

MEETING MINUTES APPROVED OCTOBER 9, 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
September 11, 2025
1:30 p.m.**

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Dennis Riding (Vice-Chair), Tim Davis, Mark Franc, Dr. Steve McIff, Neil Schwendiman, Shane Whitney

Board Members Participating Virtually: Danielle Endres, Scott Wardle

Board Members Excused/Absent: Dr. Richard Codell, Jeremy Hawk, Vern Rogers

UDEQ Staff Members Participating at Anchor Location: Doug Hansen, Brent Everett, Morgan Atkinson, Brenden Catt, Chris Howell, Tyler Hegburg, Jalynn Knudsen, Arlene Lovato, Stevie Norcross, Deborah Ng, Mike Pecorelli, Kelly Shaw, Elisa Smith, Brian Speer, David Wilson

Others Attending at Anchor Location: Steve Gurr

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/1323171.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. Introduction of new Board member Neil Schwendiman.

Chairman Mickelson welcomed Neil Schwendiman and remarked that the Board looks forward to his participation and expertise on the Board.

Mr. Schwendiman informed the Board that he grew up on a farm in southeastern Washington State and holds a bachelor's degree in Crop Science. He began his career on a large farm, primarily working with potatoes, before transitioning into the waste business. His career in the waste business includes working in Washington County in 2004, then moving to the public sector in 2007, and transitioning to North Point Solid Waste in northern Utah County in October of 2020, where he has been employed for almost five years.

Mr. Schwendiman mentioned that he worked with Nathan Rich, who recently retired from the Board, on various waste business matters, including working with him in the Northern Utah Environmental Resource Agency, which comprises the four districts that own Bayview Landfill. Mr. Schwendiman stated that he had discussed with Mr. Jaren Scott, Executive Director at Trans-Jordan Cities, the possibility of one of them replacing Mr. Rich on the Board. Mr. Schwendiman recently had business matters involving UDEQ, where he worked with the UDEQ representatives accordingly to replace Mr. Rich on the Board.

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V. Approval of the meeting minutes for the July 10, 2025, Board meeting (Board Action Item).

It was moved by Dennis Riding and seconded by Shane Whitney and UNANIMOUSLY CARRIED to approve the July 10, 2025, Board meeting minutes.

VI. 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 August 2025 was \$41,033,070.00. The DERR continues to monitor the balance of the PST Enterprise Fund closely to ensure sufficient cash is available to cover qualified claims for releases.

There were no comments or questions for Mr. Everett.

VII. Petroleum Storage Tanks Rules.

A. Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R311, Petroleum Storage Tanks Rules (Board Action Item).

David Wilson, the DERR PST Compliance Section Manager, explained that the DERR is requesting approval from the Board to proceed with formal rule making, including a 30-day public comment period, proposing changes to R311 PST rules following the passage of House Bill 18, effective May 7, 2025. Key changes include new notification requirements for aboveground petroleum storage tank (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.

Rules to be amended are: R311-200 Petroleum Storage Tanks: Definitions; R311-201 Petroleum Storage Tanks: Certification Programs and Underground Storage Tank Operator Training; R311-203 Petroleum Storage Tanks: Technical Standards; R311-204 Petroleum Storage Tanks: Closure and Remediation; and R311-212 Administration of the Petroleum Storage Tank Fund Loan Program.

There will be non-substantive changes for: R311-205 Site Assessment Protocol and Release Reporting; R311-206 Certificate of Compliance and Financial Assurance Mechanisms; and R311-207 Accessing the Petroleum Storage Tank Fund for Leaking Petroleum Storage Tanks.

Mark Franc mentioned rules appear well written, thoroughly vetted, and supported by strong public involvement.

It was moved by Mark Franc and seconded by Dr. McIff and UNANIMOUSLY CARRIED for the Board to proceed with formal rulemaking by publishing in the October 1, 2025, *Utah State Bulletin* the proposed changes to Utah Administrative Code R311-200, 201, 203, 204, 205, 206, 207, and 212 and conducting a public comment period from October 1, 2025, to October 31, 2025.

