

MEETING MINUTES APPROVED JANUARY 8, 2026

**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
November 13, 2025
1:30 p.m.**

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Tim Davis, Mark Franc, Jeremy Hawk, Dr. Steve McIff, Vern Rogers, Shane Whitney

Board Members Participating Virtually: Dr. Richard Codell, Dr. Danielle Endres, Scott Wardle

Board Members Excused: Dennis Riding (Vice-Chair), Neil Schwendiman

UDEQ Staff Members Participating at Anchor Location: Doug Hansen, Brent Everett, Morgan Atkinson, Tom Ball, Brenden Catt, Tyler Hegburg, Chris Howell, Larry Kellum, Arlene Lovato, Mike Pecorelli, Bret Randall, Elisa Smith, David Wilson

Others Attending at Anchor Location: Steve Gurr, John Potter

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

This meeting was recorded and an unedited audio of this meeting can be accessed at:
<https://www.utah.gov/pmn/files/1350801.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. Declaration of Conflict of Interest – None.

IV. Approval of meeting minutes for the October 9, 2025, Board Meeting (Board Action Item).

It was moved by Shane Whitney and seconded by Dr. Steve McIff and UNANIMOUSLY CARRIED to approve the October 9, 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 October 2025, was \$40,213,598.00. 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.

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VI. 2025 Petroleum Storage Tanks Fund Actuarial Report Summary (Information Item).

Mike Pecorelli, Environmental Assurance Program Cleanup Section Manager of the DERR, gave a presentation regarding the findings of the 2025 Actuarial Report from Taylor and Mulder. While it is still too soon to know the full possible impact of aboveground PSTs now participating in the PST Enterprise Fund, overall, the predicted status of the PST Enterprise Fund remains positive.

There were no comments or questions for Mr. Pecorelli.

VII. Petroleum Storage Tanks Rules.

A. Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code Rules R311-200, R311-201, R311-203, R311-204, and R311-212 to amend the Petroleum Storage Tank Rules (Board Action Item).

David Wilson, the DERR PST Compliance Section Manager, requested Board approval to proceed with final adoption of the proposed rule changes to Utah Administrative Code:

- 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.
- R311-212. Administration of the Petroleum Storage Tank Fund Loan Program.
- R311-205. Site Assessment Protocol and Release Reporting.
- R311-206. Certificate of Compliance and Financial Assurance Mechanisms.
- R311-207. Accessing the Petroleum Storage Tank Fund for Leaking Petroleum Storage Tanks.

It was moved by Mark Franc and seconded by Scott Wardle and UNANIMOUSLY CARRIED for the Board to approve for final adoption the proposed changes to Utah Administrative Code R311-200, 201, 203, 204, 205, 206, 207, and 212 as published in the October 1, 2025, issue of the *Utah State Bulletin* and set and effective date of November 14, 2025.

There were no comments or questions for Mr. Wilson.

VIII. Administrative Rules.

A. Five-Year Review of Utah Administrative Code Rules R313-26, R315-15, 17, 101, 102, 103, 124, 260, 261, 262, 263, 264, 265, 266, 268, 270 and 273 (Information Item).

Tom Ball, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), informed the Board that the Division is providing this informational item to keep the Board informed of Five-Year Reviews that have been conducted and are being submitted to the Office of Administrative Rules. Utah Administrative Code Rules R313-26, R315-15, 17, 101, 102, 103, 124, 260, 261, 262, 263, 264, 265, 266, 268, 270 and 273 are due for a five-year review. If these rules are to continue, a Notice of Continuation (Five-Year Review) must be filed prior to the anniversary of the last five-year review, which is January 14, 2026.

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The Utah Administrative Rulemaking Act requires state agencies to review each of their administrative rules within five years of the rule's original effective date or the last five-year review. The purpose of the review is to provide agencies with an opportunity to evaluate the rules to assess if the rules should be continued or amended. If an agency determines that a rule needs to be amended or repealed this is done in a separate action.

