

MEETING MINUTES APPROVED ON MARCH 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
February 12, 2026
1:30 p.m.

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Mark Franc,
Dr. Steve McIff, Vern Rogers,
Neil Schwendiman, Shane Whitney

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

Board Members Excused: Dennis Riding (Vice-Chair), Tim Davis, Dr. Danielle Endres, Jeremy Hawk

UDEQ Staff Members Participating at Anchor Location: Brent Everett, Ted Sonnenburg,
Morgan Atkinson, Brenden Catt, Lecia Cope, Brandon Davis, Jalynn Knudsen, Sally Kaiser, Larry Kellum,
Daniella Leeber, Arlene Lovato, Gabby Marinick, Elisa Smith, Ethan Upton, Paige Walton, Adam Wingate,
Raymond Wixom

Others Attending at Anchor Location: None.

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/1392779.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 the appointment of Director Ted Sonnenburg to act as Executive Secretary of the Board, pursuant to Utah Code Section 19-6-107 of the Utah Solid and Hazardous Waste Act (Board Action Item).

Chairman Mickelson shared a communication from the Utah Attorney General's Office regarding the Board's authorization for Director Sonnenburg to act as Executive Secretary. The Executive Director of the Utah Department of Environmental Quality appointed Ted Sonnenburg as the Director of the Division (Director) of Waste Management and Radiation Control and that appointment became effective on January 5, 2026. Under the Utah Solid and Hazardous Waste Act, a quorum of this Board has the authority to authorize the Director to act as the Executive Secretary of this Board. With a quorum present, Chairman Mickelson presented this matter as a Board Action Item and considered a motion for the Board to authorize Ted Sonnenburg to act as Executive Secretary of the Waste Management and Radiation Control Board, with an effective date of January 5, 2026.

MEETING MINUTES APPROVED ON MARCH 12, 2026

It was moved by Vern Rogers and seconded by Shane Whitney and UNANIMOUSLY CARRIED for the Board to authorize Director Sonnenburg to act as Executive Secretary of this Board, effective January 5, 2026.

- V. **Approval of the meeting minutes for the January 8, 2026, Board Meeting (Board Action Item).**

It was moved by Neil Schwendiman and seconded by Dr. Steve McIff and UNANIMOUSLY CARRIED to approve the January 8, 2026, 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 January 2026, was \$40,489,904.00. 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 provided a legislative update. The DERR is currently watching three bills.

House Bill 388, Public Health Hazard Amendments, sponsored by Representative Shepherd, which has received a favorable recommendation by the House Health and Human Services standing committee. This bill allows for law enforcement to report lodging establishments to local health departments if they are suspected of being contaminated with methamphetamine or fentanyl. This could create a need for changes to the decontamination specialist certification program. Any changes to the certification program rules would come before the Board.

Senate Bill 234, Rulemaking Amendments, sponsored by Senator Brammer, restricts state agencies from creating environmental health or waste management rules that are more stringent than federal rules. UDEQ Executive Director Davis is working with the sponsor to improve the bill.

House Bill 437, Environmental Permitting Amendments, sponsored by Representative Shallenberger, allows the Department of Environmental Quality and the Division of Oil Gas and Mining to create a program in order to expedite the review of environmental permit applications.

There were no comments or questions for Mr. Everett.

- VII. **Administrative Rules.**

- A. **Approval to proceed with formal rulemaking and public comment period on proposed changes to the Utah Administrative Code R315-101 of the Utah Solid and Hazardous Waste Rules (Board Action Item).**

Paige Walton, Hazardous Waste Cleanup Section Manager in the Division of Waste Management and Radiation Control (Division), reviewed the request to proceed with the formal rulemaking process on proposed rule change to Utah Admin. Code R315-101 Cleanup Action and Risk-Based Closure Standards.

Ms. Walton informed the Board that the purpose of the proposed rule change is to streamline the closure process for “Corrective Action Complete with Control” sites by providing the Director with the discretion to waive Site Management Plans for low-complexity sites. This change aims to eliminate redundant documentation where land-use restrictions are already sufficient, while maintaining existing standards for sites that require active engineering controls such as long-term monitoring.

MEETING MINUTES APPROVED ON MARCH 12, 2026

This is a Board Action Item and the Director recommends the Board approve proceeding with formal rulemaking by publishing in the March 1, 2026, *Utah State Bulletin* the proposed changes to Utah Administrative Code R315-101, and conducting a public comment period from March 1, 2026 to March 31, 2026.

