

MEETING MINUTES APPROVED FEBRUARY 12, 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
January 8, 2026
1:30 p.m.

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Dennis Riding (Vice-Chair), Tim Davis, Vern Rogers, Neil Schwendiman, Shane Whitney

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

Board Members Excused: Jeremy Hawk

UDEQ Staff Members Participating at Anchor Location: Ted Sonnenburg, Brent Everett, Morgan Atkinson, Brenden Catt, Brandon Davis, Tyler Hegburg, Chris Howell, Jalynn Knudsen, Sally Kaiser, Larry Kellum, Daniella Leeber, Arlene Lovato, Gabby Marinick, Deborah Ng, Mike Pecorelli, Bret Randall, Elisa Smith, Raymond Wixom

Others Attending at Anchor Location: Steve Gurr, Nick Clarke

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/1374993.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.

Vern Rogers declared a conflict of interest and abstained from voting on Agenda Item IX. A. Low-Level Radioactive Waste. EnergySolutions, LLC request for a one-time, site-specific treatment variance.

IV. Introduction of Bret Randall, Division Chief, Office of Attorney General, Environment Division.

Executive Director Tim Davis introduced Mr. Bret Randall, highlighting his extensive experience providing legal support to the Department. This includes his previous role providing legal support to Executive Director Davis during his tenure as the Director of Drinking Water, as well as his legal support to the Drinking Water Board. Additionally, Mr. Randall previously provided legal support to the Division of Waste Management and Radiation Control.

Mr. Randall joined the Utah State Attorney General's Office in 2017. In December 2025, Utah Attorney General Derek Brown appointed Mr. Randall to his new role of Director of the Division of Environment/Health and Human Services, Utah Attorney General's Office. Mr. Randall replaces the recently

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retired Craig Anderson. Executive Director Davis remarked that Mr. Randall is a leading expert in Utah on administrative law.

In his new role as Director for the Environment/Health and Human Services Division, Mr. Randall has named Brenden Catt as Section Director over the Environment Section. Mr. Catt replaces Marina Thomas, who recently departed for a position in the private sector. Executive Director Davis offered best wishes to Ms. Thomas in her new endeavors and to Mr. Catt in his new role.

V. Introduction of Ted Sonnenburg, Director, Division of Waste Management and Radiation Control.

Executive Director Davis introduced Ted Sonnenburg and informed the Board of his appointment of Mr. Sonnenburg as the new Director of the Division of Waste Management and Radiation Control (Division). Mr. Sonnenburg replaces Doug Hansen, who recently retired.

Mr. Sonnenburg brings extensive experience to this role, having most recently served as the Section Manager for the Used Oil Program in the Division. His background includes over 20 years of experience and includes experience working with a local health department, working as an industry leader, and various management roles within UDEQ and the Department of Natural Resources. One notable position mentioned is that Mr. Sonnenburg is proud to serve as the President of Copper Mountain Soccer Club.

Executive Director Davis also reintroduced Brent Everett, who has served as the Director of the Division of Environmental Response and Remediation since December 2009. Mr. Everett has been with UDEQ for nearly 36 years.

Executive Director Davis expressed his appreciation to Director Everett for his leadership, good nature, and humor. He also highlighted one notable position that Mr. Everett takes great pride in is his role as an adjunct faculty member within the Biology Department at Utah Valley University, where he has taught human anatomy labs for nearly 30 years.

VI. Approval of meeting minutes for the November 13, 2025, Board Meeting (Board Action Item).

It was moved by Shane Whitney and seconded by Dr. Steve McIff and UNANIMOUSLY CARRIED to approve the November 13, 2025, Board meeting minutes.

VII. 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 December 2025, was \$39,935,461.00. 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.

Mr. Everett also mentioned that with the upcoming legislative session the DERR is watching two potential pieces of legislation. One would be an amendment to the Illegal Drug Operations Site Reporting and Decontamination Act. The other is something that was mentioned in a news article and is related to a reduction in the State Fuel Tax. If legislation does move forward on these or other items that would impact the DERR, Mr. Everett will keep the Board informed.

There were no comments or questions for Mr. Everett.

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VIII. Administrative Rules.

- A. **Approval from the Board to proceed with final adoption of 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).**

Brandon Davis, 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 for final adoption of 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 since Utah is an Agreement State with the NRC.

