



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Douglas J. Hansen
Director

A meeting of the Waste Management and Radiation Control Board has been scheduled for February 8, 2024 at 1:30 p.m. at the Utah Department of Environmental Quality, (Multi-Agency State Office Building) Conference Room #1015, 195 North 1950 West, SLC.

Board members and interested persons may participate electronically/telephonically.

Join via the Internet: meet.google.com/gad-sxsd-uvs
Join via the Phone: (US) +1 978-593-3748 PIN: 902 672 356#

AGENDA

- I. Call to Order and Roll Call.
- II. Public Comments on Agenda Items.
- III. Declarations of Conflict of Interest.
- IV. Approval of the meeting minutes for the January 11, 2024 Board meeting Tab 1
(Board Action Item).
- V. Petroleum Storage Tanks Update..... Tab 2
- VI. Administrative Rules Tab 3
 - A. Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to the Utah Solid and Hazardous Waste Rules R315-320 of the Utah Administrative Code **(Board Action Item).**
- VII. X-Ray Program Tab 4
 - A. Approval of a Mammography Imaging Medical Physicist (MIMP) in accordance with UCA 19-3-103.1 (2)(c) of the Utah Code Annotated **(Board Action Item).**

(Over)

VIII. Hazardous Waste Section Tab 5

- A. Approval of Proposed Stipulation and Consent Order between the Director and Tri State Oil Reclaimers, Inc. (UOP-0195) (**Board Action Item**).
- B. Approval of Proposed Stipulation and Consent Order between the Director and Tri State Oil Reclaimers, Inc. (UOP-0135/UOR-0137) (**Board Action Item**).
- C. Approval of Proposed Stipulation and Consent Order between the Director and Tri State Oil Reclaimers, Inc. (UOP-0172) (**Board Action Item**).

IX. Director's Report.

X. Other Business.

- A. Miscellaneous Information Items.
- B. Scheduling of next Board meeting (March 14, 2024).

XI. Adjourn.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact LeAnn Johnson, Office of Human Resources at 385-226-4881, Telecommunications Relay Service 711, or by Email at leannjohnson@utah.gov.

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
January 11, 2024
1:30 p.m.

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Dennis Riding (Vice-Chair), Mark Franc, Jeremy Hawk, Dr. Steve McIff, Vern Rogers

Board Members Participating Virtually: Dr. Richard Codell, Danielle Endres, Nathan Rich, Scott Wardle

Board Members Excused/Absent: Kim Shelley, Shane Whitney

UDEQ Staff Members Participating at Anchor Location: Brent Everett, Doug Hansen, Morgan Atkinson, Elizabeth Burns, Leo Calcagno, Brenden Catt, Jalynn Knudsen, Arlene Lovato, Gabby Marinick, Deborah Ng, Dr. Stevie Norcross, Elisa Smith, Brian Speer, Adam Wingate, Raymond Wixom

Others Attending at Anchor Location: None

Other UDEQ employees and interested members of the public also participated either electronically or telephonically. This meeting was recorded.

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 the November 9, 2023, Board meeting (Board Action Item).

It was moved by Dennis Riding and seconded by Danielle Endres and UNANIMOUSLY CARRIED to approve the November 9, 2023, Board meeting minutes.

V. Petroleum Storage Tanks Update.

Brent Everett, Director, Division of Environmental Response and Remediation (DERR), informed the Board that the cash balance of the Petroleum Storage Tank (PST) Enterprise Fund for the end of December 2023 is \$32,758,050.00. The DERR continues to watch the balance of the PST Enterprise Fund closely to ensure sufficient cash is available to cover qualified claims for releases. There were no comments or questions.

Mr. Everett informed the Board that the DERR is not aware of any legislation that has been planned pertaining to the PST Program. He also informed the Board that the DERR has made a budget request to transfer \$4,000,000.00 from the PST Enterprise Fund to the PST Cleanup Fund to address legacy sites where the responsible party is unknown, unwilling or unable to pay. This funding request was included in the Governor's budget. The funds that would be transferred from the PST Enterprise Fund are from surcharge reimbursements that were never requested. The timeframe in which facilities needed to request this reimbursement has passed. The transfer of funds would allow cleanup of legacy sites here in Utah while leaving sufficient funding in the PST Enterprise Fund. Mr. Everett also informed the Board that

Therron Blatter, the former PST Branch Manager, retired on December 29, 2023. Morgan Atkinson has accepted the position of PST Branch Manager, effective January 20, 2024.

There were no other questions or comments. Morgan Atkinson was congratulated on his new position.

VI. Administrative Rules.

A. Proposed changes to the Utah Solid and Hazardous Waste Rules R315-320 of the Utah Administrative Code (Information Item).

Brian Speer, Solid Waste Section Manager, in the Division of Waste Management and Radiation Control reviewed proposed changes to the Utah Solid and Hazardous Waste Rules R315-320 of the Utah Administrative Code (UAC).

Mr. Speer reminded the Board that during the October 12, 2023, Board meeting, UAC R315-320 was presented as an information item. Due to coordination with other agencies, this rule was not included in the November 9, 2023, rule sets presented to the Board for approval to proceed with formal rulemaking and public comment. All matters regarding the proposed rule changes have been addressed and UAC R315-320 is now before the Board as an information item.

At the February 8, 2024, Board meeting, the Division will be seeking approval from the Board to proceed with formal rulemaking and public comment on proposed changes to UAC R315-320 to correct rule and statutory references and language, clarify rule language, remove requirements that are no longer necessary, add some new requirements to the rules, and add language and requirements to the rules as required by legislation passed by the Utah Legislature.

The solid waste rules have not been updated or amended for several years. This rulemaking is to bring the rules up-to-date and fix errors in the rules and is a continuation of the solid waste rulemaking that was approved by the Board at the November 9, 2023, Board meeting.

With this rulemaking to UAC R315-320, language is being added to make it clearer that waste tire transporters and recyclers are defined in statute, and additional detail of historical background was provided in the Board's January 11, 2024 Board packet.

The Board is authorized under Subsection 19-6-105 to make rules that establish minimum standards for protection of human health and the environment for the treatment and disposal of solid waste. The rule changes also meet existing DEQ and state rulemaking procedures.

This is an informational item for the Board. Board action on this proposed rulemaking will be required at a future Board meeting.

Danielle Endres stated that she noticed, and Mr. Speer previously commented, that some of the proposed rule changes are based on legislative changes. But also, Ms. Endres stated that Mr. Speer had noted some of the changes are based on updates, as the rules have not been updated in a while, and she questioned where the new definitions and/or where the new information came from that updated the rules that was not linked to the legislative changes, and if the proposed changes in the rules are meant to align with Federal agency statutes. Specifically, she asked how the Division determined the changes that were not dictated by the Legislature. Mr. Speer stated in response that the only changes that are not a direct result of legislative changes over the last several years are corrections to citations and verbiage that was required by the Office of Administrative Rules, and all other changes included formatting issues. Mr. Speer clarified that there were no technical changes made to the proposed rules that were not currently tied directly to statute.

There were no additional comments or questions.

B. Final adoption of proposed changes to the Utah Solid and Hazardous Waste Rules R315-124, R315-301, R315-302, R315-304, R315-306, R315-311, and R315-314 of the Utah Administrative Code (UAC) (Board Action Item).

Brian Speer, Solid Waste Section Manager in the Division of Waste Management and Radiation Control reviewed the request for the Board's approval for final adoption of proposed rule changes to the Utah Solid and Hazardous Waste Rules UAC R315-124, UAC R315-301, UAC R315-302, UAC R315-304, UAC R315-306, UAC R315-311, and UAC R315-314 of the Utah Administrative Code (UAC).

