

MEETING MINUTES APPROVED SEPTEMBER 11, 2025

**Waste Management and Radiation Control Board Meeting Minutes
Utah Department of Environmental Quality
Multi-Agency State Office Building (Conf. Room #1015)
195 North 1950 West, SLC
July 10, 2025
1:30 p.m.**

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Dennis Riding (Vice-Chair), Tim Davis, Jeremy Hawk, Shane Whitney

Board Members Participating Virtually: Dr. Richard Codell, Danielle Endres, Mark Franc
Dr. Steve McIff, Vern Rogers

Board Members Excused/Absent: Scott Wardle

UDEQ Staff Members Participating at Anchor Location: Doug Hansen, Brent Everett, Morgan Atkinson, Tom Ball, Arlene Lovato, Stevie Norcross, Mike Pecorelli, Elisa Smith, Brian Speer, David Wilson, Raymond Wixom

Others Attending at Anchor Location: None.

Other UDEQ employees and interested members of the public also participated either electronically or telephonically.

This meeting was recorded and an unedited audio of this meeting can be accessed at:
<https://www.utah.gov/pmn/files/1297523.mp3>

I. Call to Order and Roll Call.

Chairman Mickelson called the meeting to order at 1:30 p.m. Roll call of Board members was conducted; see above.

II. Public Comments on Agenda Items – None.

III. Declarations of Conflict of Interest – None.

IV. Approval of the meeting minutes for the June 12, 2025, Board meeting (Board Action Item).

It was moved by Mark Franc and seconded by Dr. Steve McIff and UNANIMOUSLY CARRIED to approve the June 12, 2025, Board meeting minutes.

V. Petroleum Storage Tanks Update.

Brent Everett, Director of the Division of Environmental Response and Remediation (DERR), informed the Board that the cash balance of the Petroleum Storage Tank (PST) Enterprise Fund for the end of June 2025 was \$39,958,926.00. The DERR anticipates additional PST releases, particularly as the number of regulated PSTs has increased with the addition of aboveground petroleum storage tanks (APSTs).

Mr. Everett also informed the Board that the DERR is gathering information for the annual PST Actuarial Report. The finalized report information will be provided to the Board when it is completed.

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VI. Petroleum Storage Tanks Rules.

A. Proposed changes to R311, Petroleum Storage Tanks Rules (Board Information Item).

David Wilson, the DERR PST Compliance Section Manager, explained that the DERR is proposing changes to R311 PST rules following the passage of House Bill 18, effective May 7, 2025. This is the first major update since APST regulations were introduced in 2021. Key changes include new notification requirements for APST owners/operators, expanded certification definitions to include APSTs, installation permit and fee requirements for all PSTs at least 30 days in advance, and eligibility for APST owners/operators to apply for PST Fund loans for upgrades, replacements, or closures. Minor clarifications to existing rules are also included.

Board members asked questions regarding regulation of APSTs, which repairs require notification to the DERR and the timeframe of notification, and the feedback that has been received from the PST workgroup. Messrs Everett and Wilson explained that the APSTs being regulated have not changed from the original legislation. These rule changes are being made to bring both APSTs and USTs under similar regulation and to provide the same benefits to both, such as the use of the PST Loan program. A commitment was made to provide the Board with the draft rules that will be sent to all PST stakeholders.

VII. Administrative Rules.

A. Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 of the Solid Waste Rules (Board Action Item).

Tom Ball, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), reviewed the request for approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 to amend the Solid Waste Rules with regard to coal combustion residuals (CCR).

Utah Administrative Code R315-319 established requirements for CCR facilities in Utah based on the corresponding federal rules published in Subpart D of 40 CFR 257 on April 17, 2015. Since that time, the U.S. Environmental Protection Agency (U.S. EPA) has amended these rules at least three times. Mr. Ball informed the Board that the Division will be seeking approval from the U.S. EPA for the CCR Program in Utah, and that amending the rules for consistency with the federal regulations is part of that process.

The changes the Division is proposing in amending the Solid Waste Rules do not include making any changes to the technical requirements for building and operating a CCR surface impoundment.

The types of changes that the Division is making with this amendment include removing outdated requirements, adding clarifications, adding definitions, adding optional requirements, changing the types of information that must be included in reports, facility operating records, and posted to facility web pages, and changing compliance dates. In addition, the Division will be fixing formatting and typographical errors with the rule amendments.