At the Board meeting on October 9, 2025, the Board approved the proposed changes to Utah Admin. Code R313-24 (uranium mill and source material, mill tailings, disposal facility requirements) to be filed with the Office of Administrative Rules for publication in the *Utah State Bulletin*. The proposed changes were published in the November 1, 2025, issue of the *Utah State Bulletin* (Vol. 2025, No. 21).

The 30-day public comment period for this rulemaking ended on December 1, 2025; no comments were received.

The Director recommends the Board approve final adoption of the proposed changes to Utah Admin. Code R313-24 as published in the November 1, 2025, issue of the *Utah State Bulletin* and set an effective date of January 12, 2026.

There were no additional comments or questions.

It was moved by Vern Rogers and seconded by Dennis Riding and UNANIMOUSLY CARRIED for the Board to approve final adoption of the proposed changes to Utah Admin. Code R313-24, to incorporate federal regulatory changes made by the Nuclear Regulatory Commission to the federal radioactive materials regulations in 2023 (88 FR 57873), as published in the November 1, 2025, issue of the Utah State Bulletin and set an effective date of January 12, 2026.

IX. Low-Level Radioactive Waste.

- A. **EnergySolutions, LLC request of 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) (Board Action Item).**

Tyler Hegburg, Environmental Scientist from the Low-Level Radioactive Section in the Division, reviewed EnergySolutions, LLC request of 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).

At the Board meeting on November 13, 2025, EnergySolutions, LLC presented as an informational item a request for approval of a one-time site-specific treatment variance for Utah Admin. Code R315-268-40(a)(3) to receive, treat, and microencapsulate approximately 35 tons of incinerator ash waste that contains RCRA

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metals with elevated levels of dibenzo-p-dioxins and dibenzofurans as Underling Hazardous Constituents (UHCs) at their Mixed Waste Landfill Cell.

The basis for this variance is found in Utah Admin. Code R315-268-44(h)(2) and is as follows: requiring this waste stream to meet the dioxin and furan treatment standards is inappropriate based on the incineration and recycling processes that generate this waste even though such treatment of this waste stream is technically possible. Due to those generation processes, all the ash waste contains dioxins and furans; however, in accordance with regulations, only a portion of the waste needs to be treated for those contaminants. The generator has previously analyzed each container of ash for metals contamination. If metals were below the toxicity characteristic concentrations described in 40 CFR 261.24 (Utah Admin. Code R315-261-24), the waste would be shipped to EnergySolutions Clive facility as Low-Level Radioactive Waste (LLRW) and disposed in their Class A Embankment. 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.

Furthermore, the stabilized ash was re-incinerated in an attempt to reduce the concentration of dioxins and furans in the waste ash. Re-incineration attempts resulted in very little reduction in concentrations of the dioxan and furan contaminants, making the process of re-incineration inappropriate and redundant in an attempt to attempt to meet the treatment standards. Requiring this additional step also increases personnel exposure as further handling requirements to this waste.

EnergySolutions, LLC has proposed to confirm that the waste meets all required treatment standards with the exception of the dioxan and furan UHC standards and then macroencapsulate the ash residue following approved requirements for MACRO in their state-issued Part B Permit. Macroencapsulation is an approved process that provides further isolation from the environment and will avoid unnecessary additional reattempts of incineration of the waste. Final disposal of the waste will occur in the Mixed Waste Disposal Cell at the EnergySolutions Mixed Waste Facility.

Historically, EnergySolutions, LLC has requested this variance a total of six times for this generator dating back to June 2018. The previous variance request was approved by the Waste Management and Radiation Control Board on January 9, 2025.

A 30-day notice for public comment was published in the *Salt Lake Tribune*, the *Deseret News* and the *Tooele Transcript-Bulletin* on October 29, 2025. The 30-day public comment period began October 30, 2025, and ended November 28, 2025; no public comments were received. Documents related to this variance request were also posted on the Division's webpage.

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 method.

There were no additional comments or questions.

It was moved by Mark Franc and seconded by Dr. Codell and UNANIMOUSLY CARRIED to approve 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 RCRA metals with elevated levels of dioxins and furans as Underlying Hazardous Constituents. Vern Rogers abstained from voting.

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X. X-Ray Program.

A. **Approval of qualified Mammography Imaging Medical Physicists (MIMPs) in accordance with Utah Code Annotated 19-3-103.1 (2)(c) (Board Action Item).**

Brandon Davis, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), reviewed the request for the Board to approve three applicants to be certified as new Mammography Imaging Medical Physicists. These individuals are referred to as Mammography Imaging Medical Physicists (MIMPs). 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 in accordance with Utah Code Annotated Subsection 19-3-103.1(2)(c).