Approval from the Board is needed to correct rule and statutory references and language, clarify rule language, remove requirements that are no longer necessary, add some new requirements to the rules, and add language and requirements to rules as required by legislation passed by the Utah Legislature.

At the Board meeting on November 9, 2023, the Board approved the proposed changes to UAC R315-124, UAC R315-301, UAC R315-302, UAC R315-304, UAC R315-306, UAC R315-309, UAC R315-310, UAC R315-311, and R315-314 of the Utah Administrative Code to be filed with the Office of Administrative Rules for publication in the Utah State Bulletin. The proposed changes were published in the December 1, 2023, issue of the Utah State Bulletin.

Selected pages from the Utah State Bulletin showing the publication of the proposed changes were provided in the January 11, 2024 Board packet.

The public comment period for this rulemaking ended on January 3, 2024. Comments were received that may require changes to UAC R315-309 and UAC R315-310. Because of this, the Division is not seeking approval for final adoption of changes to UAC R315-309 and UAC R315-310. These two rules will be presented to the Board at a future meeting.

The Board is authorized under Subsection 19-6-105 to make rules that establish minimum standards for protection of human health and the environment for the treatment and disposal of solid waste. The rule changes also meet existing DEQ and state rulemaking procedures.

Board approval for final adoption of the proposed rule changes are necessary. The Director of the Division recommends the Board approve final adoption of the proposed changes to UAC R315-124, UAC R315-301, UAC R315-302, UAC R315-304, UAC R315-306, UAC R315-311, and UAC R315-314 of the Utah Administrative Code as published in the December 1, 2023, issue of the Utah State Bulletin and set an effective date of January 16, 2024.

Mark Franc stated that in his review of the proposed changes, it looks like very minor changes were made, such as correcting capitalization changes, writing out numbers, etc. and asked if that was the extent of the proposed rule changes.

Mr. Speer commented that a number of those types of minor changes were made in the proposed rule changes, but also some technical changes were made.

Mr. Franc asked if the technical changes are primarily included in UAC R315-309 and UAC R315-310.

Mr. Speer stated no, the technical changes are primarily a direct result of statute. Also, there are a few additional changes that are not from a direct result from the statutes; they are simply interpretation of the rules at this time.

Mr. Franc asked Mr. Speer if he could speak about the other public comments/questions that are not associated with this request to approve the proposed rule changes.

Mr. Speer stated that the public comments relate primarily to UAC R315-310 and were received from Board member Nathan Rich. Division staff have scheduled to meet with Mr. Rich after the Board meeting to discuss his concerns further and determine the best path forward. The comments primarily address confusion about some of the proposed language in the applicability section of UAC R315-310 and the questions around what facilities require permits and how to better clarify that in the proposed rule changes.

Nathan Rich commented that during the last Board meeting, he stated his concerns on this matter and has since submitted public comments to the Division. Mr. Rich mentioned that he did appreciate staff's willingness to reach out to him and discuss his concerns and unfortunately will not be able to meet with them after the Board meeting, but he invited Mr. Franc to join him when the meeting does occur to further discuss their concerns on this matter.

Mr. Rich further commented that his main concern is the definition of what a solid waste management facility is, which is not defined. Mr. Rich stated he understands that there are reasons for that, but some facilities require permits and some facilities only require an approved plan of operation, and he was hoping to clarify that language to make it easier to interpret, but he realizes that there may not be an easier way to achieve that, so he appreciates the staff's willingness to address this matter with him.

Mr. Speer stated that the other rule that is being held back is UAC R315-309. This rule deals with financial assurance, and this rule is held back because it cites the applicability section in UAC R315-310.

Mark Franc asked for direction on the most appropriate way to address the concerns identified, as both he and Mr. Rich are members of the regulated community and asked specifically if a separate meeting is appropriate as he does not want to violate the Open and Public Meetings Act. Raymond Wixom, Assistant Attorney General, Attorney General's Office, stated it is not a violation of the Utah Open and Public Meetings Act for individual Board members to talk with Division staff regarding their concerns, involving proposed rule changes, etc.

There were no additional comments or questions.

It was moved by Dr. McIff and seconded by Nathan Rich and UNANIMOUSLY CARRIED to approve for final adoption the proposed changes to the Utah Solid and Hazardous Waste Rules R315-124, R315-301, R315-302, R315-304, R315-306, R315-311, and R315-314 of the Utah Administrative Code, as published in the December 1, 2023, issue of the Utah State Bulletin and set an effective date of January 16, 2024.

C. Final adoption of proposed changes to Radiation Control Rules R313-19, R313-21, and R313-22 of the Utah Administrative Code to make changes requested by the Nuclear Regulatory Commission (NRC) to ensure compatibility of Utah rules with the federal regulations (Board Action Item).

Dr. Stevie Norcross, Assistant Director, Division of Waste Management and Radiation Control reviewed the proposed changes to Radiation Control Rules UAC R313-19, UAC R313-21, and UAC R313-22 of the Utah Administrative Code to make changes requested by the Nuclear Regulatory Commission (NRC) to ensure compatibility of Utah rules with the federal regulations.

Dr. Norcross reminded the Board that at their Board meeting on November 9, 2023, the Board approved the proposed changes to UAC R313-19, UAC R313-21 and UAC R313-22 to be filed with the Office of Administrative Rules for publication in the Utah State Bulletin. The proposed changes were published in the December 1, 2023, issue of the Utah State Bulletin (Vol. 2023, No. 23).

The public comment period for this rulemaking ended on January 3, 2024. No comments were received. This is a Board action item, and the Director of the Division recommends the Board approve final adoption

of changes to UAC R313-19, UAC R313-21, and UAC R313-22 as published in the December 1, 2023, Utah State Bulletin and set an effective date of January 16, 2024.

Danielle Endres stated that she had a hard time identifying the proposed changes while reviewing the rules, and asked for Dr. Norcross to provide a summary of the proposed changes. Dr. Norcross stated that these proposed rule changes are a little unique because the NRC had published rule changes, and the Division had already incorporated those changes into our rules. The process is that when the Division initially drafts rule changes, the Division sends them off to the NRC for their initial review and then, when the rules become final, the Division then sends those rules off to the NRC for another review. During the NRC's final review, the NRC came back to the Division with some additional comments that the Division was required to address. The NRC's comments were relatively minor in nature as the substantive changes to the rules were already incorporated. Dr. Norcross provided an example of the minor changes that were made to UAC R313-19 to address the NRC's comments and reiterated that all the proposed changes are minor and do not change the substance of the rules.

There were no additional comments or questions.

It was moved by Vern Rogers and seconded by Jeremy Hawk and UNANIMOUSLY CARRIED to approve for final adoption the proposed changes proposed changes to Radiation Control Rules R313-19, R313-21, and R313-22 of the Utah Administrative Code as published in the December 1, 2023, Utah State Bulletin and set an effective date of January 16, 2024.

VII. Hazardous Waste Section.

A. Proposed Stipulation and Consent Order between the Director and Tri State Oil Reclaimers, Inc. (UOP-0195) (Information Item).

Leo Calcagno, Environmental Scientist, Used Oil Section, in the Division of Waste Management and Radiation Control reviewed the Proposed Stipulation and Consent Order (SCO) between the Director and Tri State Oil Reclaimers, Inc. (TSOR).

This Proposed SCO No. 2111118 will resolve Notice of Violation and Compliance Order (NOV/CO) No. 2111115 issued to TSOR on May 20, 2022.

The NOV/CO was based on findings documented by Division of Waste Management and Radiation Control inspectors regarding used oil storage and processing operations conducted at TSOR's used oil processor facility located in West Haven, Utah.

The SCO includes a total penalty of \$48,626.00. TSOR will make a cash payment of \$24,313.00 within thirty days of the effective date of the SCO. The remaining penalty amount of \$24,313.00 will be deferred and waived by the Director if TSOR complies with the requirements set forth in the SCO for one year from the effective date of the SCO.

