

Waste Management and Radiation Control Board Meeting  
Utah State Library (Blind Center Building)  
250 North 1950 West, Salt Lake City, Utah  
Conference Rooms 218 and 219  
August 10, 2017  
1:30 p.m.

**Board Members Present:** Brett Mickelson (Chair), Dennis Riding (Vice-Chair), Richard Codell, Danielle Endres, Jeremy Hawk, Alan Matheson, Shawn Milne, Nathan Rich, Vern Rogers (Telephonic Participation), Shane Whitney

**Board Members Absent:** Mark Franc and Steve McIff

**Staff Members Present:** Scott Anderson, Therron Blatter, Scott Baird, Thomas Ball, Carlee Christoffersen, Ed Costomiris, Phil Goble, Arlene Lovato, Rusty Lundberg, Deborah Ng, Rick Page, Bret Randall, Jerry Rogers, Elisa Smith, Don Verbica, Otis Willoughby

**Others Present:** Jessica Kahler, Linda Ebert, Joe Ozimek, Donna Sacket

**I. Call to Order.**

Brett Mickelson (Chair) welcomed all in attendance and called the meeting to order at 1:30 p.m. Mark Franc and Steve McIff were excused from the meeting.

**II. Approval of the Meeting Minutes for the July 13, 2017 Board Meeting.**

It was moved by Richard Codell and seconded by Shane Whitney and UNANIMOUSLY CARRIED to approve the July 13, 2017 Board Meeting minutes.

**III. Underground Storage Tanks Update.**

Therron Blatter, Underground Storage Tank Branch Manager of the Division of Environmental Response and Remediation, informed the Board that the cash balance of the Petroleum Storage Tank (PST) Trust Fund at the end of June 2017 was \$16,235,084.00. The preliminary estimate for the cash balance of the PST Trust Fund for the end of July 2017 is \$16,444,405.00. The PST Trust Fund is managed on a cash balance basis to ensure sufficient coverage for known claims that have been reported. The balance of the PST Trust Fund is watched closely to ensure sufficient coverage for covered releases.

Mr. Blatter informed the Board that the DERR has submitted data for the annual PST Trust Fund actuarial report. A final report should be received in October 2017. The report will be valuable this year as the PST program is up for reauthorization with the Utah Legislature. There were no questions or comments on the PST Trust Fund balance or actuarial report.

**IV. Administrative Rules.**

A. Final adoption of rule changes to incorporate EPA's hazardous waste generator improvement rule (promulgated on 11/28/2016, 81 FR 85732) into R315-15, R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266, R315-268, R315-270, R315-273, R315-301, R315-304-3, and R315-305-3 and other miscellaneous rule changes as published in the June 1, 2017 issue (Vol. 2017, No. 11) of the Utah State Bulletin (**Board Action Item**).

Rusty Lundberg, Deputy Director, Division of Waste Management and Radiation Control and Deborah Ng, Hazardous Waste Section Manager, reviewed the request for final adoption of changes to the state hazardous,

solid waste and used oil rules as listed below, to incorporate EPA's hazardous waste generator improvements rule, as promulgated in the Federal Register on November 28, 2016 (81 FR 85732) and to make selected corrections and clarifications.

On November 28, 2016, the U.S. Environmental Protection Agency published in the Federal Register a final rule that makes significant changes to the hazardous waste generator regulations. Ms. Ng stated there were approximately 60 changes that were made to the rule. This final rule is known as the "Hazardous Waste Generator Improvements Rule."

In order to maintain regulatory equivalency, Utah is required to incorporate this federal rule into the corresponding state solid waste, hazardous waste and used oil rules. Consequently, proposed changes to the following rules are necessary: R315-15, R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266, R315-268, R315-270, R315-273, R315-301, R315-304, and R315-305.

Also included in this rulemaking is a proposed change in the used oil rules (R315-15) that will allow transit systems (e.g., UTA) to transport their own used oil, under a permit-by-rule status, to a permitted used oil recycler. This rule change will result in saving the cost of outsourcing the transportation of used oil by a permitted transporter in an equally protective and safe manner.

The rule changes and associated rule analysis information were published in the June 1, 2017 issue of the Utah State Bulletin (Vol. 2017, No. 11). A public comment period began on June 1, 2017 and concluded on July 3, 2017. No comments were received.

The Director recommends the Board approve final adoption of the rule changes to incorporate the federal regulations promulgated by EPA on November 28, 2016 (81 FR 85732) and make other selected corrections and clarifications to the rules stated above as published in the June 1, 2017 issue of the Utah State Bulletin and set and effective date of August 31, 2017.

Dennis Riding questioned if the waste oil haulers who are currently conducting this work have expressed their concerns about UTA conducting their own hauling. Ms. Ng stated they have not been contacted and they have not provided any comments. Ms. Ng clarified that the oil will be taken back to the facility to heat the facility, etc. This provision allows them to transport/haul to various locations only within their compound. If transportation is conducted on a public road, UTA would be required to be a permitted used oil transporter.