The Division has reviewed Utah Admin. Code Rules R313-26, R315-15, 17, 101, 102, 103, 124, 260, 261, 262, 263, 264, 265, 266, 268, 270 and 273. Utah Admin. Code R313-26 is a radiation control rule. The other rules identified are hazardous waste rules. To retain a rule as part of the Utah Administrative Code, a "Five-Year Notice of Review and Statement of Continuation" must be filed with the Office of Administrative Rules, before the rule's five-year anniversary date. The anniversary date for these rules is January 14, 2026.

The Division anticipates filing the "Five-Year Notice of Review and Statement of Continuation" with the Office of Administrative Rules in December of this year.

Mark Franc asked the status of the rules and if any of the rules need to be changed. Mr. Ball confirmed that the Division has reviewed all existing rules and determined they all need to be continued at this time. Mr. Ball clarified that if during review it was determined that any of the rules needed to be changed, amended, or repealed, that would be completed in a separate action.

Regarding one specific rule, Mr. Ball noted that while it could be repealed, the statute authorizing it is not set to repeal until July 1, 2027. Therefore, the Division decided to continue the rule and if the Utah State Legislature decides to repeal the statute, then at that point in time, the Division would then repeal the rule.

This is an informational item only to keep the Board informed of Five-Year Reviews.

B. Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code Rules R315-260, 261, 262, 263, 264, 265, 266, and 270, to incorporate federal regulatory changes made by the U.S. Environmental Protection Agency (U.S. EPA). Additionally, the Division is incorporating additional requirements for the management of military munitions as requested by the U.S. EPA (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 final adoption of proposed changes to Utah Admin. Code Rules R315-260, 261, 262, 263, 264, 265, 266, and 270 of the hazardous waste rules to incorporate federal regulatory changes made by the U.S. Environmental Protection Agency (U.S. EPA). Additionally, the Division is incorporating additional requirements for the management of military munitions as requested by the U.S. EPA.

During the Board's September 11, 2025, Board meeting, the Board approved the proposed changes to Utah Admin. Code Rules R315-260, 261, 262, 263, 264, 265, 266, and 270 to be filed with the Office of Administrative Rules for publication in the *Utah State Bulletin*. The proposed changes were published in the October 1, 2025, issue of the *Utah State Bulletin*. Selected pages from the *Utah State Bulletin* showing the publication of the proposed changes were included in the Board's November 13, 2025, Board packet.

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

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This is a Board action item, and the Director recommends the Board approve final adoption of the changes to Utah Admin. Code Rules R315-260, 261, 262, 263, 264, 265, 266, and 270 as published in the October 1, 2025, issue of the *Utah State Bulletin* and set an effective date of November 17, 2025.

There were no comments or questions for Mr. Ball.

It was moved by Dr. Steve McIff and seconded by Dr. Richard Codell and UNANIMOUSLY CARRIED for the Board to approve for final adoption the proposed changes, as published in the October 1, 2025, issue of the *Utah State Bulletin* and set an effective date of November 17, 2025, to Utah Admin. Code R315-260, 261, 262, 264, 265, 266, 268, and 270, to incorporate federal regulatory changes made by the U.S. EPA. Additionally, Utah Administrative Code R315-265 is being updated by adopting language from 40 CFR 265 into the rule rather than incorporating the language by reference.

IX. Low-Level Radioactive Waste.

- A. **EnergySolutions, LLC request for a one-time, site-specific treatment variance from the Utah Hazardous Waste Management Rule R315-268-40(a)(3) to receive, treat, and macroencapsulate incinerator ash waste containing Resource Conservation and Recovery Act (RCRA) metals with elevated levels of dioxins and furans as Underlying Hazardous Constituents (UHCs) (Information Item).**

Tyler Hegburg, Environmental Scientist, from the 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 a variance from Utah Administrative Code R315-268-40(a)(3) for an incinerator ash waste that contains Resource Conservation and Recovery Act (RCRA) metals and dioxins and furans as Underlying Hazardous Constituents (UHCs).

The waste consists of incinerator ash containing dioxin contaminants which become introduced to the ash due to the incineration process. Requiring the waste to meet the dioxin and furan treatment standards is inappropriate based on the processes that generate the waste.