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VIII. Administrative Rules.

- A. **Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266 and R315-270 of the Hazardous Waste Rules to incorporate federal regulatory changes made by the U.S. Environmental Protection Agency (U.S. EPA) and published in the *Federal Register* on July 26, 2024 (89 FR 60692), October 11, 2024 (89 FR 82682), October 31, 2024 (89 FR 86758), December 11, 2024 (89 FR 99727), and February 5, 2025 (90 FR 9010). The Division is also proposing to incorporate additional requirements for the management of military munitions as requested by the U.S. EPA (Board Action Item).**

Jalynn Knudsen, Assistant Director 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 R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266 and R315-270 to amend the hazardous waste rules to incorporate federal regulatory changes made by the U.S. Environmental Protection Agency (U.S. EPA) and published in the *Federal Register* on July 26, 2024, October 11, 2024, October 31, 2024, December 11, 2024, and February 5, 2025. The Division is also proposing to incorporate additional requirements for the management of military munitions as requested by the U.S. EPA.

In February of 1997, the U.S. EPA finalized a rulemaking known as the Military Munitions Rule. Authorized states were not required to adopt this rule because it was considered less stringent than existing regulations. At the time, Utah adopted parts of rulemaking. In July of 2023, comments were received from the U.S. EPA that Utah should adopt more of the regulations promulgated in the Military Munitions Rule because Utah had begun to regulate military facilities in ways that appeared to be consistent with these regulations. After conducting a review of the proposed regulations in the Military Munitions Rule, it was determined that some, but not all, of the proposed regulations should be adopted. This proposed rulemaking adopts those regulations. Other changes made by the U.S. EPA that are being adopted with this proposed rulemaking include integrating the e-Manifest system with hazardous waste imports and exports and some manifest related reports, PCB manifest amendments, removing language that allowed for claims of confidentiality for export documents, clarifying the type of address that must be provided on export documents and provide new instructions for documents and processes used for importing and exporting hazardous secondary materials and waste, amendments to rules for recycling and disposing of hydrofluorocarbons and technical corrections to various hazardous waste regulations.

In addition, the Division is fixing formatting and typographical errors found in the rules.

This is a Board action item. The Director recommends the Board approve proceeding with formal rulemaking and public comment by publishing in the October 1, 2025, *Utah State Bulletin* the proposed changes to Utah Admin. Code R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266 and R315-270 and conducting a public comment period from October 1, 2025 to October 31, 2025.

Mark Franc noted that in the initial implementation of the regulations in 1997, Utah chose not to implement the initial regulations because Utah's own regulations were considered more stringent and requested clarification if implementing these regulations now would make Utah's regulations less stringent, or are these regulations that do not apply in this situation.

Ms. Knudsen stated her understanding is that the Utah regulations are now aligning with the U.S. EPA, which Deborah Ng, Hazardous Waste Section Manager, confirmed.

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Mark Franc then confirmed that this alignment with the U.S. EPA does not change Utah's regulations, but rather aligns them more closely with the U.S. EPA regulations and does not make Utah's regulations less stringent. Ms. Knudsen concurred with this assessment.

It was moved by Dennis Riding and seconded by Dr. McIff and UNANIMOUSLY CARRIED for the Board to proceed with formal rulemaking by publishing in the October 1, 2025, *Utah State Bulletin* the proposed changes to Utah Admin. Code R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266 and R315-270 and conducting a public comment period from October 1, 2025 to October 31, 2025.

- B. Approval from the Board to proceed with final adoption of 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 (Board Action Item).**

Jalynn Knudsen, Assistant Director in the Division, reviewed the request for approval from the Board to proceed with final adoption of 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.

At the Board meeting on July 10, 2025, the Board approved the proposed changes to be filed with the Office of Administrative Rules for publication in the *Utah State Bulletin*. The proposed changes were published in the August 1, 2025, issue of the *Utah State Bulletin*.

