

# MEETING MINUTES APPROVED APRIL 9, 2026

Utah 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  
March 12, 2026  
1:30 p.m.

**Board Members Participating at Anchor Location:** Brett Mickelson (Chair), Dennis Riding (Vice-Chair), Tim Davis, Jeremy Hawk, Dr. Steve McIff, Vern Rogers, Shane Whitney

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

**Board Members Excused:** Mark Franc, Neil Schwendiman

**UDEQ Staff Members Participating at Anchor Location:** Morgan Atkinson, Brenden Catt, Brandon Davis, Chris Howell, Jalynn Knudsen, Arlene Lovato, Mike Pecorelli, 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/1404605.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 February 12, 2026, Board Meeting (Board Action Item).**

**It was moved by Dennis Riding and seconded by Dr. Richard Codell and UNANIMOUSLY CARRIED to approve the February 12, 2026, Board meeting minutes.**

**V. Petroleum Storage Tanks Update.**

Morgan Atkinson, Petroleum Storage Tank Branch Manager, with the Division of Environmental Response and Remediation (DERR), informed the Board that the cash balance of the Petroleum Storage Tank (PST) Enterprise Fund (Fund) for the end of February 2026, was \$39,585,828.00. 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. Atkinson also provided a legislative update. The DERR tracked the following three bills, among others, during the recent session.

House Bill 388, Public Health Hazard Amendments, sponsored by Representative Lisa Shepherd, would have allowed for law enforcement to report lodging establishments to local health departments if they are suspected of being contaminated with methamphetamine or fentanyl. This bill did not pass.

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Senate Bill 234, 2nd Substitute, Rulemaking Amendments, sponsored by Senator Brady Brammer, places some restrictions on state agencies from creating environmental health or waste management rules that are more stringent than federal rules. Rules from Title 19 were exempted by the second substitute. This bill passed.

House Bill 437, Environmental Permitting Amendments, sponsored by Representative David 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. This bill passed.

Dennis Riding asked about the ceiling of the PST Fund. Mr. Atkinson reported that during the 2025 legislative session, the ceiling of the PST Fund was raised to 60 million dollars.

Additionally, there was a question on an error field in the PST Summary; Mr. Atkinson said he would look into it and provide information.

There were no additional comments or questions.

### **VI. Administrative Rules.**

#### **A. Five-Year Review of Utah Administrative Code Rules R313-12, 14, 16, 17, 18, 19, 22, 25, 28, 32, 36, and 70 (Information Item).**

Brandon Davis, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), informed the Board that 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 rules identified above are due for a five-year review to be filed with the Office of Administrative Rules.

As part of the formal rulemaking processes, during the past five years, a total of 24 public comment periods were opened, and only one set of public comments were received, which were addressed at the conclusion of the June 2024 public comment period.

This is an informational item only to keep the Board informed of the Five-Year Reviews that have been conducted and are being submitted to the Office of Administrative Rules.

Vern Rogers noted that since the rules are being presented specifically for a five-year review, the Division is not proposing any rule changes at this time.

Mr. Davis confirmed this statement, clarifying that any substantive or non-substantive rule changes would require the formal rulemaking processes. There are currently no grammatical or substantive changes being made to these rules.

There were no additional comments or questions.

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### VII. X-Ray Program.

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

Brandon Davis, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), informed the Board that the Division received one new application for an individual seeking certification as a Mammography Imaging Medical Physicist, referred to as a MIMP.

These physicists perform radiation surveys and evaluate the quality control programs of the facilities in Utah that provide mammography examinations. Initial MIMP certification must be approved by the Board as required by Utah Code Section 19-3-103.1(2)(c). The Division staff have reviewed the application of Kenneth R. Harper, MS, DABR, and has determined that the applicant meets the requirements detailed in Utah Administrative Code R313-28-140.

The Director of the Division recommends the Board issue a certificate of approval to the applicant reviewed and presented to the Board.

There were no additional comments or questions.

