

MEETING MINUTES APPROVED ON JUNE 11, 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
May 14, 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, Mark Franc

Board Members Excused/Absent: Neil Schwendiman, Scott Wardle

UDEQ Staff Members Participating at Anchor Location: Brent Everett, Ted Sonnenburg, Lecia Cope, Brandon Davis, Doreen Egan, Tyler Hegburg, Larry Kellum, Jalynn Knudsen, Arlene Lovato, Stevie Norcross, Carlo Romano, Elisa Smith, Raymond Wixom

Others Attending at Anchor Location: 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/1434548.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; he will abstain from voting on Agenda Item VII. B.

IV. Approval of the meeting minutes for the April 9, 2026, Board meeting (Board Action Item).

It was moved by Dr. Codell and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve the April 9, 2026, Board meeting minutes.

V. Petroleum Storage Tanks Update.

Brent Everett, Director, Division of Environmental Response and Remediation (DERR), let the Board know that the cash balance of the Petroleum Storage Tank (PST) Enterprise Fund (Fund) at the end of April 2026, was \$40,213,320.00. We keep a close eye on the PST Enterprise Fund to make sure there is enough money to pay qualified claims.

Director Everett also said that at the end of the fiscal year, the DERR will provide the necessary data to our actuarial contractor for the annual actuarial report on the PST Fund. The DERR will report to the Board when the actuarial report is completed, as we have done in the past.

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VI. Annual Open and Public Meetings, Conflicts, Ethics, and Records Training (Presented by Raymond Wixom, Assistant Attorney General, Utah Attorney General's Office) (Information Item).

Mr. Wixom provided to the Board the annual required training and updates regarding the Open and Public Meetings Act, Ethics and Conflicts, and Board Operations and Duties, and Records and Government Records Access and Management Act (GRAMA). Mr. Wixom's presentation included information regarding the following topics: Board's Functions & Duties; Roles of Board & Division; Role of Attorney General Office; Board Rulemaking; Open Public Meetings and the Open Public Meetings Act; Amendments – H.B. 36 (2024); Conflict of Interest; Ethics Act and Ethics Prohibitions; Identifying Conflicts and Conflict Procedures; Records and GRAMA and GRAMA Revisions and Records Procedures. A copy of the presentation is available at the following link: <https://www.utah.gov/pmn/files/1436805.pdf>

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 an exemption from the treatment standards for uranium extraction process residues encased in cement for macroencapsulation (Information Item).**

Tyler Hegburg, Environmental Scientist, Low-Level Radioactive Waste Section, Division of Waste Management and Radiation Control (Division), introduced Steve Gurr, EnergySolutions representative, who presented this informational item to the Board.

Mr. Gurr reviewed EnergySolutions' request for a site-specific treatment variance for uranium extraction process residues. Mr. Gurr informed the Board that the waste consists of cemented uranium extraction process residuals from the generator's three different points of generation. The residual waste from each of these processes is collected in small cans (~ 2 ½ gallons each) and stored at the generator's facility.

Appropriate packaging procedures were created and currently being utilized at the generator's facility. These packaging procedures include repackaging the cans into 16-gallon drums and filling the void spaces with cement. Characterization samples were analyzed by the generator detecting elevated concentrations of both metals and semi-volatile organics above their respective treatment standards of 40 CFR 268. The generator has assessed other options, including treatment for the hazardous constituents; however, additional processing creates additional hazards.

The uranium content within the process residues is enriched, natural uranium, which is around 7%, and enriched uranium, which is around 5%. From a health and safety standpoint, the enrichment makes the waste more hazardous to employees managing the waste. Further, enriched material has increased security concerns and must be managed appropriately. Furthermore, encasing enriched uranium within concrete is the preferred method of stabilization as recommended by the U.S. Nuclear Regulatory Commission (NRC). The waste material packaged in these 16-gallon monolithic forms is inherently safe and is the form that will be shipped and received at the EnergySolutions Clive facility.

EnergySolutions' proposes to macroencapsulate the waste, thereby isolating the waste and decreasing the leaching potential of the media. Macroencapsulation is a permitted process utilized at the Clive facility that significantly reduces the potential for migration (leaching) of the waste. Macroencapsulation requires less handling of the waste and creates a waste form for disposal that is protective of human health and the environment. Macroencapsulation also adds a further level of security by restricting access to the waste.