The public comment period for this rulemaking ended on September 2, 2025; no comments were received.

This is a Board action item. The Director recommends the Board approve final adoption of the proposed changes to Utah Admin. Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 as published in the August 1, 2025, *Utah State Bulletin* and set an effective date of September 15, 2025.

There were no comments or questions for Ms. Knudsen.

It was moved by Mark Franc and seconded by Dr. McIff and UNANIMOUSLY CARRIED for the Board to approve for final adoption the proposed changes, as published in the August 1, 2025, issue of the *Utah State Bulletin* and set an effective date of September 15, 2025, 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.

- C. Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code R313-28-20 of the Radiation Control Rules to amend the definition of Healing Arts Screening for consistency with the rules (Board Action Item)**

Jalynn Knudsen, Assistant Director in the Division, reviewed the request for approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code R313-28-20 to amend the definition of Healing Arts Screening for consistency with the rules.

At the Board meeting on June 12, 2025, the Board approved the proposed changes to Utah Admin. Code R313-28-20 to be filed with the Office of Administrative Rules for publication in the *Utah State Bulletin*. The proposed changes were published in the July 1, 2025, issue of the *Utah State Bulletin*.

The public comment period for this rulemaking ended on July 31, 2025; no comments were received.

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This is a Board action item. The Director recommends the Board approve final adoption of the proposed changes to Utah Admin. Code R313-28-20 as published in the July 1, 2025, *Utah State Bulletin* and set an effective date of September 15, 2025.

There were no comments or questions for Ms. Knudsen.

It was moved by Shane Whitney and seconded by Scott Wardle and UNANIMOUSLY CARRIED for the Board to approve for final adoption the proposed changes, as published in the July 1, 2025, issue of the *Utah State Bulletin* and set an effective date of September 15, 2025, to Utah Administrative Code R313-28-20 of the Radiation Control Rules to amend the definition of Healing Arts Screening for consistency with the rules.

IX. X-Ray Program.

A. Approval of qualified Mammography Imaging Medical Physicist (MIMP) in accordance with UCA 19-3-103.1 (2)(c) of the Utah Code Annotated (Board Action Item).

Jalynn Knudsen, Assistant Director in the Division, informed the Board that the Division has received one application from an individual seeking certification as a Mammography Imaging Medical Physicist, referred to as a MIMP.

These physicists perform radiation surveys and evaluate the quality control programs of the facilities in Utah providing mammography examinations.

Initial MIMP certification must be approved by the Board as required by Utah Code Section 19-3-103.1(2)(c). The Division staff have reviewed the application from Hao-Yun Hsu and have determined that the applicant meets the requirements detailed in Utah Administrative Code R313-28-140.

The Director of the Division of Waste Management and Radiation Control recommends the Board issue a certificate of approval for the applicant reviewed and presented to the Board.

Mark Franc commented that the Board recently approved the Director of the Division of Waste Management and Radiation Control to approve renewal applications of MIMPs, who have been previously certified by Board, and only new applications would continue to be presented to the Board for initial approval. Ms. Knudsen concurred with his comment.

It was moved by Dr. McIff and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve Hao-Yun Hsu to be certified as a Mammography Imaging Physicist (MIMP) in accordance with Utah Code Section 19-3-103.1 (2) (c).

X. Solid Waste Section.

A. Opportunity to update the Utah Solid Waste Management Plan as established by the Board in accordance with Utah Code Subsections 19-6-104(3) and 19-6-104(4) (Information Item).

Kelly Shaw, Environmental Scientist, Solid Waste Section, in the Division, presented a PowerPoint presentation to the Board regarding the plans to update the Utah Waste Management Plan. A copy of the PowerPoint presentation is included in the meeting minutes.

Ms. Shaw informed the Board that the update to the Utah Waste Management Plan will utilize findings from a statewide waste characterization study that concluded in July 2025 and a public survey on recycling, reuse, and reduction, which will remain open until September 30, 2025. Ms. Shaw stated that the goal is to submit a draft updated Utah Waste Management Plan to the Board by the summer of 2026.

