

MEETING MINUTES APPROVED NOVEMBER 13, 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
October 9, 2025
1:30 p.m.

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Tim Davis, Neil Schwendiman

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

Board Members Excused/Absent: Dennis Riding (Vice-Chair), Jeremy Hawk, Shane Whitney

UDEQ Staff Members Participating at Anchor Location: Doug Hansen, Brent Everett, Morgan Atkinson, Tom Ball, Brenden Catt, Larry Kellum, Arlene Lovato, Mike Pecorelli, Elisa Smith

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/1335231.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.

Vern Rogers declared a conflict of interest and abstained from voting on Agenda Item VII.

IV. Approval of the meeting minutes for the September 11, 2025, Board meeting (Board Action Item).

It was moved by Neil Schwendiman and seconded by Scott Wardle and UNANIMOUSLY CARRIED to approve the September 11, 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 September 2025 was \$39,860,236.00. 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.

Director Everett informed the Board that the PST Program rules are out for public comment as approved by the Board in September. The public comment period runs from October 1-31, 2025. A public hearing is scheduled for October 15, 2025, at 12:00 pm, in Room 1015 of the Multi-Agency State Office Building.

There were no comments or questions for Director Everett.

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VI. Administrative Rules.

- A. **Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R313-24, to incorporate federal regulatory changes made by the Nuclear Regulatory Commission (NRC) to the federal radioactive materials regulations in 2023 (88 FR 57873). The changes are necessary to maintain regulatory compatibility with the NRC as required because Utah is an Agreement State with the NRC (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 R313-24, to incorporate federal regulatory changes made by the Nuclear Regulatory Commission (NRC) to the federal radioactive materials regulations.

The NRC has amended its regulations to make miscellaneous corrections. These changes include updating organizational information, revising an address, and correcting reference, spelling, and grammatical errors. The amendments also make updates to replace gendered terms with inclusive, gender-neutral language. As an Agreement State with the NRC for the radioactive materials program, Utah is required to maintain regulatory compatibility with the corresponding NRC radioactive materials regulations. The Division is adopting the changes that the NRC designated as necessary for an Agreement State to adopt to maintain regulatory compatibility with the NRC.

In addition to the proposed changes detailed above, the Division is correcting typographical and formatting 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 November 1, 2025, *Utah State Bulletin* the proposed changes to Utah Admin. Code R313-24 and conducting a public comment period from November 1, 2025, to December 1, 2025.

There were no comments or questions for Tom Ball.

It was moved by Dr. Richard Codell and seconded by Scott Wardle and UNANIMOUSLY CARRIED for the Board to proceed with formal rulemaking by publishing in the November 1, 2025, *Utah State Bulletin* the proposed changes to Utah Administrative Code R313-24, to incorporate federal regulatory changes made by the Nuclear Regulatory Commission (NRC) to the federal radioactive materials regulations in 2023 (88 FR 57873) and conducting a public comment period from November 1, 2025, to December 1, 2025.

VII. 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 (Board Action Item).**

Larry Kellum, Low-Level Radioactive Section Manager in the Division of Waste Management and Radiation Control, reviewed EnergySolutions' request for a one-time site-specific treatment variance from Utah Administrative Code R315-268-40(a)(3).

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This variance is to permit the disposal of less than 2,500 cubic feet of waste containing trace quantities of D009 and/or U151 high mercury subcategory hazardous waste in EnergySolutions' Mixed Waste Landfill Cell.

EnergySolutions' proposal is to utilize stabilization or amalgamation technology to treat the waste ensuring that the final material meets the strict Toxicity Characteristic Leaching Procedure (TCLP) standards of or prior to disposal.

Mr. Kellum stated that there is valid justification to seek this variance. The current listed regulatory treatments for these specific waste codes, incineration (IMERC) or retorting/roasting for mercury recovery (RMERC), are primarily intended for mercury recovery. However, when treating radioactive mercury, the recovery aspect is inappropriate. For instance, the IMERC process generates a secondary waste of radioactive elemental mercury, which still requires stabilization by amalgamation before disposal. Therefore, a direct chemical stabilization and amalgamation would achieve an equivalent measure of performance and safety while ensuring site personnel radiological exposures are kept as low as reasonably achievable.

The U.S. Environmental Protection Agency (U.S. EPA) has acknowledged this concern and has concluded that radioactive mercury bearing waste that the recovery portion of RMREC may not be appropriate and recommends stakeholders utilize a site-specific treatment variance process. This site-specific treatment variance process is being requested in this Board action item.

EnergySolutions has successfully requested and implemented this specific variance for high mercury subcategory waste 20 times since 2001 and has consistently achieved compliant treatment levels.

A notice for public comment was published in the Salt Lake Tribune, the Deseret News, and the Tooele Transcript-Bulletin on September 3, 2025. The 30-day public comment period began September 4, 2025, and ended on October 3, 2025; no public comments were received.

The Director recommends approval of this variance request. The Director's recommendation is based on the following findings: the proposed alternative treatment method meets the regulatory basis for a variance and will be as safe for human health and the environment as the required regulatory method.