Prior to receiving this variance, which was prior to 2018, the generator attempted to reduce the concentrations of the dioxan in the ash by re-incineration; this resulted in a very little reduction.

The generator has previously analyzed each container of ash for metals contamination. If metals were below the toxicity characteristic concentrations, the waste would be shipped to the Clive facility as Low-Level Radioactive Waste (LLRW) and disposed in the Class A Embankment. However, if metals were above the Toxicity Characteristic concentrations, then the waste would need to be treated for those metals as well as all UHCs, including dioxins and furans.

It is inappropriate to require treatment of dioxin and furan contaminants in instances where characteristic metals are found in the waste when treatment is not required if metals are below characteristic concentrations in the waste.

EnergySolutions proposes to macroencapsulate the ash waste in MACRO Vaults using requirements approved in the state-issued Part B Permit. This will provide isolation of the waste from the environment (relative to direct disposal in the Class A Embankment) and will avoid unnecessary additional incineration and handling of the waste.

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This variance was approved six times previously, dated in 2018, 2019, 2021, 2022, 2023 and 2025.

Over the previous year that this variance was in effect, the EnergySolutions Clive facility received approximately 32 tons (thirteen shipments) of this ash for treatment. EnergySolutions forecasts similar amounts of this waste over the next year. This variance is being requested for approximately 35 tons of waste that will contain elevated concentrations of dioxins and furans.

This is an information item only. This item will be brought before the Board for formal action at an upcoming meeting.

There were no comments or questions for Mr. Gurr.

X. EnergySolutions, LLC request to the Northwest Interstate Compact (Information Item).

Director Hansen provided a background and a high-level overview of this agenda item, which is not typically reviewed by the Board. Director Hansen briefly explained the history of the Compact system in the United States, detailed the system's structure, and outlined the rationale for its existence.

Director Hansen also shared with the Board information regarding nuclear waste management from the era when the Atomic Energy Commission oversaw nuclear activities. Director Hansen noted that a significant amount of nuclear waste was generated during that time. Crucially, states were left without clear guidance or protocols on how to manage this waste properly. Specifically, the United States did not know how to manage it and was unclear what the path forward would be. From the 1970s onward, the United States initially lacked a clear, unified national strategy for managing nuclear waste. By the early 1970s, approximately five states were hosting disposal sites. These states grew concerned about bearing the responsibility for the nation's entire volume of radioactive waste. As a result, in the late 1970s, several governors, including the Governor of Utah, petitioned Congress, arguing that the responsibility should not fall on a limited number of states. This collective effort led to the call for a long-term solution for low-level radioactive waste, which ultimately resulted in the passage of the Low-Level Waste Policy Act by Congress in 1980 (and its subsequent amendment in 1985).

The passage of the Low-Level Waste Policy Act set up the possibility for states to band together and create regional disposal sites, and that was the primary focus of this. As states banded together, these agreements are called Compacts. So, states that entered into these agreements became a compact state. There are currently a number of Compact states. Director Hansen briefly discussed the regions the Compact states exist in, many of which are not in close proximity to each other.

Director Hansen stated that Utah is a participant in the Northwest Interstate Compact. It joined the Compact in the mid-1980s, along with Alaska, Hawaii, Washington, Oregon, Montana, and Idaho; Wyoming joined later in the early 1990s.

To legally form an Interstate Compact, authorizing language must be passed in the statutes of all participating states, and this language must be essentially identical across those state legislatures. Once passed, Congress must approve the Compact. Congressional approval is crucial because it grants these Compacts the authority to designate a disposal location for member states and regulate the flow of waste across Compact boundaries. This power allows the Compacts to regulate interstate commerce in a way that would otherwise be unconstitutional under the Interstate Commerce Clause.

In most other contexts, regulating interstate commerce in this manner would violate the Constitution's Interstate Commerce Clause. Because they carry the weight of Congress, Compacts

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have this critical ability to regulate interstate commerce. These Compacts are governed by a Compact committee.

The Northwest Interstate Compact is governed by a committee consisting of one designee appointed by the Governor of each member state. The committee oversees the designated waste site and regulates the flow of waste into and out of the Compact region.