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Ms. Shaw informed the Board that the current Utah Waste Management Plan can be found at the following link:

<https://lf-public.deq.utah.gov/WebLink/ElectronicFile.aspx?docid=418077&eqdocs=DSHW-2019-002196&dbid=0&repo=Public>

Ms. Shaw informed the Board that the Solid Waste Section staff welcomes coordination with the Board throughout the process of updating the Utah Waste Management Plan. Ms. Shaw also offered that if the Board desires to meet with the Board members at a different date and time, the Solid Waste Section staff can provide more detailed information.

Neil Schwendiman commented that their transfer station has been distributing the surveys and inquired if any results have been determined yet. Ms. Shaw informed the Board that the results of the survey are not yet live. The contractor is currently coordinating them and alerting the Solid Waste Program staff of any potential discrepancies or issues that may need to be addressed in the public survey.

Ms. Shaw encouraged the Board or anyone they feel would be interested to take the survey.

Chairman Mickelson commented that it will be very interesting to see the results of the survey and looks forward to hearing from Ms. Shaw when more data is collected.

Ms. Shaw informed the Board that if they would like to be briefed further on the Utah Waste Management Plan to contact Brian Speer or herself to discuss scheduling options.

Chairman Mickelson commented that he considers this a very interesting matter, especially since an update to the Utah Waste Management Plan has not been conducted in a long time.

XI. Low-Level Radioactive Waste.

- A. EnergySolutions request for a one-time site-specific treatment variance from the Utah Hazardous Waste Management Rules. EnergySolutions seeks authorization to dispose, in EnergySolutions' Mixed Waste Landfill Cell, waste containing D009 and/or U151 High Mercury-Organic Subcategory and High Mercury-Inorganic Subcategory hazardous waste codes that have been treated using stabilization/amalgamation technologies (Information Item).**

Tyler Hegburg, Environmental Scientist, Low-Level Radioactive Section, in the Division, introduced Steve Gurr, EnergySolutions representative, who presented this one-time site-specific treatment variance request to the Board. This is an informational item before the Board.

Mr. Gurr informed the Board that EnergySolutions requests approval to dispose, in EnergySolutions' Mixed Waste Landfill Cell, waste containing the D009 or U151 High Mercury-Organic Subcategory and High Mercury-Inorganic Subcategory hazardous waste codes that have been treated using stabilization/amalgamation technologies.

EnergySolutions will perform the stabilization and amalgamation treatment on D009 and U151 High Mercury Subcategory waste. At the time of disposal, the waste will be verified to have a mercury concentration of less than 0.2mg/L using the Toxicity Characteristic Leaching Procedure (TCLP) or less than .025mg/L TCLP if the waste is a soil matrix. All actions will be performed in accordance with EnergySolutions' State-issued Part B Permit.

The listed treatment technology in 40 CFR 268.40 is either incineration (IMERC) or retorting/roasting for mercury recovery (RMERC) for High Mercury Subcategory Mercury, which is both Organic and Inorganic mercury.

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The RMERC treatment technology is to recover elemental mercury for recycling. However, radioactive mercury cannot be recycled and the RMERC process generates secondary waste (radioactive elemental mercury) which requires additional treatment by amalgamation (a stabilization technology) prior to disposal.

The IMERC technology is also intended to be a mercury recovery technology where the waste is incinerated, and the mercury recovered in the ash or in a specific off-gas control system. For radioactive mercury, both the ash and the control equipment/media will require further treatment. Furthermore, IMERC involves an extra handling step for the radioactive residue.

The U.S. EPA recommends that in cases such as this where the high subcategory waste is also radioactive the stakeholders utilize a site-specific treatment variance, which has been done in the past.

This is the 20th time *EnergySolutions* has requested this variance from the Board. Beginning in 2001, *EnergySolutions* has successfully disposed of approximately 22,100 cubic feet of treated High Mercury Subcategory waste and anticipates receiving approximately 2,500 cubic feet of additional High Mercury Subcategory waste for disposal in the next year under this treatment variance.

