

MEETING MINUTES APPROVED MAY 14, 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
April 9, 2026
1:30 p.m.

In conjunction with the April Board Meeting, a Board Working Lunch Meeting was held to discuss the progress of the Utah Solid Waste Management Plan.

**This meeting took place from 12:00 p.m. to 1:00 p.m. in Conference Rooms 1019 A/B.
No virtual component provided.**

Board Members Participating: Brett Mickelson (Chair), Dennis Riding (Vice-Chair) Dr. Richard Codell, Mark Franc, Neil Schwendiman, Shane Whitney

UDEQ Staff Members Participating: Jalynn Knudsen, Kelly Shaw, Brian Speer, Morgan Atkinson, Lecia Cope, Arlene Lovato, Elisa Smith

Others Attending: Cherie Anderson, Jesse Simonsen

Please find below an overview of the working meeting regarding the statewide Solid Waste Management Plan (Plan).

Staff reviewed the Plan requirements presented at the September Board Meeting and addressed key talking points to foster an open discussion. Both staff and Board members engaged in a productive Q&A session during the meeting.

Additional topics presented regarding the Plan included the following: SWIFR Grant Overview; Phase 1: Waste Characterization and Recycling Study; Phase 2: Plan Update; Plan Purpose and Mandate; Scope and Schedule; Statutory Requirements for the Plan; Contemporary Waste Concerns; Economics and Tons Disposed; Project Timeline; Key Milestones; and Regional Outreach.

These discussions ensured alignment between the Division and the Board regarding the Plan's objectives. A copy of the presentation is available upon request.

No final voting action was taken on any matter during this working meeting. The unedited audio can be accessed at <https://www.utah.gov/pmn/files/1420629.MP3>

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Board Members Participating at Anchor Location: Brett Mickelson (Chair), Dennis Riding (Vice-Chair)
Dr. Richard Codell , Mark Franc, Neil Schwendiman,
Shane Whitney

Board Members Participating Virtually: Vern Rogers

Board Members Excused: Tim Davis, Dr. Danielle Endres, Jeremy Hawk, Dr. Steve McIff, Scott Wardle

UDEQ Staff Members Participating at Anchor Location: Brent Everett, Jalynn Knudsen, Morgan Atkinson,
Brenden Catt, Lecia Cope, Brandon Davis, Tyler Hebgurg, Chris Howell, Arlene Lovato, Deborah Ng, Mike Pecorelli,
Elisa Smith, Paige Walton, Scott Wendt

Others Attending at Anchor Location: Cherie Anderson, Steve Gurr

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

This meeting was recorded. The unedited audio can be accessed at <https://www.utah.gov/pmn/files/1416931.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 meeting minutes for March 12, 2026, Board meeting (Board Action Item).

It was moved by Shane Whitney and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve the March 12, 2026, 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 (Fund) for the end of March 2026, was \$39,475,423.00. The DERR continues to monitor the balance of the PST Fund closely to ensure sufficient cash is available to cover qualified claims for releases.

Director Everett also mentioned that some errors on the PST Statistical Summary have been corrected. He provided updates on some that were remaining. The DERR will continue to work on ensuring the information provided in the Board packet is correct. Vern Rogers appreciated the update and corrections.

VI. Administrative Rules.

A. Request for approval from the Board to proceed with final adoption of the proposed changes to Utah Administrative Code R315-101 of the Utah Solid and Hazardous Waste Rules (Board Action Item).

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Paige Walton, Hazardous Waste Cleanup 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 the proposed changes to Utah Administrative Code R315-101 of the Utah Solid and Hazardous Waste Rules.

On February 12, 2026, the Board approved the proposed changes to Utah Admin. Code R315-101, Cleanup Action and Risk-Based Closure Standards, to be filed with the Office of Administrative Rules for publication in the *Utah State Bulletin*. The proposed changes were published in the March 1, 2026, issue of the *Utah State Bulletin* (Vol. 2026, No. 5).

Ms. Walton noted a minor clerical correction regarding the public notice comment period. When originally presented to the Board, the comment period was scheduled to begin on March 1, 2026. However, due to a minor clerical error, the 30-day public comment period officially ran from March 2, 2026, through March 31, 2026, rather than ending on March 30, 2026.

No public comments were received on March 1, nor were any received during the actual comment period of March 2 through March 31, 2026. Because no comments were submitted during this 31-day window, no further action or resubmission is required regarding this public comment period.

This is a Board action item. The Director recommends the Board approval for final adoption of the proposed changes to Utah Administrative Code R315-101, as published in the March 1, 2026, *Utah State Bulletin* and set an effective date of April 16, 2026.

It was moved by Mark Franc and seconded by Dr. Codell and UNANIMOUSLY CARRIED for the Board to approve for final adoption the proposed changes to Utah Administrative Code R315-101 of the Utah Solid and Hazardous Waste Rules as published in the March 1, 2026, issue of the *Utah State Bulletin* and set an effective date of April 16, 2026.