The 30-day public comment period will begin on January 8, 2024, and end on February 7, 2024. Following the 30-day public comment period, this matter will be brought before the Board for final action in a future meeting.

See additional comments or questions below.

B. Proposed Stipulation and Consent Order between the Director and Tri State Oil Reclaimers, Inc. (UOP-0135/UOR-0137) (Information Item).

Leo Calcagno, Environmental Scientist, Used Oil Section, in the Division of Waste Management and Radiation Control reviewed the Proposed Stipulation and Consent Order (SCO) between the Director and Tri State Oil Reclaimers, Inc. (TSOR) issued in 2022.

This proposed SCO No. 2111116 is to resolve Notice of Violation and Compliance Order (NOV/CO) No. 2111113 issued to TSOR on September 7, 2022. The NOV/CO was based on findings documented by Division of Waste Management and Radiation Control inspectors regarding used oil transportation and marketing of on-specification used oil operations conducted by TSOR.

The SCO includes a total penalty of \$111,601.00. TSOR will make a cash payment of \$55,800.50 within thirty days of the effective date of the SCO. The remaining penalty amount of \$55,800.50 will be deferred and waived by the Director if TSOR complies with the requirements set forth in the SCO for one year from the effective date of the SCO.

This is an informational item only. The 30-day public comment period will begin on January 8, 2024 and end on February 7, 2024. Following the 30-day public comment period, this matter will be brought before the Board for final action in a future meeting.

See additional comments or questions below.

C. Proposed Stipulation and Consent Order between the Director and Tri State Oil Reclaimers, Inc. (UOP-0172) (Information Item).

Leo Calcagno, Environmental Scientist, Used Oil Section, in the Division of Waste Management and Radiation Control reviewed the Proposed Stipulation and Consent Order (SCO) between the Director and Tri State Oil Reclaimers, Inc. (TSOR).

This Proposed Stipulation and Consent Order (SCO) No. 2111117 will resolve Notice of Violation and Compliance Order (NOV/CO) No. 2111114 issued to TSOR on May 20, 2022.

The NOV/CO was based on findings documented by Division of Waste Management and Radiation Control inspectors regarding used oil storage and processing operations conducted at TSOR's used oil processor facility in Genola, Utah.

The SCO includes a total penalty of \$44,245.00. TSOR will make a cash payment of \$22,122.50 within thirty days of the effective date of the SCO. The remaining penalty amount of \$22,122.50 will be deferred and waived by the Director if TSOR complies with the requirements set forth in the SCO for one year from the effective date of the SCO.

This is an informational item only. The 30-day public comment period will begin on January 8, 2024, and end on February 7, 2024. Following the 30-day public comment period, this matter will be brought before the Board for final action in a future meeting.

Dennis Riding commented that the SCOs have substantial fines and asked for details or clarification on the severity of the situations; i.e., how often did Division staff inspect and what is the compliance history.

Leonardo Calcagno stated that the original inspection occurred in 2019 and several more inspections occurred in 2020 and 2021, as these facilities took a long time to resolve their violations. Mr. Calcagno then provided a summary of TSORs compliance history.

Danielle Endres stated that after hearing the history of non-compliance, she wants to know what the justification is for potentially waiving half of the penalties on each of the SCOs. Specifically, why is the Division allowing the deferment and potentially waiving some of the penalty.

Mr. Calcagno stated one reason is because most of the violations have been resolved, and TSOR is continuing to work on the few pending matters. Director Doug Hansen, Division of Waste Management and Radiation Control, clarified that with all of these processes, the Division takes into account a number of factors identified within the Division's penalty policy included what was mentioned previously by Mr. Calcagno as well as the history of non-compliance, willingness to come back into compliance, resolution of the issues/violations, ability to pay, etc. as these are all examples of those factors. Director Hansen stated that the end goal in negotiating an SCO is compliance. So, if the Division can work with a company and provide an incentive for them to continue to remain in long-term compliance, that is the end goal, so issues will not have to be addressed every year. Thus, the general philosophy in holding a portion of a penalty in advance and then waving it at the end of a specified period, is to ensure compliance is achieved long-term. That is the incentive for future good behavior and for training/retraining facilities to achieve long-term compliance.

Mark Franc stated that his comment is in regard to Ms. Endres regarding the cost of the penalties and the cost of the fines. Mr. Franc stated that as he previously mentioned, he is part of the regulated community, and the cost of regulatory compliance is very high, and he believes most of the regulated community are in the business to do it appropriately to protect the environment and comply with the regulations as part of doing business. His concern is the lengthy list of the violations that were committed, and the systemic nature of the violations seem to indicate that it may be that some of the less scrupulous regulated entities see these penalties as a cost of doing business; i.e., it is less than regulatory compliance. Therefore, he feels it is very important that the Board considers that and make sure the Board understands that the purpose behind the regulations are to protect human health and the environment and not make it a business decision as to whether or not they comply with the regulations. Mr. Franc stated that in looking through the list of considerations that go into account when fines are extended to the violators, he just wants to make sure as a Board and as Division staff that those facts are considered as those who seem to have non-compliance part of their operating procedures. Whether it is neglect or whether it is unwillingness or inability to pay the price for compliance, it is a large portion of many businesses. Mr. Franc stated that he felt his comments were appropriate and wanted to add to Ms. Endres earlier comments on this matter and wanted to make sure that the Board considers that, not just punitive issues, but that there is not a business advantage for companies violating the regulations and then paying the fines.

There were no additional comments or questions.

D. Approval of Proposed Stipulation and Consent Order between the Director and Clean Harbors Environmental Services (Board Action Item).

Deborah Ng, Hazardous Waste and Used Oil Section Manager, in the Division of Waste Management and Radiation Control reviewed the Board's approval of a Proposed Stipulation and Consent Order (SCO) between the Director and Clean Harbors Environmental Services to resolve Notice of Violation and Compliance Order (NOV/CO) No. 2201008, issued to Clean Harbors Environmental Services (CHES) on March 28, 2022.

The NOV/CO was based on information documented during an inspection at the Clean Harbors Aragonite facility in June 2021 and a subsequent review of documents related to the transport of hazardous waste. The violations noted in the NOV/CO have been resolved. The SCO includes a total penalty of \$40,080.00. CHES will pay a monetary penalty of \$20,040.00, while \$20,040.00 will be held in abeyance if CHES completes requirements set forth in Paragraph 12 of the SCO.

The proposed SCO was presented to the Board as an information item on November 9, 2023. A 30-day public comment period commenced on November 2, 2023, and ended on December 1, 2023. No comments

were received. This is a Board action item, and the Division Director recommends approval of the proposed SCO.

There were no additional comments or questions.

It was moved by Mark Franc and seconded by Dr. McIff and UNANIMOUSLY CARRIED to approve the Proposed Stipulation and Consent Order between the Director and Clean Harbors Environmental Services.

E. Approval of Proposed Stipulation and Consent Order between the Director and Clean Harbors Aragonite, LLC (Board Action Item).

Adam Wingate, Environmental Engineer, Hazardous Waste Section, in the Division of Waste Management and Radiation Control reviewed the Board's approval of a Proposed Stipulation and Consent Order (SCO) between the Director and Clean Harbors Aragonite, LLC. to resolve a Notice of Violation and Compliance Order (NOV/CO) that was issued after the 2021 inspection to Clean Harbors Aragonite, LLC (CHA).

The violations noted in the NOV/CO have been resolved. The SCO includes a penalty of \$90,030.50, of which \$75,030.50 will be a cash payment and \$15,000 of which has been deferred and may be vacated if CHA is able to meet the criteria laid out in the proposed SCO.

