

Utah Solid and Hazardous Waste Control Board Meeting
Utah Department of Environmental Quality (Bldg. #2)
168 North 1950 West (Room 101)
SLC, Utah

Meeting Minutes
August 13, 2009
1:30 p.m.

PRESENT: John Newman (Chair), Michael Brehm (Vice Chair), Scott Bruce, Kory Coleman, Jeff Coombs, Ryan Dupont, Commissioner Larry Ellertson, Brad Mertz, Gary Mossor, Kevin Murray, and Amanda Smith.

ABSENT: Carlton Christensen and Dennis Riding.

STAFF: Dennis Downs, Brad Johnson, Gary Astin, Shane Bekkemellom, Therron Blatter, Ralph Bohn, Arlene Lovato, Terry Montgomery, Deborah Ng, Cheryl Prawl, DeAnn Rasmussen, Doug Taylor, John Waldrip, Otis Willoughby, and Raymond Wixom.

OTHERS: John Bate, Joel Blumer, Ben Clayton, Jason Hill, Jeff Mensinger, Tim Orton, Brent Stephens, Angela VanDam, and Steven Zohner.

I. Call to Order.

John Newman (Chair) called the meeting to order at 1:30 p.m. Carlton Christensen and Dennis Riding were excused from the meeting.

Ryan Dupont reported that a former Board member's son, John Doucette (19), drowned while swimming with friends at Tony Grove Lake on August 5, 2009. A sympathy card was distributed among Board members for William Doucette and condolences were offered to him and his family. Mr. Doucette served on the Board for approximately eight years and was well respected.

II. Introduction of new Board members.

John Newman introduced the two new Board members.

Commissioner Larry Ellertson, Utah County Commissioner, was raised in Mona, Utah. He graduated from Southern Utah State College with a degree in Accounting, and worked as a Certified Public Accountant in Phoenix, Arizona for approximately five years. Commissioner Ellertson also worked for Utah Power and Light holding various managerial positions, retiring in 2001. Commissioner Ellertson also served as the Mayor of Lindon City until he was elected to the Utah County Commission. Commissioner Ellertson and his wife Linda are the parents of five children and currently reside in Lindon, Utah. Commissioner Ellertson stated he is excited to be part of the Board and hopes he can add to it.

Brad Mertz, Director of the Recycling Coalition of Utah, has been involved with the Coalition (a non-profit organization) since its founding. Mr. Mertz has also had the opportunity to work in private industry with BFI and Allied Waste Company. Mr. Mertz has worked in the solid waste and recycling industries for nearly 15 years. He also worked for Utah Valley University. Mr. Mertz stated he is excited to be part of the Board and looks forward to the opportunity to serve.

III. Approval of Meeting Minutes for the June 11, 2009 Board Meeting (Board Action Item).

Gary Mossor moved to approve the June 11, 2009 Board meeting minutes. The motion was seconded by Scott Bruce and **UNANIMOUSLY CARRIED** with the following corrections: [Page 1, Section II. "Introduction of Amanda Smith, new Acting Executive Director for UDEQ" last sentence corrected as follow: She also previously worked as the Government Relations Director for the Nature Conservancy District. [Page 1, Section III,

“Introduction of new Board members” first sentence corrected as follows: Although absent due to scheduling conflicts, Dennis Downs ~~introduced~~ announced the two new Board members. [Page 3, Section VII “Underground Storage Tanks Update” second paragraph, second sentence corrected as follows: Mr. Johnson answered ~~in the negative~~ that the State has not been named to date. [Page 4, Section III, C. “Stipulation and Consent Order between the Board and Thermo Fluids, Inc. (Board Action Item)” last paragraph, last sentence corrected as follows: Ms. Prawl explained that a competitor had complained and the Used Oil staff followed up on the complaint and found ~~the operation of an un-permitted used oil transfer facility at the rail spur.~~ Thermo Fluids operating an illegal “un-permitted” transfer facility.

IV. Board training on the requirements of the Utah Open and Public Meetings Act.

Raymond Wixom, Attorney General’s Office, legal counsel to the Executive Secretary (Dennis Downs) and to the entire Board, reminded the Board of the Chairman’s statutory responsibility to make sure the entire Board receives annual training on the Open and Public Meetings Act. Mr. Wixom also noted that the Attorney General’s Office is required to give annual notice to Board members of material changes to requirements for conducting meetings under the Open and Public Meetings Act. Mr. Wixom suggested the Board address both requirements at the same time.

The Utah Solid and Hazardous Waste Control Board is a public body, created by statute. Therefore, this Board is subject to the Open and Public Meetings Act. With very limited exceptions, the Legislature finds, and declares that the state, its agencies, exist to aid in the conduct of the people’s business and it is the intent of the Legislature that the state take these actions openly and conduct their deliberations openly.

