a one-time approval. Mr. Wixom clarified that the Solid and Hazardous Waste Act gives the Board authority to grant variances. The statutes state that any variance that is to go longer than one year must have a return to compliance schedule. The variance requests that the Board frequently deals with are from facilities that bury their waste. Once buried, the goal is to keep the waste buried. Therefore, the requests for variances are for a period not to exceed one year; which means these requests are required to come to Board repetitively. It is the responsibility of this Board to hear the requests and evaluate the appropriateness of each request to determine whether to grant a variance request.

Mr. Wixom explained that a facility will come before the Board and identify a provision in the statute/rules that imposes an inappropriate burden on the facility and the need for a variance. Each facility is required to demonstrate that what it is requesting through a variance is appropriately protective of human health and the environment. Once that is done, the Board will consider the request for the variance.

Shane Whitney recused himself from this matter, due to a conflict of interest.

Edward Costomiris, Environmental Scientist, Commercial Federal Facilities Section, informed the Board that Clean Harbors Grassy Mountain has requested a site-specific treatment variance from the Utah Hazardous Waste Management Rules. The Grassy Mountain Facility seeks authorization to stabilize and dispose of a mercury waste stream that is generated at the Clean Harbors Aragonite Facility. The treated waste will then be disposed in a hazardous waste cell at the facility. Clean Harbors Grassy Mountain has requested, and the Board has approved, identical site-specific treatment variances in March 2009 and November 2010.

Normally, the Board will receive information regarding variance requests twice. The request will first be presented as an informational item. In a subsequent meeting following public comment, the Board will hear the matter again and consider final official action on the request. However, since a Board meeting was not held in March, the variance request is being presented today for the first time, with a request for Board action.

The waste stream is generated from the air pollution control system during operations at the Aragonite Facility. One of the units in the air pollution control system is a bag house. This waste stream consists of bag house dust that contains high concentrations of mercury.

The technology-based treatment code is RMERC, which is roasting or retorting of the waste followed by mercury recovery. The RMERC process generates a secondary waste stream. Should the secondary waste stream be generated from the RMERC process and contain less than or equal to 260 mg/kg total mercury, the land disposal standard is 0.20 mg/l TCLP. If the secondary waste is not a residue of RMERC, and the waste stream initially contained less than 260 mg/l, the standard is .025 mg/L, based on the toxicity characteristic leaching procedure (TCLP) in SW-846.

The Grassy Mountain Facility is proposing to treat the waste directly with a stabilization method rather than going through the initial retorting or roasting of the waste. The hardship for Clean Harbors is that there currently is no alternative way for the company to dispose of this waste. Facilities that can retort the waste stream are not permitted to treat waste that has waste codes not associated with mercury and this particular waste stream has numerous codes in addition to the code for mercury. Clean Harbors has conducted a treatability study on the waste stream. The treatment

formula developed for this waste stream resulted in mercury concentrations below the requested concentration of 0.025 mg/L TCLP. In addition, LDR compliance will be met for all other waste codes prior to disposal.

A 30-day public comment period began on May 7, 2013 and concluded on June 6, 2013. No comments were received. A public hearing was held on June 4, 2013. No comments were received.

The Director recommends that the request for the site-specific treatment variance be approved. This variance, if granted, will be valid until June 17, 2014.

Dwayne Woolley questioned why the variance was not requested in 2011 and 2012. Mr. Costomiris clarified that the facility did not have this particular waste stream to manage during the years in question.

It was moved by Dennis Riding and seconded by Brett Mickelson and carried that the Board approve Clean Harbors Grassy Mountain, LLC request for a site-specific treatment variance. Shane Whitney recused himself, due to a conflict of interest, and did not vote on this matter.

V. Commercial/Federal Facilities Program Overview.

Scott Anderson reminded the Board members that the various program managers in the Division of Solid and Hazardous Waste would be introduced along with their staff members, who would provide an overview of their programs in future board meetings. Mr. Anderson introduced Don Verbica, Commercial Federal Facilities Section Manager.

Mr. Verbica introduced his section members: Tom Ball (project manager for EnergySolutions, TOCDF and Tooele South Facility), Otis Willoughby (project manager for EnergySolutions and Hill Air Force Base), Ed Costomiris (project manager for the Clean Harbors Grassy Mountain Facility), Boyd Swenson (project manager for the Clean Harbors Aragonite Facility and the Tooele North Facility), Rick Page (project manager for the Clean Harbors, Aragonite Facility and the Tooele North Facility), David McCleary (responsible for all Financial Assurance issues for the Division). Three section members were absent: Helge Gabert (project manager for Clean Harbors Grassy Mountain Facility), Brad Lauchnor (project manager for the Grassy Mountain Facility) and Tina Mercer (project manager for TOCDF). Mr. Verbica also introduced the secretarial support staff for his section: Terry Montgomery and Karma Kehler. A presentation on the facilities the Commercial/Federal Facilities Section regulates followed, a copy of which is available with the meeting minutes.