The proposed SCO was presented to the Board as an information item during the November 9, 2023, Board meeting.

The 30-day public comment period began November 2, 2023, and ended on December 1, 2023. No comments were received. This is a Board Action Item. The Division Director recommends approval of the proposed SCO.

Danielle Endres questioned why are SCOs sometimes split into separate agreements? Director Hansen explained that the reason for the separate SCOs is because they relate to different facilities. Specifically, it is the same company, but each facility operates under different permits and individual entities within that same company. Therefore, each SCO is issued separately to each facility.

Vern Rogers stated that the previous SCOs presented had different percents reduced and questioned why this SCO had significantly less deferred amounts and asked for clarification as to why it is much lower than the three SCOs previously presented.

Mr. Wingate stated that while assessing the penalty for this SCO, it was broken down into its component violations and that the Division then assessed what the goal of penalty is associated with the violations. If the violation in question was a one-off incident such as where they failed to file a piece of paperwork or one person's training regimen was not followed and therefore really did not have any indication of systemic problems, then deferring a portion of the penalty in hopes the facility would return to long-term compliance did not really suit the same purpose here.

On individual violations that were larger and did indicate to the Division that there were systemic or potentially ongoing violations, it was for those specific violations that were chosen to defer certain amounts of payment just to incentivize not just a return to compliance and not repeating out of compliance. So, those amounts were assessed on a per violation factor, as opposed to an entire penalty basis.

It was moved by Mark Franc and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve the Proposed Stipulation and Consent Order between the Director and Clean Harbors Aragonite, LLC.

VIII. Director's Report.

Director Hansen thanked the Board for sitting through the numerous and lengthy list of business on today's agenda.

Director Hansen reported that the Utah State Legislature begins on Tuesday, January 16, 2024, and the Division is aware of a few bills. Below is a list of potential legislation that could impact the Division.

House Bill 107, Recycling Facility Transparency Amendments. This bill has to do with recycling and reporting of recycling rates by municipalities. Director Hansen informed the Board that coordination on enhancements to this bill have taken place with Nathan Rich and the sponsor of the bill to help clarify the process around recycling, and hopefully this bill will allow reporting requirements to be meaningful. One change recommended is that the clearing house for the recycling information be the Division of Waste Management and Radiation Control as opposed to every municipality receiving the information.

House Bill 230, State Agency Application Review Requirements. This bill will set some timelines for review and approval or denial of permits and orders within the State. Director Hansen stated that this is a very interesting bill, and he is not certain it can be implemented, and recommended Board members review the bill.

Director Hansen stated that there may be some other legislative bills that could impact the Division, but at this time, he is not aware of any others that specifically impact the entities regulated by the Division.

Director Hansen informed the Board that he and Dr. Norcross recently attended a meeting with the U.S. Nuclear Regulatory Commission (NRC) in Washington, D.C. to answer questions and provide information on the results of the finding of the Integrated Materials Performance Evaluation Program (IMPEP) that was conducted earlier this year in the Division. This IMPEP is a requirement of Agreement States and their radioactive materials program, and is conducted every four years. The final report is anticipated within the next few days and the anticipated recommendation from the NRC is that the Division is found adequate, which is the highest rating achievable. Director Hansen stated that a few improvements were identified during the IMPEP and those improvements will be implemented over the next few years.

IX. Other Business.

A. Miscellaneous Information Items – None.

Nathan Rich complimented Director Hansen and Division staff for their openness to working with him and Representative Welton to improve the quality of House Bill 107.

B. Scheduling of next Board meeting (February 8, 2024).

The next meeting is scheduled for February 8, 2024, at the Utah Department of Environmental Quality, Multi-Agency State Office Building.

Interested parties can join via the Internet: meet.google.com/gad-sxsd-uvs
Or by phone: (US) +1 978-593-3748 PIN: 902 672 356#

X. Adjourn.

The meeting adjourned at 2:25 p.m.

PST STATISTICAL SUMMARY
January 1, 2023 -- December 31, 2023

PROGRAM													
	January	February	March	April	May	June	July	August	September	October	November	December	(+/-) OR Total
Regulated Tanks	4,188	4,200	4,203	4,198	4,210	4,211	4,218	4,241	4,236	4,238	4,225	4,222	34
Tanks with Certificate of Compliance	4,089	4,088	4,093	4,103	4,105	4,110	4,122	4,117	4,111	4,117	4,116	4,126	37
Tanks without COC	99	112	110	95	105	101	96	124	125	121	109	96	(3)
Cumulative Facilities with Registered A Operators	1,280	1,279	1,276	1,279	1,279	1,282	1,289	1,288	1,282	1,283	1,278	1,282	98.24%
Cumulative Facilities with Registered B Operators	1,281	1,281	1,279	1,280	1,279	1,281	1,288	1,288	1,282	1,283	1,282	1,284	98.39%
New LUST Sites	9	9	4	2	9	6	5	5	13	5	4	4	75
Closed LUST Sites	7	8	17	6	11	4	7	8	14	6	9	7	104
Cumulative Closed LUST Sites	5509	5524	5531	5539	5542	5549	5556	5571	5578	5586	5592	5598	89
FINANCIAL													
	January	February	March	April	May	June	July	August	September	October	November	December	(+/-)
Tanks on PST Fund	2,623	2,621	2,617	2,619	2,617	2,618	2,621	2,617	2,611	2,618	2,625	2,638	15
PST Claims (Cumulative)	711	711	710	711	713	723	724	724	725	725	725	724	13
Equity Balance	\$739,913	\$1,273,567	\$1,223,767	\$1,689,965	\$1,933,855	\$2,514,097	\$3,265,812	\$4,455,502	\$3,271,204	\$3,527,017	\$3,623,404	\$3,538,013	\$2,798,100
Cash Balance	\$28,911,563	\$29,445,217	\$29,395,417	\$29,861,615	\$30,105,505	\$30,685,747	\$31,437,462	\$32,627,152	\$32,491,241	\$32,747,054	\$32,843,441	\$32,758,050	\$3,846,487
Loans	0	0	0	0	0	0	1	0	0	0	0	0	0
Cumulative Loans	128	128	128	128	128	128	129	129	129	129	129	129	1
Cumulative Amount	\$6,014,420	\$6,014,420	\$6,014,420	\$6,014,420	\$6,014,420	\$6,014,420	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$199,285
Defaults/Amount	0	0	0	0	0	0	0	0	0	0	0	0	0
	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
Speed Memos	42	44	79	40	61	102	62	103	69	122	105	38	867
Compliance Letters	5	3	7	27	5	17	4	7	7	16	9	5	112
Notice of Intent to Revoke	0	0	0	0	0	0	0	0	0	0	0	0	0
Orders	0	0	1	1	0	0	0	0	1	1	0	2	6

WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Proposed Rule Changes
UAC R315-320
February 8, 2024