Mr. Wixom explained that, if a quorum is present (seven out of the 13 members), either physically or electronically, and Board business is being conducted, it is subject to the Open and Public Meetings Act, and public notice is required to be given to the general public. However, Mr. Wixom clarified that if Board members happen to run in to each other in a social setting, etc., that is not a meeting and is not subject to the Open and Public Meetings Act. Mr. Wixom suggested that all Board members refrain from conducting any Board business during these chance encounters, to avoid the appearance of impropriety.

Mr. Wixom briefly discussed closed meeting requirements. Mr. Wixom stated these types of meetings are very rare and he has never been involved with this Board holding any closed meetings. However, Mr. Wixom requested that, if for some reason, this Board determines a closed meeting is justified, they should contact him prior to meeting, to ensure all Open and Public Meetings Act requirements are met.

Mr. Wixom also discussed emergency meeting requirements. When these types of meetings are necessary and if public notice requirements can’t be met, the best practicable notice is required to be given. Mr. Wixom stated that when this type of situation arises, he will work with the Board to ensure all the requirements of the Open and Public Meetings Act are adhered to.

Mr. Wixom gave an overview of the Open and Public Meetings Act requirements including public notice requirements, electronic meetings (including the anchor location where the public may attend), agenda items (including those items that Board will be taking action on), recording and preparing written meeting minutes (including when Board tours are conducted), and requirements associated with written notice being posted at the principle office of the public body. The Board cannot take action on any item that is not listed on the Board’s published agenda.

The statute requires that the public notice be posted on the Utah Public Notice Website. This website is designed to assist the public to find, search, and subscribe to posted public notices of any public body in the State. Notice also must be provided at least 24 hours prior to a meeting in at least one newspaper of general circulation or a local media correspondent. Also, public notice is to be given at least once a year (to the local newspaper) for a public body which holds regular meetings that are scheduled in advance over the course of a year. The Division staff handles all these requirements.

John Newman asked how much time is necessary to announce an emergency meeting. Mr. Wixom stated that there is no specific time identified because the concept behind an emergency meeting is that there is an

emergency. Mr. Newman asked if the Board can address an item it deems an emergency while in session but without posting the item on the agenda. Mr. Wixom stated that this question is very difficult to answer and felt that, unless such an issue actually arises, it is best not to deal with it. Mr. Wixom did state that he believes some kind of action would have to be taken to advertise the issue and some type of public notice would have to be given that the Board is taking an emergency action.

V. Underground Storage Tanks Update.

Brad Johnson introduced and gave a brief history to the Board Members on the proposed changes to the Underground Storage Tank (UST) Rules R311. Approximately four years ago, the Federal Energy Policy Act of 2005 (Energy Act) was implemented, which included provisions that would modify the UST Program. One of those provisions, which is the last to be implemented within the State of Utah, pertains to the establishment of an owner/operator training program. The public comment period for the proposed rules ended on July 15, 2009, with some comments having been received. The Division of Environmental Response and Remediation (Division) has worked closely with the Utah UST Advisory Task Force (Task Force) as the rules were developed. As part of the comment process, letters were sent out to all UST owner/operators and UST certified individuals to make them aware of the rules, and to provide them with an opportunity to comment. Public meetings were also held in five different locations throughout the State. If the Board approves adoption of the rules, the Division will reconvene the Task Force to begin implementation of the program required by the rules. One suggestion that was brought to the Division's attention included having the State pay for the training out of the fees that are collected out of the Petroleum Storage Tank Trust Fund. However, this option would require a statutory change. The proposed rules simply establish the standards and/or criteria for the owner/operator training requirements.

VI. Final adoption of proposed rule changes to the Underground Storage Tank Rules R311 (Board Action Item).

Therron Blatter gave a brief summary of the proposed rule changes. In response to the specific requirements of the Energy Act, all UST facilities will be required to have Class A, B, and C operators trained by January 1, 2012. The responsibilities associated with each class operator, and the level of training that would be required for each of them, are specifically detailed within the proposed rules and include the following:

- The Class A operator would be responsible for meeting financial assurance requirements and for the oversight of each facility.
- The Class B operator would be accountable for the daily operation of release detection and/or prevention equipment.
- The Class C operator would be the in-store or front line workers of the facility that would be trained to respond to any releases.

The proposed rules also detail a requirement for retraining when a facility is out of compliance. During the public comment period, the Division did receive some comments on the rules. However, none of the comments were directly related to the substance of the proposed rules, but rather to the actual cost of implementing the owner/operator training. It is the recommendation of the Division that the Board approve the rule changes as proposed with a final adoption date of August 18, 2009.

Jeff Coombs asked that since a number of the comments received were geared toward having the training be made available through the Internet, has the Division looked at this possibility. Mr. Blatter explained that the Division has considered this option. In fact, there is a company that provides this type of training for other western states through webinars. However, it is the intent of the Division to meet with the Task Force to start developing exactly how this training will be implemented, which could include online training.

Michael Brehm asked about the companies within the State that already have some sort of existing operator training available. He asked if the Division has evaluated these company based trainings to determine if they meet the requirements of the rules. Mr. Blatter stated that many of the companies' existing trainings could meet the requirements of the rules with the addition of a few small changes. However, some companies would need to change their program entirely. Any training that meets the requirements of the proposed rules will be accepted by the Division.