**It was moved by Shawn Milne and seconded by Jeremy Hawk and UNANIMOUSLY CARRIED to approve for final adoption of rule changes to incorporate EPA's hazardous waste generator improvement rule into R315-15, R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266, R315-268, R315-270, R315-273, R315-301, R315-304-3, and R315-305-3 and other miscellaneous rule changes as published in the June 1, 2017 issue of the Utah State Bulletin, with an effective date of August 31, 2017.**

**V. Clean Harbors Grassy Mountain, LLC request for a site-specific treatment variance to stabilize a High Mercury-Inorganic Subcategory waste stream (Information Item Only).**

Ed Costomiris, Environmental Scientist, provided a power point presentation as background for this request. A copy of the presentation is provided in the meeting minutes.

Clean Harbors Grassy Mountain, LLC has requested a site-specific treatment variance from the Utah Hazardous Waste Management Rules. The Grassy Mountain Facility seeks authorization to stabilize a High Mercury – Subcategory Inorganic waste stream that has the characteristic waste code D009. The Grassy Mountain Facility accepts a number of different types of waste streams including non-hazardous, hazardous (RCRA), PCB (TSCA), and mixtures of RCRA and TSCA waste. This treated waste will be disposed in a hazardous waste cell at the facility.

The Grassy Mountain Facility proposes to stabilize and dispose of a mercury waste stream that is generated at the Clean Harbors Aragonite Facility and carries the waste code for High Mercury-Inorganic Subcategory. The waste stream, profile number AGGM912669HIHGB, is generated from the air pollution control system at the Aragonite Facility.

The technology-based treatment code for this material is RMERC (roasting/retorting followed by recovery). The RMERC process generates a secondary waste stream. Secondary waste streams, when greater than, or equal to, 260 mg/kg total mercury, are required to be further stabilized to a level of 0.20 mg/l using the toxicity characteristic leaching procedure (TCLP). Secondary waste streams, when less than 260 mg/kg total mercury, are required to be treated to 0.025 mg/l TCLP. The Grassy Mountain Facility proposes to treat all of the waste, regardless of the initial concentration of mercury, to the more restrictive standard of 0.025 mg/L, based on the TCLP.

The Grassy Mountain Facility is proposing to treat the waste directly with a stabilization method rather than going through the initial retorting or roasting of the waste. The hardship for Clean Harbors is that there currently is no alternative for the company to dispose of this waste. Facilities that can retort the waste stream are not permitted to treat waste that has waste codes not associated with mercury and this particular waste stream has numerous codes in addition to the code for mercury.

The Grassy Mountain Facility has conducted a treatability study on the waste stream. The treatment formula developed for this waste stream resulted in mercury concentrations below the requested concentration of 0.025 mg/L TCLP. In addition, LDR compliance will be met with all other waste codes associated with the waste prior to disposal.

The Board has approved identical site-specific treatment variances in March 2009, November 2010, June 2013 and November 2015.

A notice for public comment was published in the July 27, 2017 issues of the Salt Lake Tribune, the Deseret News and the Tooele Transcript Bulletin. The comment period began on July 27, 2017 and will conclude on August 28, 2017. This matter will be an action item during the next Board meeting.

Ed Costomiris stated the volume to be treated includes 12 roll-off boxes, (each a capacity of 20 cubic yards). The generator of the waste stream is the Clean Harbors Aragonite Facility. This waste is residue from the air pollution control system (spray dryer residue). Mr. Costomiris also provided clarification regarding the stabilization recipe.

## **VI. Hazardous Waste Generation and Management Summary Report for 2015**

Carlee Christoffersen, Environmental Program Coordinator, provided a power point presentation on the 2015 Hazardous Waste Generation and Management Report. A copy of the presentation is provided in the meeting minutes.

The presentation included Report Data; Who Must Report; Generators; Generation; Management; Imports and Exports; Data Uses; and Future Planning.

## **VII. Other Business.**

### **A. Misc. Information Items – None to report.**

Richard Codell requested information regarding the article in the Salt Lake Tribune pertaining to Stone Castle Recycling and the burying of waste. Scott Anderson provided some background information regarding the various Stone Castle facilities and the on-going cleanup efforts.

Ed Costomiris further clarified that Stone Castle shipped contaminated waste to Clean Harbors, Grassy Mountain facility. Only one pile of waste was buried. The waste has been retrieved, stabilized, treated and properly disposed of. The Board will be not be involved in handling this matter.

**B. Scheduling of next Board meeting.**

The September Board meeting was cancelled. The next Board meeting is scheduled for October 12, 2017 at 1:30 p.m. at the Utah Department of Environmental Quality, 195 North 1950 West, Salt Lake City.

**VIII. Adjourn.**

The meeting adjourned at 2:01 p.m.