Director Hansen stated that it is important to note that while *EnergySolutions* is frequently part of the Board's discussions, it is a common misconception that their facility serves as the official site for the Northwest Interstate Compact. Utah's official facility for the Northwest Interstate Compact is located in Richmond, Washington. Therefore, facilities that generate low-level radioactive waste in Utah send their waste for disposal to the Washington site.

EnergySolutions' operations are contingent upon the Northwest Compact, which authorizes the importation of waste into their facility and the company's ability to exercise the license granted by the State of Utah.

The Division's agency's regulatory role with *EnergySolutions* was established because the Northwest Compact authorizes the importation of waste into their boundaries, allowing *EnergySolutions* to exercise the license granted by the State of Utah. Director Hansen explained that the Division's regulatory roles involves issuing the license, ensuring that all license conditions are met, and confirming that *EnergySolutions* only accepts the waste types they are permitted to accept. These technical considerations hinge on the classification of the waste, which is the primary focus for the Division's regulatory oversight.

For clarification, Director Hansen stated that the Board does not have a direct role in these matters. The responsibility for regulating waste entering the Compact falls entirely to the Northwest Interstate Compact and the Committee.

Director Hansen further clarified that the State of Utah currently prohibits the acceptance of waste classified as "hotter" than Class A. This limitation is codified in the *EnergySolutions* license and has been in place since its inception.

Given this context, Director Hansen reiterated that the Board does not have a role in regulating the waste entering the Compact as that responsibility falls to the Northwest Interstate Compact and its committee. This is relevant to the requests *EnergySolutions* has made and the subsequent agenda item Mr. Rogers will discuss.

Vern Rogers, Director, Regulatory Affairs at *EnergySolutions*, stated that he appreciated the opportunity to brief the Board on *EnergySolutions'* request to the Compact and provided a briefing to the Board regarding *EnergySolutions'* request to the Compact.

Mr. Rogers stated that *EnergySolutions'* request is based on the company's analysis of industry trends and economic growth within the country, a perspective shared by the federal government's own projections. Current projections indicate a significant need to double our current electricity generation within the next five years. This increased demand is primarily driven by the growth of AI, data center needs, and cloud computing infrastructure.

Mr. Rogers stated that a critical component of meeting this generation need is ensuring viable disposal capacity. Mr. Rogers stated that this is a core focus for *EnergySolutions*, specifically ensuring that they have the necessary capacity to support U.S. generation of nuclear energy and electricity.

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Mr. Rogers stated that *EnergySolutions* has already seen industry adapting to this and briefly explained. Mr. Rogers explained that there are three groups seeing the actions that they take and explained that there are utilities that have shut down power reactors to process and prepare for decommissioning them. Those utilities are revisiting those reactors and they are restarting the reactors so that they can come back online to provide that additional capacity. There are also utilities that have reactors that are nearing the end of their life cycle and they are starting to plan pretty quickly and instead they are now planning for extensions of life cycles, extensions of operating life for as many as hundreds of years, if possible.

Mr. Rogers briefly discussed the need for additional nuclear waste disposal capacity, a critical resource for the country given the development of new reactor technologies (small modular, micro-mini reactors) and the resulting increase in electricity generation needs. In support of the nuclear industry and electric production growth, *EnergySolutions* has identified a specific capacity need in Ontario, Canada. Ontario, Canada operates several nuclear power reactors that provide electricity connected to the United States grid. However, Ontario, Canada currently lacks domestic disposal capacity.

EnergySolutions has approached the Northwest Interstate Compact seeking authorization to import a limited amount of waste from these civilian nuclear power plants. This waste would be disposed of at the Clive Facility at *EnergySolutions*. This proposed import supports the nuclear industry, creates additional disposal capacity that benefits the United States, and allows *EnergySolutions* to expand its operations. Furthermore, it generates additional tax revenue for the State of Utah, aligning with the Governor's expressed support for increased nuclear energy capacity.

