

MEETING MINUTES APPROVED ON SEPTEMBER 10, 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

July 9, 2026

1:30 p.m.

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Tim Davis, Mark Franc, Neil Schwendiman, Vern Rogers

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

Board Members Excused/Absent: Dr. Danielle Endres, Dr. Steve McIff, Dennis Riding (Vice-Chair), Shane Whitney

UDEQ Staff Members Participating at Anchor Location: Ted Sonnenburg, Brent Everett, Morgan Atkinson, Tyler Hegburg, Sally Kaiser, Larry Kellum, Jalynn Knudsen, Arlene Lovato, Kari Lundeen, Sarah Reddinger, Elisa Smith, Raymond Wixom

Others Attending at Anchor Location: Carmen Gondhalekes, 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/1460045.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 VI. A.

IV. Approval of the meeting minutes for the June 11, 2026, Board meeting (Board Action Item).

It was moved by Dr. Codell and seconded by Mark Franc and UNANIMOUSLY CARRIED to approve the June 11, 2026, Board meeting minutes.

V. Petroleum Storage Tanks Update.

Morgan Atkinson, PST Branch Manager, Division of Environmental Response and Remediation (DERR), informed the Board that as of the end of June, the cash balance of the Petroleum Storage Tank (PST) Enterprise Fund (Fund) was \$39,991,276.00. The Division monitors the cash balance of the Fund closely to ensure there are sufficient funds to reimburse for qualified claims for those participating on the Fund for their required Financial Assurance under the PST Program.

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VI. 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 residuals encased in cement for macroencapsulation (Board Action Item).**

Tyler Hegburg, Environmental Scientist, Low-Level Radioactive Waste Section, Division of Waste Management and Radiation Control (Division), reviewed EnergySolutions LLC (EnergySolutions) request for a site-specific treatment variance. Mr. Hegburg reminded the Board that during the May 14, 2026, Board meeting, EnergySolutions presented to the Board as an informational item a request for a variance for the treatment standards described in Utah Administrative Code R315-268-40(a)(2) for the macroencapsulation of approximately 2,100 cubic feet of cemented uranium extraction process residuals that retains several hazardous waste codes.

This variance is requested for the for the purposes of safety, security, and transportation of the waste materials.

A notice for public comment was published in the *Salt Lake Tribune*, and the *Tooele Transcript-Bulletin* on May 6, 2026, and the *Deseret News* on May 8, 2026. The comment period began May 11, 2026, and ended June 9, 2026; no public comments were received.

The waste stream associated with this request is generated from three different points during uranium recovery processes at the generator's facility including (1) enriched uranium contaminated ash that has been thermally processed and the recovered through an organic solvent extraction process; (2) oxide powders and dried sludges associated with this enriched uranium-thorium fuels; and (3) sludge residue from the bottom of salt baths used in the processing of the uranium. The residual waste from each of these processes is collected in small cans (~ 2 ½ gallons each) and stored at the generator's facility. The processed residuals within the cans have been characterized through a random sampling and analysis process. This is an ongoing process, where the generator has accumulated approximately 2,000 cans of process residues that have been collected and stored by the generator and additional cans are being generated every year.

The F-listed solvent codes within this waste are derived from rags that are burned in a furnace in order to recover the uranium present within them. None of the F-listed constituents were above their respective treatment standard concentrations within the random characterization samples of the process residues. The random characterization samples were also analyzed for metals using the Toxicity Characteristic Leaching Procedure (TCLP). These samples detected elevated concentrations of barium, cadmium, chromium, and lead. Based on these elevated metal concentrations, the characteristic waste codes D005, D006, D007, and D008 were applied to the process residues. Slightly elevated concentrations of arsenic, selenium, silver, 2,4-dinitrotoluene, hexachlorobenzene and hexachlorobutadiene were also detected in separate analyses.

The uranium content within the process residues is enriched. From a health and safety standpoint, the enrichment makes the waste more hazardous to employees managing the waste. Furthermore, enriched material has increased security concerns and must be managed appropriately. To ensure the enriched uranium concentration limits required for worker safety, security, and transportation of this waste are met, appropriate packaging procedures were created and are currently being utilized at the generator's facility. These packaging procedures include repackaging the 2 ½ gallon cans into 16-gallon drums and filling the void spaces with cement; formal treatment for the elevated metals concentrations is not performed during this process. The generator has assessed other options, including treatment for the hazardous constituents; however, additional processing introduced unacceptable hazards from a health and safety and security viewpoint. Additionally, the waste within the cans is inherently safe from a criticality aspect and the generator concluded that it is unwise to perform extra processing that could potentially change this aspect.