This is a Board action item. The Director recommends that the Board approve proceeding with formal rulemaking and public comment by publishing in the August 1, 2025, *Utah State Bulletin* the proposed changes to Utah Administrative Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 and conducting a public comment period from August 1, 2025, to September 2, 2025.

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Danielle Endres asked for clarification between the term “coal combustion residual” and its relationship to coal ash, as “coal ash” is another term often used.

Danielle Endres also commented that information in the Board packet indicated there are currently no legacy CCR facility impoundments, meaning this rule will not affect any existing CCR facility impoundments and questioned whether there is a potential to have a legacy CCR facility impoundments in the future.

Brian Speer, Solid Waste Section Manager in the Division, responded to both questions.

Mr. Speer informed the Board that CCR and coal ash are the same. Specifically, CCR refers to the residuals generated from burning coal at an electric power plant.

Mr. Speer informed the Board that neither the U.S. EPA nor the State of Utah is currently aware of any legacy facilities. He also stated that the Division has incorporated many additional changes into the current rules to address any legacy facilities that might be identified in the future, but at this time the Division is not aware of any that exist. Mr. Speer stated that a legacy facility is defined as a facility at a power plant that ceased operation before October 19, 2015.

It was moved by Jeremy Hawk and seconded by Danielle Endres and UNANIMOUSLY CARRIED for the Board to proceed with formal rulemaking by publishing in the August 1, 2025, *Utah State Bulletin* the proposed changes to Utah Administrative Code R315-306, 307, 310, 311, 314, and 319 and conducting a public comment period from August 1, 2025, to September 2, 2025.

VIII. Director's Report.

Director Hansen informed the Board that the Division has started preparing budget recommendations that will be submitted to the Governor's Office and subsequently to the Utah State Legislature for next year's legislative session.

Director Hansen also informed the Board that in addition to preparing budget recommendations, the Division has also completed its annual fee funding review. Director Hansen noted that the Division is very fee-centric, with over \$14 million of its roughly \$16 million in annual funding being fee-based.

Director Hansen reported that the Division's fee increases implemented this coming year will be in the Solid Waste Program and the X-Ray Program and the Division has sent out notices to stakeholders who have expressed interest in past fee changes. Director Hansen also reported that the Division will hold a public meeting later this month and during this meeting, staff will explain the reasons for the fee increases and their intended purpose. Additionally, the UDEQ will be holding the Department's Fee Hearing in September. Director Hansen offered to inform the Board of the date of that meeting.

Director Hansen further explained that the Solid Waste Program fee increases were facilitated because of a structural change in the statute during the last legislative session, and the X-Ray Program fee increases are common to periodic need. Director Hansen also commented that the X-Ray Program is one where the Division struggles to collect fees. Therefore, for the first time in program history, the Division is looking to institute a late fee that reflects the cost of going to collections; Division staff will address this issue during the public information meeting.

There were no comments or questions for Director Hansen.

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IX. Executive Director's Report.

Executive Director Davis provided an update on a key development since the last meeting: The Department of Environmental Quality adopted a new Strategic Plan. The new Strategic Plan aligns with the four key goals and priorities that Executive Director Davis discussed at the last Board meeting, which include: critical problem-solving; building relationships; protecting and improving Utah's air, land, and water while supporting community growth; and efficiency, innovation, and transparency. Executive Director Davis noted that while the order of these goals might vary slightly in the final document, the new Strategic Plan is now complete and accessible on the Department's website for review.

Executive Director Davis also asked if any Board members have specific questions regarding the implementation of the new Strategic Plan.

There were no comments or questions for Executive Director Davis.

X. Other Business.

A. Miscellaneous Information Item.

Director Everett informed the Board that the Department's Fee Hearing has been tentatively scheduled for Wednesday, September 10, 2025. The time will be provided to the Board once it is finalized.

Mark Franc requested notification of the time and location of the public informational meetings as well as the Department's Fee Hearing.

B. Scheduling of next Board meeting.

The Board meeting scheduled for August 14, 2025, at the Utah Department of Environmental Quality, Multi-Agency State Office Building was canceled.

The next meeting is scheduled for September 11, 2025, at the Utah Department of Environmental Quality, Multi-Agency State Office Building.

Interested parties can join via the Internet at: meet.google.com/gad-sxsd-uvs
Or by phone at (US) +1 978-593-3748 PIN: 902 672 356#

XI. Adjourn.

The meeting adjourned at 2:05 p.m.