Mr. Rogers briefly explained the specifics regarding the request including *EnergySolutions* is limiting this request to nuclear power that has been generated similarly in civilian industry. *EnergySolutions* has requested that it be allowed to be imported through the Compact and is subject to *EnergySolutions* license. The license is issued by the State of Utah and it would be compatible and identical to any of the waste that *EnergySolutions* is already managing for U.S. generators, but it is simply coming from out of the country. However, because it's already connected to a U.S. grid and is already producing electricity for the United States, *EnergySolutions* views this as supportive in the United States efforts and gives the United States a couple of other alter advantages as well. Specifically, the Canadians are very far along in their research of small module reactors and gives the United States access to some of that research and Canadian reactors also produce a lot of medical isotope grade Cobalt-64 treatment sterilization which helps encourage making that isotope available for construction in the United States. Therefore, what *EnergySolutions* is requesting is the ability to bring that waste to their facility. In addition, *EnergySolutions* is also planning to request that the Division amend their license to grant them additional capacity, which would enable them to provide capital and growth.

The nuclear power that the Canadians are generating is something that *EnergySolutions* believes would help support ongoing research and development of nuclear power in the United States. Mr. Rogers reiterated and clarified that if these power plants were located in the United States, *EnergySolutions* would already be able to accept and manage the waste. Mr. Rogers stated that it is a small fraction of waste, as *EnergySolutions* is requesting to receive approximately a million cubic yards of waste over the next several decades, and it would be limited to the waste that already would be compliant to *EnergySolutions* license. Mr. Rogers explained that in order to receive the waste, *EnergySolutions* would have to be fully compliant and work closely with the Canadian government to make sure that the waste met all of the Canadian governments rules for export. Also, *EnergySolutions* would then also need to work with the U.S. Nuclear Regulatory Commission (NRC) to make sure that the waste will be compatible and authorized for import into the country. The first step in this process is to make sure that *EnergySolutions* brings it into the Compact. Once *EnergySolutions* receive Compact approval, if the Compact chooses to give that, *EnergySolutions*

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would then work with the NRC as well as the Canadian governments to make sure that they have the authorities necessary to bring it to the EnergySolutions facility. Mr. Rogers commented that as part of this process, EnergySolutions is aware that there may be concerns of liability, who is responsible if there is an accident or problem, and EnergySolutions has agreed to accept all liability for those matters.

Mr. Rogers further explained that the state of Utah issues Generator Site Access Permits, and before any facility ships waste to EnergySolutions, they are required to obtain a permit from the State, which basically links them to that liability. EnergySolutions has agreed to take on the liability for the shipments from Canada to the United States. Mr. Rogers further stated that EnergySolutions also wants to be transparent with the State of Utah as well as with the Northwest Compact. So, as EnergySolutions receive this waste they will be making monthly reports to the State of Utah as well as to the Compact on the amount of volume of waste they are receiving. Currently, EnergySolutions has approximately 20 or 30 years in capacity currently that is still available, which is a small fraction of their capacity. EnergySolutions will also report to the State of Utah and continue to report the greater consumption of that capacity moving forward. Mr. Rogers stated that this is information that they are working with very closely with the State of Utah.

Mr. Rogers reported that the Governor of Utah, Utah's Speaker of the House, and Utah's House of Representatives have been very supportive of this action are encouraging other states that EnergySolutions has contacted to support this request. EnergySolutions anticipates in the near future for the Northwest Compact to have a formal vote that allows EnergySolutions to move forward on this request.

Danielle Endres thanked all for the information provided. Ms. Endres stated that the Northwest Compact allows EnergySolutions to host Class A waste. However, "Class A waste" is a designation that is used in the United States and it is not a designation that is used in Canada. So, she is curious how is it verified that the Canadian waste fits that "Class A waste" designation. Specifically, if the Canadian waste is not a "Class A waste" designation, why wouldn't it come to the Board as a variance, as variances are the methods used to accept waste, and requested clarification.