Division staff have reviewed the qualifications of Jeremy Corwin, Joseph VoetBerg, Jr., and Marc Cramer, and have determined that they have met the requirements detailed in Utah Admin. 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 applicants reviewed and presented to the Board.

There were no additional comments or questions.

It was moved by Dennis Riding and seconded by Shane Whitney and UNANIMOUSLY CARRIED to approve Jeremy Corwin, Joseph VoetBerg, Jr., and Marc Cramer, to be certified as Mammography Imaging Physicists (MIMPs) in accordance with Utah Code Annotated 19-3-103.1(2)(c).

XI. Hazardous Waste Section.

A. **Approval of the Proposed Stipulation and Consent Order between the Director and Williams International Co., L.L.C. (Information Item).**

Deborah Ng, Hazardous Waste Section Manager in the Division of Waste Management and Radiation Control, (Division) reviewed the proposed Stipulated Compliance Order (SCO) No. 2412148 between the Director and Williams International Co., L.L.C. to resolve Notice of Violation No. 2304034.

The proposed SCO settles 42 violations and includes a total penalty of \$140,954.00, of which \$35,238.50 will be paid in cash, to the Director of the Division of Waste Management and Radiation Control.

The Director will also agree to defer and waive \$35,238.50 of the total penalty if Williams International Co., L.L.C. submits quarterly compliance audit reports as outlined in the SCO within specified timeframes.

A proposed Supplemental Environment Project (SEP) in the amount of \$70,477.00 may be credited toward the total penalty if, within one year, Williams International Co., L.L.C. completes the approved project. The amount credited to the total penalty is fifty cents to every SEP credit dollar of actual costs. The proposed SEP involves upgrades to their central accumulation area that are not required by regulation. The upgrades include a permanent structure that limits access, chemical resistant epoxy flooring, and advanced secondary containment. Also, part of the SEP is the Chip Exchange Project that will add an epoxy floor and lean-to-shed to protect items from the elements. The proposed project is anticipated to cost \$170,467.00.

A 30-day notice for public comment was published in the *Salt Lake Tribune*, the *Deseret News*, and the *Standard Examiner* on December 26, 2025. The 30-day public comment period began December 26, 2026, and will end on January 26, 2026.

This is an informational item only. The Director will provide a recommendation following the public comment period at a future Board meeting.

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Dr. Danielle Endres requested a brief summary of the violations and requested additional clarification regarding the proposed SEP project, including whether the proposed SEP project will take place at the Williams International Co., L.L.C. facility and if so, is it intended to make the facility safer.

Ms. Ng stated that the SEP project will take place at the Williams International Co., L.L.C. facility. Ms. Ng provided a brief description of what the inspectors found at the facility. Through this proposed SEP, Williams International Co., L.L.C., will install a concrete floor with the epoxy coating, similar to a “Tuff Shed.” The pre-fab building will contain berms designed to collect spills and if a spill occurs, the release would not go off-site. Additionally, the SEP, will include installing closed doors within a fenced area ensuring restricted access at the facility.

Ms. Ng provided a brief description of the Williams International Co., L.L.C. violations, noting that the violations included improper employee training, incorrect labeling requirements, as well as incorrect waste determination requirements. To assist Williams International Co., L.L.C. in achieving compliance, they hired a third party consultant. This consultant will provide necessary training as well as assist the facility with other compliance matters including updating their contingency plans.

Dennis Riding noted that this facility has a long compliance history, with the first inspections dating back to 2016. Given this timeframe, Mr. Riding requested clarification regarding the Division’s interaction with the facility in regard to the efforts made to bring the facility into compliance.

Ms. Ng stated that there has been a lot of back and forth with the facility. Compliance processes involved the facility submitting documentation, followed by staff reviews and requests for the facility to address any outstanding compliance issues. This back and forth process required a significant amount of time to assist the facility back into compliance. Once the facility was in compliance, the negotiations for the settlement of the violations began.

XII. Director’s Report.

Director Sonnenburg informed the Board that the 2026 Utah State Legislative session will begin on January 20, 2026. The Division is currently monitoring several bills; however, it is premature to provide specific details at this time. Director Sonnenburg anticipates providing a detailed report to the Board during their February Board meeting. This update will include the status of the bills currently being tracked, as well as those that the Division has an interest in.