VII. Low-Level Radioactive Waste.

A. **EnergySolutions' request for a one-time site-specific treatment variance from the Utah Hazardous Waste Management Rules. EnergySolutions seeks authorization to receive a variance from Utah Administrative Codes R315-268-40 and R315-268-45 for the direct macroencapsulation treatment of approximately 1200 lbs. of lithium and lithium-ion batteries (Information Item).**

Tyler Hegburg, Environmental Scientist, Low-Level Radioactive Section, Division of Waste Management and Radiation Control, introduced Steve Gurr, EnergySolutions representative, who presented a one-time site-specific treatment variance request for the direct macroencapsulation treatment of lithium and lithium-ion batteries to the Board.

Lithium and lithium-ion batteries typically exhibit the hazardous characteristics of ignitability (D001) and reactivity (D003). Regulations in Utah Admin. Code R315-268-40 require the removal of the characteristic codes prior to land disposal. The U.S. Environmental Protection Agency (U.S. EPA) has ruled that intact batteries are containers and not considered debris under the definition that would allow them to be macroencapsulated. In order for lithium batteries to meet the U.S. EPA definition of debris, they would need to be shredded and mixed with chemicals to deactivate them and then they could be macroencapsulated. Issues of shredding severely agitate the waste and exposes the reactive portion of the waste to the open air, which could cause an adverse reaction or explosion. Although this type of waste management is possible, from a safety and health standpoint, it is inappropriate.

EnergySolutions has received approval for this same variance request four times previously, from 2021 through 2024, and in the last year 2025. The waste quantities have remained similar over this time period, averaging approximately 800 lbs. being received each year. EnergySolutions anticipates receiving similar waste volumes over the next twelve months under this variance request.

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Shane Whitney inquired whether *EnergySolutions* has encountered any issues in prior years regarding the macroencapsulation of lithium batteries. Mr. Gurr commented that the process has been successful every year a variance has been received.

Dennis Riding inquired whether *EnergySolutions* has experienced any fires or management issues associated with lithium-ion batteries. Mr. Gurr stated that he recalled initial instances of reactions and fires when the facility first attempted shredding the batteries; however, there have been no such issues since post-variance approval.

Dr. Codell stated that he has located a few advisory reports, not rules, from the U.S. EPA and overseas Irish EPA regarding this matter and inquired if *EnergySolutions* is up-to-date of what the U.S. EPA and what other government agencies' perspectives are on burying lithium batteries. Mr. Gurr clarified that part of the research in this matter is that the U.S. EPA does not consider the batteries as containers, and therefore they cannot be macroencapsulated. Mr. Gurr emphasized that the macroencapsulation process is very safe and effective method for isolating lithium batteries from any reactions.

Mr. Gurr commented that he has not reviewed any additional literature/advisory reports on this matter but agreed it is a good idea to keep current on findings regarding this matter. Dr. Codell expressed concern that the regulations cited date back to 1993 (pre-lithium battery) and may not reflect modern, lithium battery technology. Dr. Codell further commented while some lithium batteries were around back then, they did not consist of the bigger larger-scale lithium batteries being dealt with today. Dr. Codell was hopeful that more current information was available in dealing with this matter. Mr. Gurr stated that he will look into this matter and agreed that lithium batteries are much more common today than previous years and acknowledged Dr. Codell's point.

Mark Franc commented that given the popularity of this topic and the issues seen in hauling operations at municipal disposal landfills, this topic was also discussed during the working lunch. During that meeting, it was agreed that the proper handling of these types of batteries is compiling and disposing of them properly as opposed to being hidden in trash, which is causing problems. Mr. Franc further commented *EnergySolutions'* current handling of these types of batteries appears be an appropriate way to actually compile and dispose of the batteries. Mr. Franc commended *EnergySolutions* for their efforts in this area.

VIII. Director's Report.

Jalynn Knudsen, Assistant Director in the Division of Waste Management and Radiation Control, informed the Board that the terms for the following three members will end in August of this year: Mark Franc, Dr. Steve McIff, and Dennis Riding. We will contact these Board members to discuss their desire to continue serving on the Board and to review the reappointment process.

The reappointment process normally begins 90-days prior to the end of their term, which is around May. Arlene Lovato will coordinate these efforts with the three Board members accordingly.

Assistant Director Knudsen noted that all Utah Waste Management and Radiation Control Board positions require both the Senate and Governor approval.

IX. Executive Director's Report - This agenda item was tabled.

X. Other Business.

A. Miscellaneous Information Items.

Director Everett mentioned that he and Commissioner Davis attended the Moab Uranium Mill Tailings Remedial Action (UMTRA) 16 Million Tons removed celebration earlier in the day in Moab. This has been an effort by

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the Department of Energy to remove the Atlas Tailings to a repository near Crescent Junction. While not a Board item, this project had touchpoints with the Department (DWMRC and DERR).

B. Scheduling of next Board meeting (May 14, 2026).

The next Board meeting is scheduled for May 14, 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#

XI. Adjourn.

The meeting adjourned at 1:45 p.m.