<p>What is the issue before the Board?</p>	<p>Approval from the Board to proceed with formal rulemaking and public comment on proposed rule changes to Utah Administrative Code (UAC) R315-320 to correct rule and statutory references and language, clarify rule language, remove requirements that are no longer necessary, add some new requirements to the rules, and add language and requirements to rules as required by legislation passed by the Utah Legislature.</p>
<p>What is the historical background or context for this issue?</p>	<p>The solid waste rules have not been updated or amended for several years. This rulemaking is to bring the rules up-to-date and fix errors in the rules.</p> <p>With this rulemaking: Language is being added to UAC R315-320-1(1) to make it clear that waste tire transporters and recyclers are defined in statute. Language is being added to UAC R315-320-1(3) to make it clear that the director or an authorized representative may enter and inspect a site to verify compliance with UAC R315-320. Definitions have been added to UAC R315-320-2. Language is being added to UAC R315-320-3 that changes the number of tires and the size of tires that an individual can bring to a landfill at one time as required by House Bill 27 that was passed during the 2020 session of the Utah Legislature. Language is being added that clarifies other requirements for the landfill management of waste tires and material derived from waste tires. The citation to 19-6-804(4) found in UAC R315-320-3(5) is being corrected to 19-6-804(5). UAC R315-320-6(2) is being added to provide clear language in the rules regarding what is required by statute. Language is being added and removed from UAC R315-320-7 to make it clear what is required by statute and as required by House Bill 236 that was passed during the 2021 session of the Utah Legislature. These rules govern the reimbursement for removal of a tire pile at a landfill or transfer station owned by a government entity or an abandoned tire pile and address the information that must be submitted to the Director to determine reasonability of a bid.</p> <p>A copy of the amended rule follows this executive summary.</p> <p>Additionally, the Division is fixing typographical and formatting errors found in the rules as requested by the Governor’s Office.</p>

<p>What is the governing statutory or regulatory citation?</p>	<p>The Board is authorized under Subsection 19-6-105 to make rules that establish minimum standards for protection of human health and the environment for the treatment and disposal of solid waste.</p> <p>The rule changes also meet existing DEQ and state rulemaking procedures.</p>
<p>Is Board action required?</p>	<p>Yes. Board approval is necessary to begin the formal rulemaking process by filing the appropriate documents with the Office of Administrative Rules for publishing the proposed rule changes in the Utah State Bulletin and conducting a public comment period.</p>
<p>What is the Division Director's recommendation?</p>	<p>The Director recommends the Board approve proceeding with formal rulemaking and public comment by publishing in the March 1, 2024, Utah State Bulletin the proposed changes to UAC R315-320 and conducting a public comment period from March 1, 2024 to April 1, 2024.</p>
<p>Where can more information be obtained?</p>	<p>Please contact Tom Ball by phone at 801-536-0251 or by email at tball@utah.gov</p>

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-320. Waste Tire Transporter and Recycler Requirements.

R315-320-1. Authority, Purpose, and Inspection.

(1) ~~The~~ **Requirements for** waste tire transporters and recyclers, **as defined by Section 19-6-803,** ~~requirements~~ are promulgated under the authority of the Waste Tire Recycling Act, Title 19, Chapter 6, and the Solid and Hazardous Waste Act Title 19, Chapter 6, to protect human health; to prevent land, air and water pollution; to conserve the state's natural, economic, and energy resources; and to promote recycling of waste tires.

(2) Except for Subsections R315-320-4(7) and R315-320-5(7), which apply to the application fees for the registration of a waste tire transporter and a waste tire recycler throughout the state, Rule R315-320 does not supersede any ordinance or regulation adopted by the governing body of a political subdivision or local health department if the ordinance or regulation is at least as stringent as Rule R315-320, nor does Rule R315-320 relieve a tire transporter or recycler from the requirement to meet ~~all~~ **any** applicable local ordinances or regulations.

(3) The ~~D~~director or an authorized representative may enter and inspect the site of a waste tire transporter or a waste tire recycler **as specified in Subsection R315-302-2(5)(b)** **to verify compliance with Rule R315-320.**

R315-320-2. Definitions.

Terms used in Rule R315-320 are defined in Sections R315-301-2 and 19-6-803. In addition, for ~~the purpose of~~ Rule R315-320, the following definitions apply:

(1) **"Abandoned waste tire pile" means a waste tire pile that the local department of health has not been able to:**

- (a) locate the persons responsible for the tire pile; or
- (b) cause the persons responsible for the tire pile to remove the tire pile.

(2) **"Beneficial use" means the use of chipped tires in a manner that is not recycling, storage, or disposal, but that serves as a replacement for another product or material for specific purposes.**

(a) **"Beneficial use" includes the use of chipped tires:**

- (i) as daily landfill cover;
- (ii) for civil engineering purposes;
- (iii) as low density, light weight aggregate fill; or
- (iv) for septic or drain field construction.

(b) **"Beneficial use" does not include the use of waste tires for material derived from waste tires:**

- (i) in the construction of fences; or
- (ii) as fill, other than low density, light weight aggregate fill.

(3) **"Chip" or "chipped tire" means a two inch square or smaller piece of a waste tire.**

~~(4)~~(4) **"Demonstrated market" or "market" means the legal transfer of ownership of material derived from waste tires between a willing seller and a willing buyer meeting the following conditions:**

- (a) total control of the material derived from waste tires is transferred from the seller to the buyer;
- (b) the transfer of ownership and control is an "arms length transaction" between a seller and a buyer who have no other business relationship or responsibility to each other;
- (c) the transaction is done under contract ~~which~~ **that** is documented and verified by orders, invoices, and payments;

and

- (d) the transaction is at a price dictated by current economic conditions.
- (e) the possibility or potential of sale does not constitute a demonstrated market.

(5) **"Shredded waste tires" means waste tires or material derived from waste tires that has been reduced to a six inch square or smaller.**

(6) **"Waste tire" means:**

- (a) a tire that is no longer suitable for the tire's original intended purpose because of wear, damage, or defect; or
- (b) a tire that a tire retailer removes from a vehicle for replacement with a new or used tire.

~~(2)~~(7) **"Waste tire generator" means a person, an individual, or an entity that may cause waste tires to enter the waste stream. A waste tire generator may include:**

- (a) a tire dealer, a car dealer, a trucking company, an owner or operator of an auto salvage yard, or other person, individual, or entity that removes or replaces tires on a vehicle; or
- (b) a tire dealer, a car dealer, a trucking company, an owner or operator of an auto salvage yard, a waste tire transporter, a waste tire recycler, a waste tire processor, a waste tire storage facility, or a disposal facility that receives waste tires from a person, an individual, or an entity.

(8) **"Waste tire pile" means a pile of 200 or more waste tires at one location.**

R315-320-3. Landfill ~~ing~~ Management of Waste Tires and Material Derived from Waste Tires.

(1) Disposal of waste tires or material derived from waste tires is prohibited except as allowed by Subsection R315-320-3(2) or R315-320-3(3).

(2) Landfill ~~ing~~ **Management** of Whole **Waste** Tires. A landfill may not receive whole waste tires for disposal except as follows:

(a) ~~waste tires delivered to a landfill~~ no more than ~~four~~¹² whole tires with a rim diameter up to and including 24.5 inches may be received at one time ~~by~~ from an individual, including a waste tire transporter, and shall be temporarily stored according to Subsection R315-320-3(3)(b); ~~or~~

(b) waste tires from devices moved exclusively by human power may be disposed of in a landfill; ~~or~~ and

(c) waste tires with a rim diameter greater than 24.5 inches may be disposed of in a landfill.

(3) Landfilling of Waste Tires and Material Derived from Waste Tires.

(a) A landfill, which has a permit issued by the ~~D~~ director, may receive material derived from waste tires for disposal, and whole waste tires for disposal according to Subsection R315-320-3(2).

(b) Except for the beneficial use of material derived from waste tires at a landfill, whole waste tires and material derived from waste tires shall be ~~disposed~~ stored in a separate landfill cell or other area that is designed and constructed ~~as approved by the Director,~~ to keep the material in a clean and accessible condition so that it can reasonably be retrieved from the cell for future recycling.

(4) Reimbursement for Landfill ~~ing~~ Management of Shredded Tires.

(a) The owner or operator of a permitted landfill may apply for reimbursement for landfill ~~ing~~ management of shredded tires as specified in ~~Subsection R315-320-6(4)~~ Section 19-6-812 of the Waste Tire Recycling Act.