Director Sonnenburg also extended an invitation to the Board and stated that if they have any specific interest in the Division presenting information on any programs, activities, topics, or subjects, he welcomes the opportunity to present that information in upcoming meetings.

Dr. Danielle Endres commented that she would like to receive updates concerning *EnergySolutions*’ recent request to the Northwest Interstate Compact to receive waste from Canada. Dr. Endres noted that while this issue does not fall under the Board’s jurisdiction, she would appreciate being kept informed as new information becomes available.

Executive Director Davis provided an update regarding *EnergySolutions*’ request to the Northwest Interstate Compact to receive waste from Canada. Executive Director Davis commented that at a future Board meeting, Director Sonnenburg will be providing additional updates/information as there will be additional discussions that involve the Board regarding cell expansions at *EnergySolutions* to accept this waste. Executive Director Davis informed the Board that the Northwest Interstate Compact voted to approve the importation of low-level radioactive waste from the province of Ontario, Canada to *EnergySolutions*, Clive Facility. The approval is specifically for low-level radioactive waste generated by nuclear power plants in Ontario. This waste is limited to materials that comply with *EnergySolutions*’ existing processing

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capabilities, and several provisions are in place to ensure all shipments meet EnergySolutions' current permit criteria, and complies with what EnergySolutions can currently process. The measure passed with seven votes in favor and one abstention.

Executive Director Davis stated that while this specific request does not fall under the Board's jurisdiction, the next step in the process will be the application review for the expansion of the cells at EnergySolutions, and at that point, the State of Utah will be more directly involved as a decision-maker.

Dr. Richard Codell commented on the subject, noting that while it is premature, he has watched some press reports regarding EnergySolutions receiving approval to accept depleted uranium, and although he is uncertain of the credibility of these reports, he felt it was important to highlight that the issue is being discussed. Executive Director Davis confirmed that the Northwest Interstate Compact did not change the types of low-level waste that EnergySolutions is permitted to accept and the EnergySolutions permit does not include accepting depleted uranium.

Chairman Mickelson welcomed Director Sonnenburg to his new positions and commented that the Board looks forward to working with him.

XIII. Executive Director's Report.

Executive Director Davis informed the Board that he and Director Sonnenberg will provide some updates at the next meeting regarding anticipated changes within the Division of Waste Management and Radiation Control.

Executive Director Davis informed the Board that he did not have any additional legislative updates beyond those already provided by Director Sonnenburg and Director Everett. Executive Director Davis stated that he will be providing a detailed legislative update at the February Board meeting.

Additionally, Executive Director Davis informed the Board that the UDEQ's legislative appropriation hearings are scheduled to begin before the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee, starting with the Executive Director's Office on January 22, 2026. Executive Director Davis informed the Board that by the time the Board meets again in February, all UDEQ Divisions will have completed their subcommittee hearings before the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee.

Executive Director Davis also reported that the House of Representatives approved the U.S. EPA (EPA) Interior Appropriation Bill that included a 3.5% reduction in EPA's budget from what was appropriated last fiscal year as a continuing resolution. Executive Director Davis shared that significant coordination with the State's delegation and the Governor's Office was necessary to communicate the impact of the proposed budget cuts to the EPA and commented that had the original proposal budget cuts to EPA moved forward, the impact on states would have been dramatic, specifically affecting UDEQs ability to manage permitting efficiently, ensure regulatory certainty, and as well as the ability to protect Utah's air, land, water, and support communities and growth statewide.

Executive Director Davis stated that while EPA's approved budget still requires the U.S. Senate approval, as well as the President's signature, the current progress provides certainty for the remainder of this fiscal year, and it is anticipated that this process will begin again for the next fiscal year starting October 1st.

Executive Director Davis briefly reviewed the specifics associated within the 3.5% reduction in EPA's budget, including the impacts to State and Tribal Assistance Grants. These State and Tribal Assistance Grants are considered essential federal funding that allows states to implement 90% of federal environmental laws under the model of cooperative federalism.

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Chairman Mickelson commented that the Board will look forward to updates regarding legislative matters at their February meeting.

XIV. Other Business.

- A. Miscellaneous Information Items - None.**
- B. Scheduling of next Board meeting (February 12, 2026).**

The next Board meeting is scheduled for February 12, 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#

XV. Adjourn.

The meeting adjourned at 2:00 p.m.