Historically, EnergySolutions has requested this variance 17 times for this generator, dating back to 2007. The Board has approved all previous requests. Since the last variance was approved in 2025, EnergySolutions has received approximately 20,080 cubic feet of this waste.

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Dennis Riding commented that this variance request has been approved numerous times since 2007. He requested additional information regarding the track record for this specific waste stream.

Mr. Gurr reported that no issues have been identified at either the Clive Facility or the generator's facility. It remains a very successfully managed waste stream.

Dr. Endres expressed interest in the classification of enriched uranium and checked to ensure it remains categorized as Class A level waste, rather than Class B or C. Mr. Gurr reported that, in this scenario, *EnergySolutions* is only authorized to receive Class A level waste and confirmed that this specific waste stream meets that classification.

Additionally, Dr. Endres inquired whether enriched uranium is a form of radiation that can change over time, noting concerns that it could potentially become "hotter" and breach Class B or C limits. Mr. Gurr clarified that this concern applies to depleted uranium, which is not part of this variance request.

Dr. Codell requested further information on the approximately 5% enrichment level for uranium. In response, Mr. Gurr clarified that while natural uranium is around 0.7%, enriched uranium is approximately 5%.

B. *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 (Board Action Item).

Tyler Hegburg, Environmental Scientist from the Low-Level Radioactive Waste Section in the Division, reviewed *EnergySolutions*, LLC request for a one-time site-specific variance request.

Mr. Hegburg reminded the Board that during the April 9, 2026, Board meeting, *EnergySolutions* presented to the Board as an informational item a one-time site-specific treatment variance request from Utah Administrative Codes R315-268-40 and R315-268-45 for the macroencapsulation treatment and disposal of approximately 1200 lbs. of lithium and lithium-ion batteries that are secondarily contaminated with radioactive components.

The 30-day public comment period began April 9, 2026, and ended end May 11, 2026; no comments were received.

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 that these characteristic hazards be deactivated to remove the hazardous characteristic prior to land disposal. As an alternative method, Utah Admin. Code R315-268-45 allows hazardous debris to be treated using an immobilization technology like macroencapsulation. However, the U.S. Environmental Protection Agency (U.S. EPA) has ruled that intact batteries are containers and not considered debris. Furthermore, the definition of macroencapsulation in Utah Admin. Code R315-268-42 states that "Macroencapsulation specifically does not include any material that would be classified as a tank or container."

Mr. Hegburg explained that for *EnergySolutions* to meet the regulatory standards described above, lithium and lithium-ion batteries would need to be shredded and mixed with chemicals to deactivate them or punctured (and then considered debris) to macroencapsulate them. Both of these activities (shredding and puncturing) severely agitate the waste and would expose the reactive portion of the waste to open air which could cause an adverse reaction or explosion which presents a safety hazard for *EnergySolutions* personnel handling the waste. Although this type of waste management is possible, from a safety and health standpoint, it is inappropriate.

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EnergySolutions proposes to manage this waste by directly macroencapsulating the intact batteries. Macroencapsulation is a permitted treatment technology that isolates hazardous waste from the environment, eliminating the potential for harmful reactions from exposure to the environment. Macroencapsulation requires less handling of the waste and creates a waste form for disposal that is protective of human health and the environment and more appropriate for disposal methods than shredding and deactivation methods previously mentioned.

To date, approximately 900 lbs. of this waste has been received since the previous approval of this variance request in 2025. This waste is shipped in small quantities to the EnergySolutions facility within containers that have specialized handling labels to address the ignitability and reactive waste codes associated with the waste stream.

Mr. Hegburg informed the Board that historically, EnergySolutions has requested this same variance five times previously, dating back to 2021. All instances of this request have been reviewed and approved by the Board.

This is a Board Action Item and 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 to human health and the environment as the required method.

Commissioner Davis commented that in cases where repeated variances are presented he inquired whether the Board could transition from recurring, case-by-case variances to allowing certain actions by rule, specifically concerning lithium-ion battery disposal. Specifically, could the rules be modified if this is an appropriate way for lithium-ion battery disposal.