Mr. Rogers stated that before waste is shipped from Ontario, Canada to the Clive Facility, EnergySolutions will be on-site to confirm the characteristics of the waste to make sure that it meets the definition of a "Class A waste," which is a NRC's definition as well as the State of Utah's definition. Mr. Rogers further stated that if it does not meet the designation, it will not be exported out of Canada and imported to the Clive facility. Mr. Rogers clarified that if the waste does arrive at the Clive facility and for some reason it has been mischaracterized and happens to be greater than "Class A waste," EnergySolutions would handle it like any other waste that would arrive at the EnergySolutions facility that is greater than "Class A waste." Specifically, EnergySolutions does not manage greater than Class A waste and would immediately report the matter to the State of Utah, the NRC, as well as the Canadian government and would work to resolve it to return the waste.

Mr. Rogers clarified by way of variance, EnergySolutions' license grants them the ability to manage "Class A waste," which does not require any amendments in their license or changes the license. The authority on this matter relies with the Compact because the Compact dictates to the origin from which waste comes into the Compact, so they govern from where it comes and what is actually placed in the ground that is covered by the license.

Ms. Endres asked at what point is the NRC involved, as the waste has to have the Compact's approval before the involvement from the NRC. Specifically, if the Compact approves this matter, then when would the NRC become involved and would the NRC be involved in the determination that the waste fits the "Class A waste" characterization.

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Mr. Rogers clarified that the NRC would be involved whether or not the waste could be brought into the United States including whether or not it can be done so safely. Specifically, there are packaging and shipping requirements that the NRC would be involved with. Mr. Rogers further explained that one of the things that the NRC also requires is if a company imports waste and cannot manage it or dispose of it, there has to be an export part, so they would require *EnergySolutions* to have the ability return it back and that is why *EnergySolutions* must obtain approval from the Compact first. *EnergySolutions* must also show the NRC that it has that avenue for disposal.

Ms. Endres reiterated Director Hansen's point that the Board does not have a role in approving the acceptance of this waste, and that Mr. Rogers's explanation that the waste does not require a Board variance approval, but asked if the UDEQ must still approve the acceptance of this waste at some point in the process.

Mr. Rogers reiterated that the UDEQ has granted *EnergySolutions* a license to accept Class A waste. Therefore, *EnergySolutions'* role in this process is defined by operating within the parameters of that license. The UDEQ would only become involved if *EnergySolutions* were to operate outside the scope of the license.

Ms. Endres noted that a key role of the Board is to provide an opportunity for public comment when matters come up for approval. Since this matter will not be coming before the Board, she is concerned about a mechanism for public input. Furthermore, Ms. Endres asked about the process the State of Utah followed to arrive at its current position in favor of this proposal, and how can Utah citizens make their opinions known and get involved. Specifically, where can members of the public provide input to the decision-makers and is there an opportunity for public comment when the Compact or the NRC makes its decisions.

Mr. Rogers indicated that he cannot speak on behalf of the State of Utah or the Compact regarding public comment procedures. Mr. Rogers stated that public comment is typically required by statute or rule, and *EnergySolutions* does not govern that process. Mr. Rogers suggested that Ms. Endres contact the Compact or the Division Director to determine the circumstances under which public comment is initiated.

Director Hansen provided the following response relating to Ms. Endres questions. Director Hansen informed the Board that the Compact Commission meets typically annually. The agendas for these meetings are published, and the public is always given an opportunity to comment on agenda items. The initial meeting was held in September of this year, and the agenda was published at that time. Director Hansen briefly discussed statutory differences, while the State of Utah utilize multiple platforms for presenting items, which many subscribed individuals monitor, the Compact Commission is subject to Washington's Open Public Meetings Act, which dictates its own opportunities for public engagement.

Director Hansen informed the Board that this topic has been on the agenda for three separate meetings, all of which had public agendas posted, and the public had an opportunity to comment during all three. The opportunity for public comment exists; however, the meetings were not advertised in the same manner as the Board's meetings or other Utah state meetings because the UDEQ does not control that advertising process.

Director Hansen also briefly explained the NRC Licensing Actions and stated that a similar scenario exists with licensing actions involving the NRC. Specifically, when *EnergySolutions* files for an import license, the NRC has its own separate public process. Director Hansen recommended that interested individuals monitor the NRC's public actions and stay connected through their advertised channels.

