

**MEETING MINUTES APPROVED [JANUARY 10, 2019]**

Waste Management and Radiation Control Board

Telephonic Meeting

Anchor Location: Utah Department of Environmental Quality  
195 North 1950 West (Red Rocks Conference Room #3132), SLC

November 8, 2018

1:30 p.m.

**Board Members**

**Participating By Phone:** Richard Codell, Danielle Endres, Steve McIff and Nathan Rich

**Board Members Present**

**at Anchor Location:** Brett Mickelson (Chair), Dennis Riding (Vice-Chair), Alan Matheson, Vern Rogers and Shane Whitney

**Board Members Excused/Absent:** Mark Franc, Jeremy Hawk, Shawn Milne

**Staff Members Present:** Scott Anderson, Brent Everett, Therron Blatter, Arlene Lovato, Rusty Lundberg, Allan Moore, Bret Randall, Elisa Smith and Raymond Wixom

**Other Phone Call Participants:** None

**Others Present at Anchor Location:** Linda Ebert and Jessica Reimer

I. Call to Order.

Brett Mickelson (Chair) called the meeting to order at 1:35 p.m.; roll call was conducted (see above). Mark Franc was excused from the meeting.

II. Public Comments – None.

III. Declarations of Conflict of Interest.

Nathan Rich declared that he operates a facility that will be impacted by the Board's adoption of Solid Waste Rules R315-301 (R315-301-7). However, he does not feel that creates a conflict and will be voting on this matter.

IV. Approval of the Meeting Minutes for the October 11, 2018 Board Meeting (Board Action Item).

**It was moved by Shane Whitney and seconded by Richard Codell and UNANIMOUSLY CARRIED to approve the October 11, 2018 Board Meeting minutes.**

V. Approval of the Meeting Minutes for the October 25, 2018 Board Meeting (Board Action Item).

**It was moved by Dennis Riding and seconded by Shane Whitney and UNANIMOUSLY CARRIED to approve the October 25, 2018 Board Meeting minutes.**

VI. Underground 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) Trust Fund at the end of September 2018 was \$13,847,507.00. The preliminary estimate for the cash balance of the PST Trust Fund for the end of October 2018 is \$14,309,324.00. 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. Everett also informed the Board that Utah's State Program Approval (SPA) application for the UST program has been signed by the Environmental Protection Agency, Region 8's Regional Administrator. The SPA application was published in the Federal Register on November 5, 2018, for the beginning of a 30-day public comment period. If no adverse comments are received by December 5, 2018, Utah's SPA will obtain final approval on January 4, 2019. Mr. Everett congratulated and thanked the staff for the more than two year effort that has gone into having SPA for the UST program. He also thanked the Board and other stakeholders for their involvement and feedback during the rule making process.

Mr. Riding asked if the DERR is now more comfortable making rule changes. Mr. Everett confirmed that once approval is final, the DERR will begin working with stakeholders and the Board to put rule changes into place that will assist with implementation of the program.

VII. Administrative Rules.

Approval of final adoption of proposed changes to Solid Waste Rules R315-301, to add a new subsection (R315-301-7) to establish self-inspection requirements in accordance with Section 19-6-109 of the Solid and Hazardous Waste Act (Board Action Item).

Allan Moore, Solid Waste Section Manager, reviewed the request for the Board to approve for final adoption proposed changes to R315-301-7, Self-Inspection of Solid Waste Management Facility, as published in the October 1, 2018 issue of the Utah State Bulletin with an effective date of November 9, 2018.

At the September 13, 2018, the Board approved formal rulemaking and public comment by filing with the Office of Administrative Rules and publishing in the Utah State Bulletin proposed changes to R315-301-7, Self-Inspection of Solid Waste Management Facility. A 30-day public comment period was held October 1, 2018 to October 31, 2018. No comments were received. Selected pages from the October 1, 2018 issue of the Utah State Bulletin were included in the Board's November 8, 2018 Board packet.

In the 2018 General Session, the Legislature passed House Bill 373, Waste Management Amendments. The amendments required the Division to establish rules for self-inspection of solid waste management facilities. The changes in R315-301-7 outline the requirements for solid waste management facilities that elect to perform self-inspections.

The Board is authorized under Subsection 19-6-105(1)(a) to establish minimum standards for protection of human health and the environment and for the storage, collection, transport, recovery, treatment and disposal of solid waste. Subsection 19-6-109(5)(a) directs the Division to provide an opportunity for an owner or operator of a solid waste management facility to conduct self-inspections. The rule changes to R315-301-7 also meet existing DEQ and state rulemaking procedures.

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Board approval was needed for final adoption of the rule changes to R315-301-7, as published in the October 1, 2018 issue of the Utah State Bulletin and set an effective date of November 9, 2018. The Director recommended the Board approve final adoption of the rule changes to R315-301-7, as published in the October 1, 2018 issue of the Utah State Bulletin and set an effective date of November 9, 2018.

**It was moved by Danielle Endres and seconded by Vern Rogers and UNANIMOUSLY CARRIED to approve for final adoption proposed changes to Solid Waste Rules R315-301, to add a new subsection (R315-301-7) to establish self-inspection requirements in accordance with Section 19-6-109 of the Solid and Hazardous Waste Act, with an effective date of November 9, 2018.**

VIII. Other Business.

- A. Misc. Information Items – None to Report.
- B. Scheduling of next Board meeting.

The December 13, 2018 Board meeting was canceled. The next Board meeting was scheduled for January 10, 2019 at the Utah Department of Environmental Quality.

IX. Adjourn.

The meeting adjourned at 1:45 p.m.