Raymond Wixom, Assistant Attorney General, Utah Attorney General's Office, clarified that while both the U.S. EPA and the Utah Solid and Hazardous Waste Act allow for variances, the U.S. EPA generally prefers to manage the variances they grant directly. Furthermore, Utah state statute dictates that a variance is valid for only one year unless it includes a specific provision for returning to compliance. In cases involving materials buried at facilities like EnergySolutions, the objective is for the material to remain permanently interred rather than being unearthed for further action. Consequently, to maintain legal compliance, facilities must request a new variance each year for similar items. This annual process ensures that both the agency and the facility fulfill their legal obligations while providing necessary oversight for all stakeholders.

Commissioner Davis concurred that these annual variances are required in these instances to ensure compliance with both federal and state law.

Shane Whitney requested elaboration on the specialized shipping containers being utilized. Mr. Hegburg clarified that these containers feature specific handling labels to ensure they are managed appropriately upon arrival at the facility.

Additionally, Mr. Whitney inquired whether these containers are standard DOT-approved shipping drums. Mr. Hegburg confirmed that they are, noting that his primary focus remains on ensuring proper handling procedures are followed once the drums reach the facility. Mr. Hegburg also noted that approximately 900 lbs. of this waste has been received since the variance request was approved in 2025.

It was moved by Shane Whitney and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve EnergySolutions LLC's request for a site-specific treatment variance from the Utah Hazardous Waste Management Rules for the direct macroencapsulation treatment of approximately 1200 lbs. of lithium and lithium-ion batteries. (Vern Rogers abstained from voting.)

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VIII. Director's Report.

Director Sonnenburg reported that pursuant to House Bill 384, Executive Branch Agency Amendments, several leadership roles were redesignated effective May 6, 2026. This change aligns with the Governor's goal of ensuring greater consistency among cabinet members by transitioning multiple Director and Deputy Director roles to Commissioner titles. The redesignated leadership roles within the UDEQ include Executive Director Davis who is now Commissioner Davis, Jill Burton and Ashley Sumner who are now Deputy Commissioners and in the Division of Waste Management and Radiation Control all three Assistant Directors and now Deputy Directors. These updates better reflect their current responsibilities and assigned tasks.

Director Sonnenburg reported that the Division is currently conducting two studies requested by the Utah State Legislature. The first study concerns antifreeze recycling to determine if there is a statewide need. This request from the Legislature is related to House Bill 37 and the Used Oil Management Act, which increased the oil fee from \$.04 to \$.08 per quart, though the study itself is not a requirement of the Used Oil Management Act. The second study is in conjunction with House Bill 323 that mandates a study on solar panel waste disposal. The Division is actively working on this, though limited information is available at this time. Findings from both studies will be presented to the Utah Legislative Interim Committee upon completion.

Director Sonnenburg provided a update on House Bill 78 and Senate Bill 135 concerning nuclear energy regulations. Director Sonnenburg reminded the Board that House Bill 78 established the Nuclear Energy Regulatory Office (NERO) within the Division, and a nuclear engineer has been hired to support this initiative. A key requirement of the NERO is the oversight of safety requirements and security measures. Director Sonnenburg noted that while the Board has the authority to establish rules for these areas, the Division is not proposing any new rules at this time. Instead, the Division is currently focusing on coordinating emergency preparedness and response efforts with local responders for potential radiological incidents. The NERO is in the initial stages of assessing existing resources to determine how the NERO can best support these local efforts.

Director Sonnenburg introduced Sean Creegan, Assistant Attorney General, Utah Attorney General's Office. Mr. Creegan will be supporting the Division. Director Sonnenburg welcomed him and noted that he will be a great addition to help manage the Division's workload.

Director Sonnenburg announced that UDEQ is transitioning to a new, uniform statewide logo. This change follows the Governor's initiative to replace the various departmental logos with consistent branding across all state divisions and departments. Samples of the new branding logo were presented; the Division is currently in the process of switching over to the new logo. It is anticipated that the new logo will be used exclusively by the end of the month.

IX. Commissioner's Report – None.

X. Other Business.

A. Miscellaneous Information Items – None.

B. Scheduling of next Board meeting (June 11, 2026).

The next Board meeting is scheduled for June 11, 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 2:25 p.m.