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The waste material packaged in these 16-gallon monolithic forms is inherently safe and is the form that the materials will be shipped and received at the EnergySolutions Clive facility. The characteristic hazardous waste codes associated with the process residues within the monolithic form have concentration-based treatment standards based upon the leachability of the contaminants. Treatment of the monolithic form for these concentration-based treatment standards would entail a process that includes shredding of the monolith followed by mixing with a stabilizing reagent in a permitted mixer. Both of these steps could mobilize the enriched uranium and possibly cause airborne contamination, increasing the potential for releases to the environment as well as the potential for personnel exposure. Furthermore, the shredding process of the solidified uranium ash results in a more accessible form of enriched uranium with potential security ramifications with the handling of the material.

EnergySolutions' proposal to macroencapsulate the waste is a permitted process that would significantly decrease the migration (leaching) of waste, requires less handling, and keep the uranium monolithic forms encased within the additional material layer further restricting access to the enriched uranium.

Historically EnergySolutions has requested and been granted this variance through the Board approximately 16 times starting back in 2008 and is approaching 20 years of handling this specific waste stream without an issue. EnergySolutions has received approximately 20,800 cubic feet of this waste since the first variance approval in 2008. Since the last variance was approved, EnergySolutions has received approximately 2,080 cubic feet of this waste (the 16-gallon monoliths).

The Director recommends approval of this variance request. The Director's recommendation is based on the following findings: the macroencapsulation treatment method proposed by EnergySolutions meets the regulatory basis for a variance and will be as safe to human health and the environment as the required method. EnergySolutions will handle the monolithic waste as debris and final disposal of macroencapsulation waste will occur in EnergySolutions Mixed Waste Disposal Cell.

Mr. Franc noted how the variance requests for EnergySolutions have become routine for the Board as they have been approved numerous times in the past. He commented that EnergySolutions has repeatedly demonstrated that macroencapsulation is a very effective treatment method and asked for clarification on how this process is handled in practice.

Mr. Franc commented that while he would assume EnergySolutions performs this type of treatment at their other facilities, he is curious if this process is considered a common treatment procedure across the industry. The inquiry arises because the approach appears highly effective, particularly given EnergySolutions solid history of showing that this is successful and very effective.

Mr. Hegburg stated that he could not speak for other EnergySolutions facilities, but noted EnergySolutions has used macroencapsulation for a portion of the waste he manages, which has proven to be a very robust treatment system so far.

When asked if this is a standard industry treatment, Vern Rogers noted that the waste has specific nuances. Mr. Rogers commented that while sending the material to their other facilities would generate more revenue for the company, there are inherent challenges. Additionally, due to security issues, the Department of Energy and the federal government has decided not to pursue that approach.

Mr. Gurr, EnergySolutions representative, stated that the Clive facility is the only EnergySolutions facility that performs macroencapsulation.

Mr. Franc inquired about industry-wide standards and how other facilities handle this process.

Mr. Gurr noted that while other facilities may use some form of macroencapsulation, he believes EnergySolutions' Clive Facility is currently the only one performing it on this specific waste stream.

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Mr. Franc further added that while the process has become fairly standard and can seem routine, it has been thoroughly vetted and has a solid history of performing effectively.

It was moved by Mark Franc and seconded by Neil Schwendiman and UNANIMOUSLY CARRIED to approve EnergySolutions LLC's request for a site-specific treatment variance from the Utah Hazardous Waste Management Rules to receive an exemption from the treatment standards for uranium extraction process residues encased in cement for macroencapsulation. (Vern Rogers abstained from voting.)

VII. Hazardous Waste Section.

A. Approval of the Proposed Stipulated Compliance Order between the Director and Barnes Group Inc. DBA Barnes Aerospace Ogden (Board Action).

Sally Kaiser, Environmental Engineer in the Division, reviewed the Proposed Stipulated Compliance Order (SCO) No. 2509089 with Barnes Group Inc. DBA Barnes Aerospace Ogden to resolve Notice of Violation No. 2408112.

This is a Board Action Item. The proposed SCO settles 14 violations and includes a total penalty of \$195,020.00. Violations were observed during a July 16, 2024, Comprehensive Evaluation Inspection resulting from an anonymous complaint to the United States Environmental Protection Agency.

An additional violation, agreed to by both parties, was included in the SCO regarding transport of a waste drum-top lamp crusher without a hazardous waste manifest.

The Director is recommending approval by the Board contingent on no substantive public comments received during the public comment period which ends on July 16, 2026. To date, no public comments have been received.

It was moved by Neil Schwendiman and seconded by Vern Rogers and UNANIMOUSLY CARRIED for the Board to approve the Proposed Stipulated Compliance Order No. 2509089 between the Director and Barnes Group DBA Barnes Aerospace Ogden.

VIII. Administrative Rules

A. Presentation on future rulemaking for Utah Administrative Code R313-24, Uranium Recovery Rules (Information Item Only).

Adam Wingate, Uranium Recovery Section Manager, presented to the Board as an informational item the Uranium Recovery Program Rulemaking initiative titled "One Rule to Rule Them All: Incorporating 40 CFR 264 requirements into Uranium Recovery Rules." A copy of the presentation is available with the meeting minutes. Mr. Wingate informed the Board that this multi-year initiative aims to simplify and overhaul the current, complex rules. Mr. Wingate reviewed the background, objectives, and challenges, noting that the program is currently governed by two 20-year-old rules that rely heavily on "incorporation by reference" standards: the Groundwater Regulations and the Uranium Recovery Specific rules in 10 CFR Part 40.