There were no comments or questions for Mr. Gurr.

XII. Director's Report.

Director Hansen announced the reappointment of Scott Wardle to the Board in conjunction with the new appointment of Neil Schwendiman. Director Hansen extended his congratulations to Mr. Wardle on his reappointment and thanked him for his past and continued service on the Board.

Director Hansen stated that the Department's Fee Hearing is currently underway, and the Division has a few fee increases being addressed at the meeting. Director Hansen informed the Board that the Division has conducted outreach and has taken comments and considered feedback from facilities that are being impacted by these fee increases.

Director Hansen announced that the Division will be holding its first stakeholder training for the Solid Waste Program. The Solid Waste Section staff have developed templates for the various permits issued within the Solid Waste Program and the Solid Waste Section staff members will conduct outreach and training to help facilities better access these templates as well as provide information on how the Solid Waste Program is administered. Director Hansen mentioned that similar initiatives have been undertaken in the Hazardous Waste Program and the Used Oil Program. The overarching goal is to expand the Division's outreach efforts, assist facilities with permitting by streamlining the process, and enhance understanding of permit compliance.

Director Hansen informed the Board that he will be presenting the results of a Statewide Glass Recycling Study next week with Assistant Director, Stevie Norcross at the Natural Resources, Agriculture, and Environment Interim Committee. This study was commissioned during the last legislative session to identify ways to increase glass recycling in Utah. Director Hansen will also be reporting on and providing a presentation on the Division's Used Oil Program during this meeting. Director Hansen briefly discussed the current funding mechanism for the operational costs of the Used Oil Program, and the fee of four cents per quart on the sale of new lubricating oil in the state. Director Hansen informed the Board that this fee has not changed since the 1990s, and discussions will be held with legislators regarding the possibility of increasing the fee.

There were no comments or questions for Director Hansen.

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XIII. Executive Director's Report.

Executive Director Davis expressed his gratitude to Neil Schwendiman and all Board members for their dedicated service.

Executive Director Davis updated the Board on the Department's preparations for the 2026 Utah State Legislative session. Executive Director Davis briefly discussed UDEQ's fees and UDEQ's budget proposal, which has been submitted to the Governor. The anticipated final budget is expected to be released in early December.

Executive Director Davis informed the Board that he represented Utah at the Environmental Council of States (ECOS) meeting last week held in New Mexico. ECOS brings together chief environmental officers from each state twice a year to discuss environmental matters. Executive Director Davis stated that topics discussed included the uncertainty of federal funding, and he has asked each director within the UDEQ to explore how fees could be utilized to provide more certainty and resiliency with the UDEQ's budgets as this initiative aligns with the UDEQ's Strategic Plan to operate more efficiently. Executive Director Davis reported that Lee Zeldin, Chief Administrator for the U.S. EPA, was in attendance at the meetings, which allowed for good discussions regarding this topic. Executive Director Davis will be meeting with Chief Administrator Zeldin in about a month to continue discussions regarding funding and budget matters, as well as continuing discussion about how Utah can implement "doing things the Utah way," rather than following federal approaches and will also be discussing opportunities for Utah to assume additional authority.

Executive Director Davis informed the Board that UDEQ recently held its annual employee picnic, which was attended by Governor Cox. The Governor addressed the staff, speaking about abundance and the need for Utah to find ways to grow while simultaneously protecting and improving air, land, and water in our beautiful state.

Executive Director Davis commented that his discussions with the Board will continue to focus on how UDEQ can issue permits faster, improve efficiency, innovate, and enhance transparency, and is happy to provide updates and answer any questions Board members may have.

There were no comments or questions for Executive Director Davis.

XIV. Other Business.

A. Miscellaneous Information Items. – None.

B. Scheduling of next Board meeting (October 9, 2025).

The next Board meeting is scheduled for October 9, 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#

XV. Adjourn.

The meeting adjourned at 2:20 p.m.