(b) To receive the reimbursement, the owner or operator of the landfill ~~must~~ may complete an application in accordance with Subsection 19-6-812(2) and shall meet the following conditions:

(i) the waste tires shall be shredded;

(ii) the shredded tires shall be stored in a ~~segregated~~ separate cell or other ~~landfill facility~~ area that ensures the shredded tires are in a clean and accessible condition so that they can be reasonably retrieved and recycled at a future time; ~~and~~

(iii) the waste tires are generated from within the state; and

~~(iii) the design and operation of~~ (iv) the landfill ~~cell or other landfill facility has been reviewed and approved by the Director prior to the acceptance of shredded tires~~ is operated in compliance with the Solid and Hazardous Waste Act and the applicable requirements of Rules R315-301 through R315-320.

(5) Violation of Subsection R315-320-3(1), R315-320-3(2), or R315-320-3(3) is subject to enforcement proceedings and a civil penalty as specified in Subsection 19-6-804~~(4)~~(5).

R315-320-4. Waste Tire Transporter Requirements.

(1) Each waste tire transporter who transports waste tires within ~~the state of~~ Utah ~~must~~ shall apply for, receive and maintain a current waste tire transporter registration certificate from the ~~D~~ director.

(2) Each applicant for registration as a waste tire transporter shall complete a waste tire transporter application form provided by the ~~D~~ director and provide the following information:

(a) business name;

(b) address to include:

(i) mailing address; and

(ii) site address if different from mailing address;

(c) telephone number;

(d) list of vehicles used, including the following:

(i) description of vehicle;

(ii) license number of vehicle;

(iii) vehicle identification number; and

(iv) name of registered owner;

(e) name of business owner;

(f) name of business operator;

(g) list of sites ~~to which~~ where waste tires are to be transported;

(h) liability insurance information as follows:

(i) name of company issuing policy;

(ii) amount of liability insurance coverage; and

(iii) term of policy~~;~~ and

(i) meet the requirements of Subsections R315-320-4(3)(b) and R315-320-4(3)(c).

(3) A waste tire transporter shall:

(a) demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising ~~from~~ from transporting waste tires. The waste tire transporter shall have and maintain liability coverage for sudden or nonsudden accidental occurrences in the amount of \$300,000;

(b) for the initial application for a waste tire transporter registration or for any subsequent application for registration at a site not previously registered, demonstrate to the ~~D~~ director that ~~all~~ the local government requirements for a waste tire transporter have been met, including ~~obtaining~~ getting ~~all~~ any necessary permits or approvals where required; and

(c) demonstrate to the ~~D~~ director that the waste tires transported by the transporter are taken to a registered waste tire recycler or that the waste tires are placed in a permitted waste tire storage facility that is in full compliance with the requirements of Rule R315-314. ~~Filing~~ Filing of a complete report as required in Subsection R315-320-4(9) shall constitute compliance with this requirement.

- (4) A waste tire transporter shall notify the [D]director of:
 - (a) any change in liability insurance coverage within 5 working days of the change; and
 - (b) any other change in the information provided in Subsection R315-320-4(2) within 20 days of the change.
- (5) A registration certificate will be issued to an applicant following the:
 - (a) completion of the application required by Subsection R315-320-4(2);
 - (b) presentation of proof of liability coverage as required by Subsection R315-320-4(3); and
 - (c) payment of the fee as established by the Annual Appropriations Act.
- (6) A waste tire transporter registration certificate is not transferable and shall be issued for the term of one year.
- (7) If a waste tire transporter is required to be registered by a local government or a local health department:
 - (a) the waste tire transporter may be assessed an annual registration fee by the local government or the local health department not to exceed the following schedule:
 - (i) for one through five trucks, \$50; and
 - (ii) \$10 for each additional truck;
 - (b) the [D]director shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-4(2) and R315-320-4(3) and shall not require the payment of the fee specified in Subsection R315-320-4(5)(c), if the fee allowed in Subsection R315-320-4(7)(a) is paid; and
 - (c) the registration certificate shall be valid for one year.
 - (8) Waste tire transporters storing tires in piles ~~must~~ shall meet the requirements of Rule R315-314. Reporting Requirements.
 - (a) Each waste tire transporter shall submit a quarterly activity report to the [D]director. The activity report shall be submitted on or before the 30th of the month following the end of each quarter.
 - (b) The activity report shall contain the following information:
 - (i) the number of waste tires collected at each waste tire generator, including the name, address, and telephone number of the waste tire generator;
 - (ii) the number of tires shall be listed by the type of tire based on the following:
 - (A) passenger~~]~~ or light truck tires or tires with a rim diameter of 19.5 inches or less;
 - (B) truck tires or tires ranging in size from 7.50x20 to 12R24.5; and
 - (C) other tires such as farm tractor, earth mover, motorcycle, golf cart, and ATV~~[-ete-]~~;
 - (iii) the number or tons of waste tires shipped to each waste tire recycler or processor for a waste tire recycler, including the name, address, and telephone number of each recycler or processor;
 - (iv) the number of tires shipped as used tires to be resold;
 - (v) the number of waste tires placed in a permitted waste tire storage facility; and
 - (vi) the number of tires disposed in a permitted landfill, or put to other legal use.
 - (c) The activity report may be submitted in electronic format.
 - (10) Revocation of Registration.
 - (a) The registration of a waste tire transporter may be revoked upon the [D]director finding that:
 - (i) the activities of the waste tire transporter that are regulated under Section R315-320-4 have been or are being conducted in a way that endangers human health or the environment;
 - (ii) the waste tire transporter has made a material misstatement of fact in applying for or ~~obtaining~~ getting a registration as a waste tire transporter or in the quarterly activity report required by Subsection R315-320-4(9);
 - (iii) the waste tire transporter has provided a recycler with a material misstatement of fact ~~which~~ that the recycler subsequently used as documentation in a request for partial reimbursement under Section 19-6-813;
 - (iv) the waste tire transporter has violated any provision of the Waste Tire Recycling Act, Title 19 Chapter 6, or any order, approval, or rule issued or adopted under the Waste Tire Recycling Act;
 - (v) the waste tire transporter failed to meet or no longer meets the requirements of Section R315-320-4;
 - (vi) the waste tire transporter has been convicted under Subsection 19-6-822; or
 - (vii) the waste tire transporter has had the registration from a local government or a local health department revoked.
 - (b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.
 - (c) For purposes of Subsection R315-320-4(10)(a), the statements, actions, or failure to act of a waste tire transporter shall include the statements, actions, or failure to act of any officer, director, agent or employee of the waste tire transporter.
 - (d) The administrative procedures set forth in Section R305-7 shall govern revocation of registration.

R315-320-5. Waste Tire Recycler Requirements.

- (1) Each waste tire recycler ~~requesting the reimbursement allowed by Subsection 19-6-809(1), must~~ shall apply for, receive, and maintain a current waste tire recycler registration certificate from the [D]director.
- (2) Each applicant for registration as a waste tire recycler shall complete a waste tire recycler application form provided by the [D]director and provide the following information:
 - (a) business name;
 - (b) address to include:
 - (i) mailing address; and
 - (ii) site address if different from mailing address;