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Director Hansen further briefly discussed the potential expansion of the *EnergySolutions* cell. Director Hansen briefly outlined the process the Board will take on this matter. Director Hansen informed the Board that since this is not a licensing action, the expansion itself does not come before the Board. However, if *EnergySolutions* moves forward with the request for expansion, there will be a public process. All relevant information will be provided on the Division's website, and individuals will be notified and given an opportunity to submit comments.

In connection with the above, Director Hansen commented that although the potential expansion of the *EnergySolutions* cell is separate from the *EnergySolutions* Compact request, it is a key component of their overall plan. If *EnergySolutions* moves forward with a formal request for cell expansion, a public process will be initiated and all relevant information will be posted on the Division's website, and individuals will be formally notified and given the opportunity to submit comments.

Shane Whitney asked for clarification as to why the State of Utah is disposing of radioactive waste in Washington State, despite having suitable disposal options available in Utah's west desert.

Director Hansen explained that when Utah joined the Compact, the *EnergySolutions* facility was not anticipated or envisioned. At that time, joining the Compact provided a crucial disposal site for Utah's waste. The State of Utah maintains its membership because *EnergySolutions* is currently only permitted to accept Class A waste. To dispose of Class B and Class C waste, which are prohibited from disposal in Utah, the State of Utah needs access to the Compact system and the Northwest Compact facility. This relationship provides an option for disposing of these higher classes of waste that *EnergySolutions* cannot manage.

Director Hansen stated that on occasion, the State of Utah has successfully petitioned the Compact for an exception, allowing certain Utah-generated waste to go to *EnergySolutions*. These exceptions are granted based on factors such as safety, highway travel, and proximity.

Director Hansen further clarified that accepting Class B and Class C waste in the State of Utah would require changes to state legislative statutes.

XI. Director's Report.

Director Hansen reported that he will be meeting with the Natural Resources, Agriculture, and Environment Interim Committee (Committee) again to follow up on the September discussions regarding options modifying the used oil fee collected in Utah.

He anticipates the Committee is generally in favor of moving the fee out of statute and incorporating it into the Division's annual fee schedule. This would allow the Division to review and recommend the fee structure to the Utah State Legislature every year. Director Hansen expects the outstanding questions from the previous meeting to be addressed and a legislative bill to be drafted.

Additionally, Director Hansen will present a path forward for exploring alternatives and options for antifreeze recovery and recycling. The goal is for the Committee to create a bill that ensures the Division has a stable fund to manage both used oil and antifreeze waste.

Director Hansen announced that Tom Ball will be retiring at the end of the year. Director Hansen expressed that Tom will be greatly missed and that the Division is currently recruiting to fill his position.

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Additionally, Director Hansen informed the Board that he will also be retiring on December 31, 2025. Director Hansen stated that working with the Board over the past five years has been a pleasure and a wonderful experience, and he appreciates the dedication of all Board members. He acknowledged the significant time commitment and the weighty issues the Board tackles. Director Hansen stated he appreciated the opportunity to get to know and work closely with the Board, and he will miss their interactions. He concluded by thanking the Board for their continued work.

XII. Executive Director's Report.

Executive Director Davis thanked Doug and Tom for their dedicated service, acknowledging that they have served the people of Utah admirably and professionally. Executive Director Davis stated that he greatly appreciated their work, their humor, and their service to the Board. While they will be greatly missed, he is happy that they will now have the opportunity to pursue things they have long put off.

Additionally, Director Davis reported that the recruitment process for Doug's replacement will begin in the near future.

XIII. Other Business.

A. Miscellaneous Information Items.

Chairman Mickelson acknowledged and thanked both Tom and Doug for their dedicated efforts and stated that he will miss interacting with them. The institutional knowledge departing with these two individuals will undoubtedly have a significant impact.

A photograph of Tom and Doug was taken commemorating the event.

B. Scheduling of next Board Meeting (January 8, 2026)

The next Board meeting is scheduled for January 8, 2026, 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#

XIV. Adjourn.

The meeting adjourned at 2:30 p.m.