Dr. Danielle Endres asked whether this particular type of waste is treated at facilities other than EnergySolutions and, if so, are the same methods used. Mr. Kellum explained the difference with this particular waste is the waste contains a radiological component. Typically the waste is treated using an incineration and retorting process, but in this instance, due to the radiological component, a one-time site-specific variance request is being requested. Mr. Kellum confirmed that EnergySolutions' Clive Facility is the only facility that handles this type of waste.

It was moved by Dr. Steve McIff and seconded by Dr. Richard Codell and UNANIMOUSLY CARRIED to approve EnergySolutions LLC's request for a one-time site-specific treatment variance from the Utah Hazardous Waste Management Rules 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 (Vern Rogers abstained from voting.)

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VIII. Director's Report.

Director Hansen provided an update on his presentation to the Natural Resources, Agriculture, and Environment Interim Committee (Committee) during their September meeting. Director Hansen reported that during the presentation, he discussed proposed adjustments to the Division's Used Oil Program fee structures and the collection of fees. Director Hansen stated he was able to present the issues and generally has Committee support on what he proposed. Director Hansen commented that members of the Committee had a few questions and the Division is currently addressing those questions and anticipates addressing the Committee again during their October meeting. Director Hansen remarked that all indications suggest that the Division can expect the Committee to approve a bill, which should streamline the process before the 2026 Utah State Legislature convenes.

Director Hansen stated that also during the September's Committee, Stevie Norcross, Assistant Division Director, presented the results of a Statewide Glass Recycling Study. Director Hansen commented that he found the results of the study interesting and believes the Board would also benefit in hearing the results, and remarked that the Board will hear the results at a future Board meeting as an information item.

Director Hansen provided a brief update on the federal government shutdown and its current impact to the Division. Director Hansen reported that so far the impacts of the federal government shutdown have not significantly impacted relationships with the U.S. EPA, as he recently attended the U.S. EPA Region 8 Director's Meeting in Rapid City, S.D. where his U.S. EPA counterparts were in attendance. However, Director Hansen commented that the impacts of the federal government shutdown are impacting interactions with Nuclear Regulatory Commission (NRC), as some meetings have been canceled. The NRC is currently operating with essential personnel only, with a liaison available to answer questions. Director Hansen stated that the Division will continue monitoring the federal government shutdown impacts closely and will keep the Board apprised of any new developments and stated he remains optimistic that our federal government partners will be back in full operation soon.

Director Hansen reminded the Board that last month the Board approved final adoption of rule changes to the Coal Combustion Residual Rules. A draft package for state program approval was submitted to the U.S. EPA for feedback. Once that feedback is reviewed, the necessary revisions will be made for a formal submittal. Director Hansen commented that the Division is looking forward to administering this program at the state level opposed to having the federal government administer it.

Mark Franc inquired about the UDEQ "Talking Trash" seminar being held on October 23, 2025.

Director Hansen explained that the seminar is the Solid Waste Program's first inaugural stakeholder training that will include conversations with issues that impact to the solid waste community. The seminar will also include addressing permitting and compliance matters. Director Hansen announced that the seminar will be recorded and made available to all interested individuals. Mr. Franc commented that the upcoming seminar would be an excellent opportunity for a Board member to attend and to explain the Board's role and the various opportunities available for public comment on various matters. Mr. Franc specifically nominated Chairman Mickelson to attend this seminar.

IX. Executive Director's Report.

Executive Director Davis stated he also wanted to provide an update regarding the federal government shutdown and its impacts on UDEQ. Executive Director Davis informed the Board that he successfully worked with U.S. EPA, Region 8 to secure Performance Partnership Grant Funding for UDEQ. This, combined with existing state funds, fees, and other federal grants, provides the department with some additional flexibility during this time. Executive Director Davis stated that he has previously communicated this information to all UDEQ staff via email.

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Executive Director Davis shared his immediate concerns regarding the federal government shutdown, specifically the impact of 89% of U.S. EPA staff being furloughed. He noted that while UDEQ should be fine for the time being, the department relies on the U.S. EPA for several critical actions, which will likely be delayed.

Executive Director Davis commented that one such action is the recently submitted Draft Coal Combustion Residual Package, currently awaiting U.S. EPA review. Executive Director Davis expressed that these are the types of essential tasks that the department needs the U.S. EPA to complete, and he anticipates significant slowdowns. Executive Director Davis stated that he has communicated these concerns to the legislature and the Governor's office and wanted to communicate them to the Board as well.

Executive Director Davis also informed the Board that the federal government shutdown may impact his planned meetings in Washington D.C. at the end of the month; he is scheduled to meet with U.S. EPA and NRC leadership to discuss joint priorities between the NRC, U.S. EPA, and Utah.

There were no comments or questions for Executive Director Davis.

X. Other Business.

A. Miscellaneous Information Items. – None.

B. Scheduling of next Board meeting (November 13, 2025).

The next Board meeting is scheduled for November 13, 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 1:55 p.m.