**It was moved by Shane Whitney and seconded by Dr. Steve McIff and UNANIMOUSLY CARRIED to approve Kenneth R. Harper, to be certified as Mammography Imaging Medical Physicist (MIMP) in accordance with Utah Code Section 19-3-103.1(2)(c).**

#### B. Exemption Request for Mammography Imaging Medical Physicist (MIMP) from Utah Administrative Code R313-28-140(2)(a) (Board Action Item).

Brandon Davis informed the Board that the Division received a request from Saleh Hamdan, PhD seeking certification as a Mammography Imaging Medical Physicist (MIMP). Dr. Hamdan is seeking an exemption from Utah Administrative Code R313-28-140(2)(a), which requires applicants to be certified by the American Board of Radiology in Radiological Physics or Diagnostic Radiological Physics.

Dr. Hamdan completed his residency at the Yale University School of Medicine in June of 2025. He has passed Part 1 and Part II of the American Board of Radiology (ABR) exams and is scheduled to take the final certifying exam in the fall. Currently Dr. Hamdan meets all federal requirements for a qualified medical physicist under the Mammography Quality Standards Act (MQSA) pursuant to 21 CFR 900.12. The Division staff have reviewed the application of Dr. Hamdan and has determined that he has met all other state requirements.

The Director of the Division recommends the Board issue a certificate of approval to Dr. Hamdan to expire on March 31, 2027. This timeline allows the applicant to complete their final Part III exam for ABR certification while still serving the state's needs with the requirement that he provides evidence of full credentials upon renewal at that time in 2027.

Dennis Riding requested clarification on the specific nature of Dr. Hamdan's request for an exemption.

Mr. Davis explained that state rules require applicants to be certified by the American Board of Radiology in radiologic physics or diagnostic radiology physics. While Dr. Hamdan has passed the first two parts of the three-part certification exam, the final exam is only offered a few times a year and he is not scheduled to take that exam until this fall.

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Mr. Riding noted that Dr. Hamdan is seeking a temporary certification contingent upon passing the final exam; Mr. Davis confirmed that statement.

Danielle Endres inquired if the Division has previously granted such exemptions and if there are any potential negative consequences with the Board approving the exemption.

Mr. Davis noted that to his knowledge, this would be the first time that an exemption of this kind would be granted. Mr. Davis informed the Board that as Dr. Hamdan performs his reviews and submits his paperwork, Division staff will review all submissions to ensure accuracy. Noting that due to the exemption, processes will be handled differently than standard procedures.

Jeremy Hawk mentioned that he has been a MIMP since 2010; however, he did not receive Board certification until 2023, as the Board's approval of MIMPs is a relatively new rule requirement.

There were no additional comments or questions.

**It was moved by Scott Wardle and seconded by Jeremy Hawk and UNANIMOUSLY CARRIED to approve the exemption request from Utah Administrative Code R313-28-140(2)(a) for Saleh Hamdan, PhD to be certification as a Mammography Imaging Medical Physicist (MIMP), to expire on March 31, 2027.**

### VIII. Director's Report/Legislative Update.

Jalynn Knudsen, Assistant Director in the Division of Waste Management and Radiation Control, provided a legislative update to the Board.

Assistant Director Knudsen informed the Board that during the 2026 Utah Legislative Session, over 1,015 bills were proposed and 541 passed. The Division tracked 51 of these bills for a potential impact, 22 of which ultimately passed.

Assistant Director Knudsen highlighted the following legislative bills that passed that will impact the Division.

House Bill 37, Used Oil Management Act Amendments, sponsored by Representative Chew. This bill increases the recycling fee on new oil sales per quart. Furthermore, it removed the fee from statute to allow the Division the ability to modify the fee in the future.

House Bill 323, Solar Panel Disposal Amendments, sponsored by Representative Collin Jack. Assistant Director Knudsen informed the Board that this legislation will require significant efforts from the Division, as the Division is tasked with completing a study and creating a program for the testing and disposal of solar panel waste over the next few years. The study will begin shortly, and the first report to the legislature is due by November of this year. The final study report is due before July 2027. The findings of that study will assist the Division in the creation of the new program for Solar Panel disposal. The Division will continue to provide updates to the Board as this evolves.