- (c) telephone number;
- (d) owner name;
- (e) operator name;
- (f) description of the recycling process;
- (g) proof that the recycling process described in Subsection R315-320-5(2)(f) :
 - (i) is being conducted at the site; or
 - (ii) for the initial application for a recycler registration, that the recycler has the equipment in place and the ability to conduct the process at the site;
- (h) estimated number of tires to be recycled each year;
- (i) liability insurance information as follows:
 - (i) name of company issuing policy;
 - (ii) proof of the amount of liability insurance coverage; and
 - (iii) term of policy; and
- (j) meet the requirements of Subsection R315-320-5(3)(b).
- (3) A waste tire recycler shall:
 - (a) demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising from storing and recycling waste tires. The waste tire recycler shall have and maintain liability coverage for sudden or nonsudden accidental occurrences in the amount of \$300,000; and
 - (b) for the initial application for a recycler registration or for any subsequent application for registration at a site not previously registered, demonstrate to the [D]director that ~~all~~the local requirements for a waste tire recycler have been met, including ~~obtaining~~getting ~~all~~any necessary permits or approvals where required.
 - (4) A waste tire recycler shall notify the [D]director of:
 - (a) any change in liability insurance coverage within 5 working days of the change; and
 - (b) any other change in the information provided in Subsection R315-320-5(2) within 20 days of the change.
 - (5) A registration certificate will be issued to an applicant following the:
 - (a) completion of the application required by Subsection R315-320-5(2);
 - (b) presentation of proof of liability coverage as required by Subsection R315-320-5(3); and
 - (c) payment of the fee as established by the Annual Appropriations Act.
 - (6) A waste tire recycler registration certificate is not transferable and shall be issued for a term of one year.
 - (7) If a waste tire recycler is required to be registered by a local government or a local health department:
 - (a) the waste tire recycler may be assessed an annual registration fee by the local government or local health department according to the following schedule:
 - (i) if up to 200 tons of waste tires are recycled per day, the fee shall not exceed \$300;
 - (ii) if 201 to 700 tons of waste tires are recycled per day, the fee shall not exceed \$400; or
 - (iii) if over 700 tons of waste tires are recycled per day, the fee shall not exceed \$500.
 - (b) The [D]director shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-5(2) and R315-320-5(3) and shall not require the payment of the fee specified in Subsection R315-320-5(5)(c), if the fee allowed by Subsection R315-320-5(7)(a) is paid.
 - (c) The registration certificate shall be valid for one year.
 - (8) Waste tire recyclers ~~must~~shall meet the requirements of Rule R315-314 for waste tires stored in piles.
 - (9) Revocation of Registration.
 - (a) The registration of a waste tire recycler may be revoked upon the [D]director finding that:
 - (i) the activities of the waste tire recycler that are regulated under Section R315-320-5 have been or are being conducted in a way that endangers human health or the environment;
 - (ii) the waste tire recycler has made a material misstatement of fact in applying for or ~~obtaining~~getting a registration as a waste tire recycler;
 - (iii) the waste tire recycler has made a material misstatement of fact in applying for partial reimbursement under Section 19-6-813;
 - (iv) the waste tire recycler has violated any provision of the Waste Tire Recycling Act, Title 19 Chapter 6, or any order, approval, or rule issued or adopted under the Waste Tire Recycling Act;
 - (v) the waste tire recycler has failed to meet or no longer meets the requirements of Subsection R315-320-5(1);
 - (vi) the waste tire recycler has been convicted under Subsection 19-6-822; or
 - (vii) the waste tire recycler has had the registration from a local government or a local health department revoked.
 - (b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.
 - (c) For purposes of Subsection R315-320-5(9)(a), the statements, action, or failure to act of a waste tire recycler shall include the statements, actions, or failure to act of any officer, director, agent, or employee of the waste tire recycler.
 - (d) The administrative procedures set forth in Section R305-7 shall govern revocation of registration.

R315-320-6. Reimbursement for Recycling Waste Tires.

(1) No partial reimbursement request submitted by a waste tire recycler for the first time, or the first time a specific recycling process or a beneficial use activity is used, shall be approved by a local health department under Section 19-6-813 until the local health department has received from the [D]director a written certification that the [D]director has determined the processing of the waste tires is recycling or a beneficial use. If the reimbursement request contains sufficient information, the [D]director shall make the recycling or beneficial use determination and notify the local health department in writing within 15 days of receiving the request for determination.

~~(2) Requests for partial reimbursement by a waste tire recycler, including first time requests according to Subsection R315-320-6(1), and subsequent requests, should follow the procedures of Sections 19-6-809, 19-6-813, 19-6-814, and 19-6-815.~~

~~(2)(3)~~(3) No partial reimbursement may be requested or paid for waste tires that were generated in Utah and recycled at an out-of-state location except as allowed by Subsection 19-6-809(1)(a)(ii)(C) or 19-6-809(1)(a)(ii)(D).

~~(3)(4)~~(4) In addition to any other penalty imposed by law, any person who knowingly or intentionally provides false information required by Section R315-320-5 or Section R315-320-6 shall be ineligible to receive any reimbursement and shall return to the Division of Finance any reimbursement previously received that was ~~obtained~~received through the use of false information.

R315-320-7. Reimbursement for the Removal of a Tire Pile at a Landfill or Transfer Station Owned by a Governmental Entity or an Abandoned Tire Pile or a Tire Pile at a Landfill Owned by a Governmental Entity.

(1) A county or municipality applying for payment for removal of an abandoned tire pile or a tire pile at a county or municipal owned landfill ~~or transfer station~~ shall meet the requirements of Section 19-6-811.

(2) Determination of Reasonability of a Bid.

(a) The following items shall be submitted to the [D]director when requesting a determination of reasonability of a bid as specified in Subsections 19-6-811(1), 19-6-811(3), and 19-6-811(4):

(i) a copy of the bid or bids;

(ii) the location and approximate size of the waste tire pile;

(iii) for waste tire removal from a landfill or transfer station owned by a county or municipality, a statement:

(A) confirming that the waste tires were received at the landfill or transfer station;

(B) confirming that the waste tire pile consists solely of waste tires diverted from the landfill or transfer station waste stream; and

(C) landfill or transfer station waste receipt records indicating the origin of the waste tires;

(iv) for waste tire removal from an abandoned waste tire pile [

~~(ii)] a letter from the local health department stating that the tire pile is abandoned [or that the tire pile is at a landfill owned or operated by a governmental entity]; and~~

~~(iii)](v)~~ a written statement from the county or municipality that the bidding was conducted according to the legal requirements for competitive bidding.

(b) The [D]director will review the submitted documentation in accordance with Subsection 19-6-811(4) and will inform the county or municipality if the bid is reasonable.

(c) A determination of reasonability of the bid will be made and the county or municipality notified within 30 days of receipt of the request by the [D]director.

(d) A bid determined to be unreasonable shall not be ~~deemed~~considered eligible for reimbursement.

(3) If the [D]director determines that the bid to remove waste tires ~~from a landfill owned or operated by a government entity or from an abandoned waste tire pile [or from a waste tire pile at a landfill owned or operated by a governmental entity] is reasonable~~ and that there are sufficient monies in the trust fund to pay the expected reimbursements for the transportation, recycling, or beneficial use under Section 19-6-809 during the next quarter, the [D]director may authorize reimbursement of a waste tire transporter's or recycler's costs to remove waste tires and deliver the waste tires to a recycler according to Subsection R315-320-7(6).~~[a maximum reimbursement of:~~

~~(a) 100% of a waste tire transporter's or recycler's costs allowed under Subsection 19-6-811(2) to remove the waste tires from the waste tire pile and deliver the waste tires to a recycler if no waste tires have been added to the waste tire pile after June 30, 2001; or~~

~~(b) 60% of a waste tire transporter's or recycler's costs allowed under Subsection 19-6-811(2) to remove the waste tires from the waste tire pile and deliver the waste tires to a recycler if waste tires have been added to the waste tire pile after June 30, 2001.]~~

(4) An operator of a state or local government landfill or transfer station shall submit to the director an application for reimbursement, including:

(a) the number of tons of waste tires removed from the landfill or transfer station;

(b) the location that the waste tires were removed from;

(c) the recycler where the waste tires were delivered; and

(d) if applicable, the amount charged by a third party waste tire transporter or recycler to transport the waste tires to the recycler.