Mr. Wingate informed the Board that the Division is also working with the Utah Attorney General's Office to address issues related to the Atomic Energy Act, U.S. EPA Uranium Mill Rules, and RCRA Rules, which Utah must follow as an Agreement State.

Mr. Wingate provided a timeline for the proposed rulemaking and clarified that the Division will incorporate upcoming Nuclear Regulatory Commission (NRC) rule changes to the proposed rules as much as possible in the rulemaking updates. Mr. Wingate briefly discussed the delegation of authority differences and compatibility requirements between the U.S. EPA and NRC-based programs.

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Mr. Wingate stated that the goal of this rulemaking initiative is to add some clarity to the rules to make them abundantly clear of what is and is not allowed. Mr. Wingate clarified that the Uranium Recovery Rules in the state of Utah do not address mining regulations. The rules specifically address conventional milling and will only impact the Shootaring Canyon Mill, the White Mesa Mill, and the Lisbon Valley Mill. The proposed rulemaking will not address mining regulations, which fall under the Division of Oil, Gas and Mining within the Utah Department of Natural Resources.

A brief discussion was held on "As Low As Reasonably Achievable" (ALARA), the core safety principle used to minimize radiation in Utah regulations. These discussion also included the timing of the NRC's rulemaking proposals that will need be considered, noting that Part 61 of the NRC Rules is currently out for public comment.

Finally, Mr. Wingate clarified that this proposed rulemaking will not overlap with or affect the development of the Nuclear Life Cycle Innovation Campus in Utah; it will only affect uranium recovery facilities. Matters regarding the Nuclear Life Cycle Innovation Campus will be handled by the Division's Nuclear Energy Regulatory Office (NERO), which is currently evaluating relevant NRC rules.

IX. Director's Report.

Director Sonnenburg reported that the required 2026 two-year statutory review of the Waste Management and Radiation Control Board has been completed and submitted to the Governor's Office.

All Utah Executive Boards & Commissions must complete this biennial review, which includes evaluations and recommendations on whether a board should be retained or discontinued. The Division officially submitted its review with a recommendation to retain the Board. Director Sonnenburg noted that, at this stage, legislative approval for the continuation of the Board should be a formality.

Director Sonnenburg reported that Governor Cox has approved the reappointment of Board members Dennis Riding, Mark Franc, and Dr. McIff, whose terms are set to expire in August 2026. It is anticipated that the process will proceed as required and that the final Senate Confirmation will occur on August 19, 2026.

Director Sonnenburg reported that the NRC is currently completing several proposed rulemakings that impact the Division's programs. Division staff are currently reviewing the following five rules: Modernizing security requirements; Implementation of the National Environmental Policy Act; Integrated low-level radioactive waste disposal; Reforming and modernizing the NRC's radiation protection framework; and Modernizing reactor licensing, safety oversight, and siting practices.

Director Sonnenburg stated that the proposed rule changes cover multiple parts in each of the NRC rules stated above, and the Division will evaluate them and prepare comments and determine necessary adjustments. Since the rules are currently proposed rules with 45-day public comment periods from their release date, Division staff will be working on comments as quickly as possible.

X. Commissioner's Report.

Commissioner Davis stated he did not have any specific information related to the Board and its functions.

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Instead, he provided the following updates and safety reminders.

Commissioner Davis informed the Board that the Division of Air Quality reported a significant improvement in air quality over the July 4th holiday compared to previous years, following the ban of fireworks. While Independence Day monitoring typically shows pollutant levels up to ten times the standard, this year did not see those widespread spikes.

Commissioner Davis commented on the current fire conditions and provided several safety reminders. Given the extraordinarily severe fire conditions, active red flag warnings, and forecasted record-breaking heat, he encourages everyone to practice extreme caution.

Commissioner Davis commented on the tragic loss of three firefighting colleagues from the Division of Forestry, Fire and State Lands. He noted that firefighting resources are heavily strained, cautioned everyone to avoid activities that could cause accidental ignition, and encouraged everyone to stay safe. He also remarked that his thoughts are with everyone affected by the fires, including the community of Monticello, where the Cottonwood fire remains only 21% contained.

Commissioner Davis informed the Board that the Division of Environmental Response and Remediation provided guidance during the Iron fire to ensure firefighter safety around abandoned mine lands. Although it remains unconfirmed if the nearby CERCLA Superfund site was directly impacted, the team provided timely advice to protect the ground crews.

XI. Other Business.

A. Miscellaneous Information Items – None.

B. Scheduling of next Board meeting (September 10, 2026).

The August Board meeting was canceled. The next Board meeting is scheduled for September 10, 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 3:00 p.m.