Senate Bill 146, Industrial Byproduct Amendments, sponsored by Senator Grover. The bill amends the definition of "Industrial Byproduct," allowing its use in any project *if* the Director of the Division of Waste Management and Radiation Control approves a reuse application. It was previously restricted to UDOT use for roads, etc.

Senate Bill 12, Sunset and Repeal Date Amendments, sponsored by Senator Weiler. This bill repeals the sunset for lead acid battery disposal and makes it permanent.

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House Bill 78, Nuclear Regulatory Amendments, sponsored by Representative Albrecht. Assistant Director Knudsen stated this legislation will have a big impact for the Division. The bill creates a new Nuclear Energy Regulatory Office within the Division of Waste Management and Radiation Control, granting the Division rulemaking authority, the ability to collect fees for licensing and oversight, and directs the Division to pursue expanded "Agreement State" status with the U.S. Nuclear Regulatory Commission. Assistant Director Knudsen commented the Division will work with other regulatory agencies to build the regulatory program for this new office.

Danielle Endres requested additional information regarding House Bill 78. Specifically regarding the new office being created and the reasoning why the new office is being created. Assistant Director Knudsen responded that in alignment with the Governor's push for nuclear energy in the State of Utah, this legislation creates the Nuclear Energy Regulatory Office within the Division. This legislation will give the Division rulemaking authority, the ability to collect fees, and licensing and oversight. Additionally, the bill directs the state to pursue expanded agreement state status with the U.S. Nuclear Regulatory Commission.

Danielle Endres inquired about the impact these changes will have on the Board. Specifically, whether the Board will remain involved in these processes or if these changes will remove certain existing Board responsibilities.

Assistant Director Knudsen clarified that the new legislation does not take away any authority the Board currently has. The legislation gives the Division rulemaking authority, so any proposed rules will come to the Board for approval.

Executive Director Davis further stated that House Bill 78 directs the Division to create the Nuclear Energy Regulatory Office (NERO) and establishes ongoing funding for the NERO. This legislation allows the State of Utah to develop expertise on nuclear regulatory issues for the first time, that the State has not had expertise on in the past. To that end, the Division has already hired its first nuclear engineer, who has a safety background and is currently supported by temporary funding. Additionally, the bill consolidates work related to energy fuels and *EnergySolutions* under a single Assistant Director within the creation of the new NERO.

Executive Director Davis reiterated that rulemaking authority will remain with the Board. This authority enables the Board and the State of Utah to establish rules for additional parts of the nuclear fuel cycle that are consistent with the Atomic Energy Act.

Executive Director Davis also shared several key updates regarding the nuclear fuel cycle and our state's nuclear initiatives.

Executive Director Davis briefly discussed the rapid national and state-level efforts to reinvigorate safe nuclear power. Executive Director Davis commented to support this growth, the State of Utah and the UDEQ is focused on expanding its internal expertise to ensure we operate efficiently and most importantly safely.

Dennis Riding inquired about potential changes to the composition of the Board, specifically regarding the addition of members with specialized expertise in this area.

Executive Director Davis noted that Mr. Riding's inquiry has raised a significant point that he has not previously considered. Executive Director Davis stated that he intends to contemplate the proposal further, as the Board may already have the necessary statutory authority to possibly implement this change.

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Executive Director Davis requested feedback from the Board regarding the possibility of expanding the Board's makeup to include this specific area of expertise.

Dr. Richard Codell expressed his support for the initiative of expanding the Board and noted that he knows several qualified individuals who may be interested in participating.

Dr. Codell stated that while the U.S. Nuclear Regulatory Commission is capable of oversight, many states maintain their own nuclear agencies to stay current on nuclear power, waste, safety, and environmental concerns. Dr. Codell emphasized that if the State of Utah intends to host a nuclear plant, it is important that we also develop this internal expertise and oversight capabilities.