(5) The recycler or waste tire transporter that removed the abandoned waste tires pursuant to the bid shall submit to the director an application for reimbursement, including:

(a) the number of tons of waste tires transported;

(b) the location they were removed from;

(c) the recycler where the waste tires were delivered; and

(d) the amount charged by the transporter or recycler.

(6) Upon receipt of the information required under Subsection R315-320-7(4) or R315-320-7(5), and determination that the information is complete, the director shall, within 30 days after receipt, authorize the division of finance to reimburse the waste tire transporter or recycler.

(7) A person reimbursed for the removal of a waste tire pile under Section R315-320-7 may not be reimbursed for storage of those waste tires under Section R315-320-3 or recycling of those waste tires under Section R315-320-6.

KEY: solid waste management, waste disposal

Date of Last Change: April 25, 2013

Notice of Continuation: November 30, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-819

WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Approval of Mammography Imaging Medical Physicists
February 8, 2024

What is the issue before the Board?	Approval of new, qualified, Mammography Imaging Medical Physicist
What is the historical background or context for this issue?	<p>Individuals referred to as Mammography Imaging Medical Physicists (MIMP) must submit an application for review of qualifications to be certified by the Board. These physicists perform radiation surveys and evaluate the quality control programs of the facilities in Utah providing mammography examinations.</p> <p>The Division has received a new application from Daniel Silvain, MS, DABR to be certified as a MIMP.</p> <p>Division staff have reviewed the applicant’s qualifications and the applicant has met the requirements detailed in R313-28-140.</p>
What is the governing statutory or regulatory citation?	<p>In accordance with Subsection 19-3-103.1(2)(c) of the Utah Code Annotated, the Board shall review the qualifications of, and issue certificates of approval to, individuals who: (i) survey mammography equipment; or (ii) oversee quality assurance practices at mammography facilities.</p> <p>This statutory requirement was effective May 8, 2012.</p>
Is Board action required?	Yes.
What is the Division Director’s recommendation?	The Director of the Division of Waste Management and Radiation Control recommends the Board issue a certificate of approval for the applicant reviewed and presented to the Board.
Where can more information be obtained?	Please contact Krystal Thomas, RT (R)(M), by phone at 385-454-5309.

WASTE MANAGEMENT AND RADIATION CONTROL BOARD

Executive Summary

Tri State Oil Reclaimers, Inc.

(UOP-0195)

February 8, 2024

What is the issue before the Board?	Approval of Proposed Stipulation and Consent Order (SCO) No. 2111118 to resolve Notice of Violation and Compliance Order (NOV/CO) No. 2111115 issued to Tri State Oil Reclaimers, Inc. (TSOR) on May 20, 2022.
What is the historical background or context for this issue?	<p>The NOV/CO was based on findings documented by Division of Waste Management and Radiation Control inspectors regarding used oil storage and processing operations conducted at TSOR's used oil processor facility (West Haven), located at 2400 South 1900 West, West Haven, Utah.</p> <p>The SCO includes a total penalty of \$48,626.00. TSOR will make a cash payment of \$24,313.00 within thirty days of the effective date of the SCO. The remaining penalty amount of \$24,313.00 will be deferred and waived by the Director if TSOR complies with the requirements set forth in paragraph 10.2, the Orders in 10.3, and remains in compliance with all of the provisions of the Act, the Rules, and the State-issued used oil processor permit (UOP 0195), for one year from the effective date of the SCO.</p>
What is the governing statutory or regulatory citation?	§19-6-104 of the Utah Solid and Hazardous Waste Act authorizes the Board to issue orders and approve or disapprove settlements negotiated by the Director with a civil penalty over \$25,000.
Is Board action required?	Yes, this is a Board action item.
What is the Division Director's recommendation?	The Division Director recommends approval of the proposed SCO.
Where can more information be obtained?	<p>For technical information, please contact Leonardo Calcagno at (385) 499-0872. For legal information, please contact Elizabeth A. Burns, Assistant Attorney General at (385) 441-4789.</p> <p>The SCO and the supporting documentation were provided to the Board in their January 11, 2024 Board packet.</p>

WASTE MANAGEMENT AND RADIATION CONTROL BOARD

Executive Summary

Tri State Oil Reclaimers, Inc.

(UOP-0135 & UOR-0137)

February 8, 2024

What is the issue before the Board?	Approval of Proposed Stipulation and Consent Order (SCO) No. 2111116 to resolve Notice of Violation and Compliance Order (NOV/CO) No. 2111113 issued to Tri State Oil Reclaimers, Inc. (TSOR) on September 7, 2022.
What is the historical background or context for this issue?	<p>The NOV/CO was based on findings documented by Division of Waste Management and Radiation Control inspectors regarding used oil transportation and marketing of on-specification used oil burner fuel operations conducted by TSOR.</p> <p>The SCO includes a total penalty of \$111,601.00. TSOR will make a cash payment of \$55,800.50 within thirty days of the effective date of the SCO. The remaining penalty amount of \$55,800.50 will be deferred and waived by the Director if TSOR complies with the requirements set forth in paragraph 12.2, and the Orders in 13, and remains in compliance with all of the provisions of the Act, the Rules, and the State-issued used oil transporter permit (UOP-0135), and Used Oil Fuel Marketer Registration (UOR-0137), for one year from the effective date of the SCO.</p>
What is the governing statutory or regulatory citation?	§19-6-104 of the Utah Solid and Hazardous Waste Act authorizes the Board to issue orders and approve or disapprove settlements negotiated by the Director with a civil penalty over \$25,000.
Is Board action required?	Yes, this is a Board action item.
What is the Division Director's recommendation?	The Division Director recommends approval of the Proposed SCO.
Where can more information be obtained?	<p>For technical information, please contact Leonardo Calcagno at 385- 499-0872. For legal information, please contact Elizabeth A. Burns, Assistant Attorney General at 385-441-4789.</p> <p>The SCO and the supporting documentation were provided to the Board in their January 11, 2024 Board packet.</p>

WASTE MANAGEMENT AND RADIATION CONTROL BOARD

Executive Summary

Tri State Oil Reclaimers, Inc.

(UOP-0172)

February 8, 2024

What is the issue before the Board?	Approval of Proposed Stipulation and Consent Order (SCO) No. 2111117 to resolve Notice of Violation and Compliance Order (NOV/CO) No. 2111114 issued to Tri State Oil Reclaimers, Inc. (TSOR) on May 20, 2022.
What is the historical background or context for this issue?	<p>The NOV/CO was based on findings documented by Division of Waste Management and Radiation Control inspectors regarding used oil storage and processing operations conducted at TSOR's used oil processor facility (Genola Facility), located at 2370 West Mountain Road, Genola, Utah.</p> <p>The SCO includes a total penalty of \$44,245.00. TSOR will make a cash payment of \$22,122.50 within thirty days of the effective date of the SCO. The remaining penalty amount of \$22,122.50 will be deferred and waived by the Director if TSOR complies with the requirements set forth in paragraph 10.2, and the Orders in 10.3, and remains in compliance with all of the provisions of the Act, the Rules, and the State-issued used oil processor permit (UOP 0172), for one year from the effective date of the SCO.</p>
What is the governing statutory or regulatory citation?	§19-6-104 of the Utah Solid and Hazardous Waste Act authorizes the Board to issue orders and approve or disapprove settlements negotiated by the Director with a civil penalty over \$25,000.
Is Board action required?	Yes, this is a Board Action Item.
What is the Division Director's recommendation?	The Division Director recommends approval of the proposed SCO.
Where can more information be obtained?	<p>For technical information, please contact Leonardo Calcagno at 385 499-0872. For legal information, please contact Elizabeth A. Burns, Assistant Attorney General at 385 441-4789.</p> <p>The SCO and the supporting documentation was provided to the Board in their January 11, 2024 Board packet.</p>