Rick Page informed the Board that both the Division of Solid and Hazardous Waste and the Division of Air Quality can have overlapping rules and statutes regarding the facilities discussed during the presentation, but that both divisions work together to ensure all issues are addressed. Board members had questions regarding the UTTR facility. Mr. Verbica informed the Board that a presentation will be made in the near future on the UTTR facility.

VI. Director's Report.

Scott Anderson discussed the agenda item titled "Director's Report." This is a new agenda item that will be listed periodically. The intent is to provide information on program activities in the Division.

Mr. Anderson informed the Board that the Army will be issuing a press release today regarding the closure of the Metal Parts Furnace at the Tooele Chemical Agent Disposal Facility (TOCDF). This is major milestone as staff members have been involved with this facility for over twenty years. This facility posed many issues and challenges in the conduct of its mission.

Mr. Anderson acknowledged all staff members, including Tom Ball, for their efforts in regulating and seeing this facility through to closure. The Metal Parts Furnace is one of four incinerators located at the facility and has processed more than 1.3 million metal munitions casings and containers. TOCDF has processed more than 1.6 million pounds of secondary waste that has been generated by TOCDF and other activities at Deseret Chemical Depot over the past 70 years. The risks posed by this stockpile are now gone. Mr. Anderson thanked Division staff and the Army for all their efforts to achieve

closure at this facility. All remaining chemical stockpile facilities in other states will not be utilizing incineration methods; instead, they will be use an alternative technology, so closure of this facility is truly the end of an era.

Mr. Anderson provided an update on the Used Oil Program. Since the last Board meeting, the Used Oil Section has established four new Used Oil Collection Centers (UOCCs). The UOCCs typically accept used oil from multiple sources that include both businesses and individuals. For those individuals who change their own oil, these UOCCs provide a great service, particularly in the rural areas of Utah. To date, there are approximately 400 UOCCs throughout the state. Additional information regarding the Used Oil Program can be found on the Division's webpage.

The Used Oil Program also has an active outreach program. Since the last Board meeting, forty-one presentations have been made to public associations, trade groups, high schools, and any other interested organizations. This is a very effective and active outreach program as it reaches hundreds of participants annually. The Used Oil Program has also recently completed an on-line training and testing program for the local health departments.

Mr. Anderson informed the Board that the Solid Waste Section continues to issue new permits as well as permit renewals and modifications. Mr. Anderson recently authorized two permit renewals, one for the Bountiful Landfill and one for the Three Mile Canyon Landfill in Summit County. Both these solid waste permits have been renewed for another ten years.

Mr. Anderson informed the Board that he signed a permit modification for the East Carbon Development Corporation (ECDC) facility that will allow construction of a cell to receive certain types of PCB wastes.

A draft permit is currently out for public comment for a waste tire processing facility in Emery County. The applicant plans to treat the tires to produce oil, etc.

Mr. Anderson gave a brief update on the Division's Corrective Action Program. Work has begun on a mobile destructive device that will be used on military installations to treat explosively-configured munitions that were buried and left in place.

Mr. Anderson informed the Board of the recent program assessment from the U.S. Environmental Protection Agency (EPA) regarding the Division's waste management programs. The assessment specifically deals with enforcement matters. The EPA reviews the inspections conducted by the Division and determines if federal criteria regarding timeliness, identification of violations, and appropriateness of enforcement actions are being met. Mr. Anderson reported that the Division received high marks on the assessment.

VII. Other Business.

Kevin Murray polled the Board to see which summer month they prefer not to meet (July or August). It was determined that the Board will not meet in August. (Due to minimal agenda items, no meeting was held in July).

Scott Anderson polled the Board to see if there was an interest in touring the facilities that were discussed during the presentation by Don Verbica. Board members agreed that they would like to tour the facilities and requested that several facilities be visited on each tour.

The next Board meeting is scheduled for September 12, 2013 at 1:30 p.m. in the UDEQ Conference Room #1015.

VIII. Adjourn.

The meeting was adjourned at 2:16 p.m.