Executive Director Davis stated that this matter will undergo further review and will be brought back for further discussion with the Board. Executive Director Davis asked Board members if they have any additional comments on this matter to reach out to him or Director Sonnenburg or one of the Division's Assistant Directors.

There were no additional comments or questions.

### **IX. Executive Director's Report.**

Executive Director Davis informed the Board that at the beginning of the 2026 Utah Legislative Session, executive agencies were directed to prepare a 5% cut to their ongoing general funds. While the appropriation subcommittee initially suggested specific adjustments to meet this target, Executive Director Davis reported that following productive dialogue throughout the session with legislators, the impact on UDEQ was significantly minimized as the permanent cuts consist of only one full-time employee (FTE) and \$45,000 cut in ongoing general fund money; the impacted FTE cut was from the Executive Director's office.

Executive Director Davis also provided updates on several legislative and budgetary developments affecting the UDEQ divisions and ongoing projects, including the ongoing funding for the new NERO.

Executive Director Davis briefly discussed House Bill 545. Following the passage of this bill, the UDEQ was awarded \$3 million from a fee paid by EnergySolutions. Executive Director Davis noted that 10 percent of this fee has been directed to the UDEQ to support energy-related permitting reforms, as the goal is to improve speed, transparency, and innovations in UDEQs processes while maintaining all environmental protections.

Executive Director Davis briefly discussed Senate Bill 234, which originally sought to limit the UDEQ's authority regarding the U.S. EPA and the U.S. Nuclear Regulatory Commission standards and state law implementation. This bill was amended to exempt the Title 19 program. This amendment ensures that UDEQs existing legislative mandates remain intact and its current authority is largely preserved. The new standards in this bill will only apply if UDEQ pursues initiatives outside of established federal or state statutes.

Executive Director Davis briefly discussed House Bill 78 and two related resolutions that underscore the State of Utah's commitment to nuclear power under "Operation Gigawatt." Executive Director Davis stated that as we move forward, UDEQ will play an active role in this initiative. UDEQ is committed to a consent-driven approach that engages local communities, addresses safety concerns, and ensures all questions are answered as we work to advance these goals safely and efficiently.

There were no additional comments or questions.

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## X. Election of Board Chair and Vice Chair (Board Action Item).

Chairman Mickelson informed the Board that each year a Board Chairman and Vice-Chairman must be elected. Chairman Mickelson conducted the elections.

Chairman Mickelson requested nominees to serve as Board Chairman. Dennis Riding nominated Brett Mickelson to continue to serve as Board Chairman; no other nominees were presented.

**It was moved by Dennis Riding and seconded by Dr. Steve McIff and UNANIMOUSLY CARRIED for Brett Mickelson to serve as Board Chairman. (Chairman Mickelson abstained from voting.)**

Chairman Mickelson requested nominees to serve as Board Vice-Chairman. Dr. Steve McIff nominated Dennis Riding to serve as Board Vice-Chairman; no other nominees were presented.

**It was moved by Dr. Steve McIff and seconded by Scott Wardle and UNANIMOUSLY CARRIED for Dennis Riding to serve as Board Vice-Chairman.**

Chairman Mickelson commented that he looks forward to working with the Board and to support Division staff.

## XI. Other Business.

### A. Miscellaneous Information Items.

Assistant Director Knudsen requested a working lunch be added prior to the upcoming April Board meeting.

Assistant Director Knudsen stated that as a follow-up to an information item on the Utah Solid Waste Management Plan (Plan) requirements for the Board, shared at the September Board meeting by Kelly Shaw, the Division is now working with a contractor to assist in drafting the Plan.

Chairman Mickelson has agreed to hold a working session over lunch before the April 9th Board Meeting. During this session, Division staff will review process timelines, talk through key efforts, and address any questions the Board may have.

Further details on the working lunch will be circulated by Arlene Lovato as the details are finalized.

### B. Scheduling of next Board meeting w/Board working lunch (April 9, 2026).

The next Board meeting is scheduled for April 9, 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](https://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.