Mark Franc asked for clarification regarding the current requirements for Site Management Plans. Ms. Walton stated that any site currently receiving a “Corrective Action Complete with Controls” designation (sites that are not clean closed) is subject to a Site Management Plan and an Environmental Covenant. The Division is not requesting any changes to the requirements for an Environmental Covenant. Currently, for low complexity sites, where only land use controls are needed, such as restrictions on residential use or restrictions on groundwater, the controls are established within the Environmental Covenant and therefore the Site Management Plan is basically just a reflection of those existing requirements in the Environmental Covenant. The Division views the Environmental Covenant as the document that establishes the land use controls, and the Site Management Plan is a document that identifies how to implement those controls. The Division has determined that the Site Management Plans are more viable when you have other factors, such as vapor intrusion mitigation systems that have to be maintained or monitored or there are groundwater issues where there is a groundwater monitoring network that has to be maintained and monitored. The Division is seeking approval to exercise discretion in cases when there are not any engineering controls that are required to implement the land use restrictions, such as a pure restriction that the site is not used for residential use. The Division’s goal is to eliminate the duplicative process of creating a Site Management Plan that simply mirrors the Environmental Covenant.

It was moved by Mark Franc and seconded by Dr. Codell and UNANIMOUSLY CARRIED to approve formal rulemaking and set a public comment period from March 1, 2026 to March 31, 2026, on proposed changes to the Utah Administrative Code R315-101 of the Utah Solid and Hazardous Waste Rules.

VIII. Hazardous Waste Section.

A. Approval of the Proposed Stipulated Compliance Order between the Director and Williams International Co., L.L.C. (Board Action Item).

Sally Kaiser, Environmental Engineer from the Hazardous Waste Section in the Division of Waste Management and Radiation Control (Division), reviewed the Proposed Stipulated Compliance Order (SCO) No. 2412148 between the Director of the Division (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.

The Director will 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. (The dollar amounts were incorrectly stated at the meeting; please refer to the figures above for the correct amounts.)

MEETING MINUTES APPROVED ON MARCH 12, 2026

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 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.

Section 19-6-104 of the Utah Solid and Hazardous Waste Act authorizes the Board to issue orders and approve or disapprove settlement negotiated by the Director with a civil penalty over \$25,000.00.

A 30-day public comment was published in the *Salt Lake Tribune*, the *Deseret News*, and the *Standard Examiner* on December 24, 2025. The 30-day public comment period to receive comments on the proposed SCO commenced on December 26, 2025, and ended on January 26, 2026; no comments were received.

This is a Board Action Item and the Director recommends the Board approve the SCO.

Mark Franc provided his standard comment on these matters by expressing his concerns regarding the waived portion of the fine. Mr. Franc stated that while he understands that it is the standard practice, there are substantial business benefits of these violations. Mr. Franc wants to make sure there is not a business benefit by violating the regulations and causing these concerns.

Mr. Franc requested that the Board take a close look at the actual business benefit of the facility's violation and the money the facility saved by violating the regulations and ensure that it is not so much punitive, but that they do not recognize a business advantage by violating the regulations.

It was moved by Dr. Steve McIff and seconded by Mark Franc and UNANIMOUSLY CARRIED to approve Proposed Stipulated Consent Order No. 2412148 between the Director and Williams International Co., L.L.C.

IX. Director's Report.

Director Sonnenburg thanked the Board for their approval of his appointment as Executive Secretary to the Board.

Director Sonnenburg provided updates to the Board regarding the recent Division reorganization. These changes include the addition of a new (third) Assistant Director.

Director Sonnenburg informed the Board that Larry Kellum will serve as the new Assistant Director over the nuclear fuel cycle programs within the Division. In this new role, Mr. Kellum will continue to oversee the EnergySolutions Low-Level Radioactive Waste Section. Additionally, Mr. Kellum's responsibilities will expand to include overseeing the Uranium Recovery Program and the newly formed Nuclear Energy Regulatory Office. Mr. Kellum will also coordinate efforts to obtain agreement state status with the Nuclear Regulatory Commission and work on other nuclear fuel cycle matters not discussed above. To support these initiatives, a new nuclear engineer will join the Division at the end of this month.

Director Sonnenburg noted that legislators in the 2026 Legislative Session are supportive of bringing the nuclear fuel cycle to Utah. Consequently, the Division is currently developing a framework to ensure the Division is more efficient in this matter while ensuring the environment remains protected.

MEETING MINUTES APPROVED ON MARCH 12, 2026

Director Sonnenburg also informed the Board of several staffing updates regarding the Division's Section Managers including: X-ray and Technical Support Section: Brandon Davis is the new Section Manager, succeeding Tom Ball, who recently retired; Used Oil and Outreach Section: Gabby Marinick is the new Section Manager, taking over the position previously held by Director Sonnenburg; and the Low-Level Radioactive Waste Section: Carlo Romano is the new Section Manager, taking over the position previously held by Assistant Director Larry Kellum.

Director Sonnenburg commented that he feels the reorganization is a good direction forward and that it will enable the Division to be more responsive in several different areas.

Director Sonnenburg informed the Board that the 2026 General Session of the Utah State Legislature is now underway and provided updates regarding the status of the proposed bills that may impact the Division.

House Bill 37, Used Oil Management Act Amendments, sponsored by Representative Chew. (This is a bill that the Division supported.) The Used Oil Management Act set a fee of 4 cents per quart on new used oil sales. This fee was established in 1993 and has never increased. This bill will increase the recycling fee on new oil sales from 4 cents per quart to 8 cents per quart. Furthermore, it will remove the fee from statute to allow the Division the ability to modify the fee in the future without requiring legislative action. This bill passed the House of Representatives and is now in the Senate.

House Bill 78, Nuclear Regulatory Amendments, sponsored by Representative Albrecht. This bill creates the Nuclear Energy Regulatory Office within the Division and directs the Division to pursue expanded authority through the Nuclear Regulatory Commission (NRC). This bill is currently on the third reading in the Senate.

House Bill 323, Solar Panel Disposal Amendments, sponsored by Representative Jack. This bill addresses solar panel disposal amendments and directs the Division to complete a study on end-of-life solar panels to ensure proper recycling or disposal at capable landfills. Director Sonnenburg commented that there is a concern regarding the increasing number of solar panels reaching their end-of-life. The goal is to ensure that these solar panels are recycled properly. If the panels are not recycled, we must ensure that the panels are disposed of in landfills capable of receiving them without causing any negative environmental impacts. This bill has undergone some modifications to its language and is currently undergoing its first reading in the House of Representatives.

Senate Bill 135, Nuclear Reprocessing Amendment, sponsored by Senator Owen. (This bill also impacts the Utah Office of Energy Development housed within the Utah Department of Natural Resources). This bill has recommendations regarding nuclear fuel recycling facility developments and other fuel cycle projects. This bill requires a comprehensive evaluation of the Utah Code to identify any provisions that might inhibit the state's ability to host a campus. Currently, there are concerns that certain statutes may not allow for this, so a review will be conducted to determine how these regulations can be rectified. This bill passed the House of Representatives and is now in the Senate.

Senate Bill 146, Industrial Byproduct Amendments, sponsored by Senator Grover. This bill allows the use of byproducts in public projects beyond the Utah Department of Transportation (UDOT) projects. This bill will allow other public entities to use byproducts for road base and other public municipal projects beyond UDOT projects. This bill is currently on the second reading in the House of Representatives.

MEETING MINUTES APPROVED ON MARCH 12, 2026

Senate Bill 254, Critical Minerals Amendment, sponsored by Senator Millner. This bill expedites permitting for critical mineral projects by allowing the Division/Department of Environmental Quality to prioritize resources for the expedited review of those permit applications. Director Sonnenburg commented on the intent of this bill noting that if a project involves a critical minerals project, the Division will strive to get that project out as soon as possible. This bill is currently on the second reading in the Senate.

Dr. Richard Codell inquired whether nuclear reprocessing is something that will be available for the whole country or is just for Utah-based nuclear power plants. Director Sonnenburg clarified that the plant is intended to support the entire nation, not just Utah. Director Sonnenburg stated that there are only three nuclear reprocessing plants that exist in the world, which include England, France, and Japan. This nuclear reprocessing plant will bring a plant into the United States for domestic handling.

Dr. Richard Codell commented that there may be a lot of opposition in the State and inquired whether the matter has gone out for public comment. Director Sonnenburg clarified that this matter has not yet gone out for public comment. He anticipates a very lengthy process ahead and reiterated that there will be ample opportunity for public comment. The State of Utah currently does not have the authority from the NRC to regulate the facility, and it remains uncertain if the NRC will grant this authority. However, Director Sonnenburg commented that if the State is permitted to regulate the facility, the Division will ensure it is done safely. Director Sonnenburg reiterated that this is a long term project, and does not expect a resolution in the immediate future, so ample opportunity will be allowed for public comments.

X. Executive Director's Report – This agenda item was tabled.

XI. Other Business.

A. Miscellaneous Information Items - None.

B. Scheduling of next Board meeting (March 12, 2026).

The next Board meeting is scheduled for March 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#

XII. Adjourn.

The meeting adjourned at 2:00 p.m.