Brad Mertz made the recommendation that the Division strongly look into providing online training, which would help alleviate many of the general public's concerns.

It was motioned by Michael Brehm and seconded by Kevin Murray, and UNANIMOUSLY CARRIED that the Proposed Rule Changes to R311, Utah Underground Storage Tank Rules, be approved with an effective date of August 18, 2009, and with an emphasis that online training be made available.

VII. Commercial/Federal Facilities Section.

A. EnergySolutions LLC request for a site-specific treatment variance for waste codes (D006, D007, and D008), organic contaminants (F001-F005) and Polychlorinated Biphenyls (PCBs) as Underlying Hazardous Constituents (Information Item Only).

Otis Willoughby explained that the statute does not allow for renewal of variance requests so EnergySolutions is required to come before the Board every year to request a new variance. Tim Orton, Environmental Engineer, EnergySolutions, was available to address and answer any questions regarding the variances. Mr. Orton noted that the Board has dealt with these same specific waste streams in past variance requests.

Mr. Orton discussed EnergySolutions' request for a site-specific treatment variance submitted on July 15, 2009. The Mixed Waste Facility proposes to receive waste containing metal contaminants (D006, D007, and D008), organic contaminants (F001-F005) and Polychlorinated Biphenyls (PCBs) as Underlying Hazardous Constituents. Through treatability studies performed at the site, EnergySolutions has confirmed successful treatment below the treatment standards for all contaminants except PCBs. The PCB treatment standard is not attainable using the current chemical treatment technologies.

If this waste did not contain the D and F codes (contained only PCBs at these levels), then EnergySolutions would be permitted to directly dispose of this waste. Federal rules allow this waste to be disposed without further treatment. However, the State of Utah has not adopted these rules. The state's decision was based on the onerous amount of analytical work that would be required. Rather than adopt the federal rules, the state left open the site-specific treatment variance option. EnergySolutions plans to receive 82 cubic feet of this waste.

Following treatment of the other waste contaminants, final disposal of the waste will occur in the Mixed Waste Landfill Cell at the EnergySolutions Mixed Waste Facility.

This is an informational item. A 30-day public comment period began on July 30, 2009 and will end on August 28, 2009. A public hearing will be held in the Tooele County Court House on August 26, 2009, at 7:00 p.m. After all comments are addressed, the request will be presented to the Board for consideration at the September 10, 2009 Board meeting.

B. EnergySolutions LLC request for a site-specific treatment variance for waste containing metal contaminants (D006 and D007) and also containing Polychlorinated Biphenyls (PCBs) as Underlying Hazardous Waste Constituents (Information Item Only).

Mr. Orton discussed EnergySolutions' request for a site-specific treatment variance submitted on July 16, 2009. The Mixed Waste Facility proposes to receive waste containing metal contaminants (D006 and D007) and also containing Polychlorinated Biphenyls (PCBs) as Underlying Hazardous Constituents. Through treatability studies performed at the site, EnergySolutions has confirmed successful treatment below the treatment standards for all contaminants except PCBs. The PCB treatment standard is not attainable using the current chemical treatment technologies.

If this waste did not contain the metal contaminants (contained only PCBs at these levels), then EnergySolutions would be permitted to directly dispose of this waste. Federal rules allow this waste to be disposed without further treatment. However, the State of Utah has not adopted these rules. The State's decision was based on the onerous amount of analytical work that would be required. Rather than adopt the federal rules, the State left open the site-specific treatment variance option. EnergySolutions plans to receive 7.5 cubic feet of this waste.

Following treatment of the other waste contaminants, final disposal of the waste will occur in the Mixed Waste Landfill Cell at the EnergySolutions Mixed Waste Facility.

This is an informational item only. A 30-day public comment period began on July 30, 2009 and will end on August 28, 2009. A public hearing will be held in the Tooele County Court House on August 26, 2009, at 7:00 p.m. After all comments are addressed, the request will be presented to the Board for consideration at the September 10, 2009 meeting.

C. EnergySolutions LLC request for a site-specific treatment variance for enriched uranium waste containing waste codes, D005, D006, D007, F001, F002, and F005 (Information Item Only).

Mr. Orton discussed EnergySolutions' request to renew a variance that provides an exemption from 40 CFR 268.40 (a)(2). The Mixed Waste Facility proposes to continue receiving cemented monoliths containing enriched uranium residuals. This material retains characteristic hazardous waste codes for barium, cadmium, chromium, and listed hazardous waste codes F001, F002, and F005. The generator has encapsulated the waste in concrete for security reasons. This waste meets all license conditions for radioactive waste disposal at the facility.

EnergySolutions proposes to receive this waste for macroencapsulation in the Mixed Waste Landfill Cell rather than chemical stabilization, as required. This request is based on the fact that the waste has already been encapsulated in concrete at the generator's site. Treating this waste by the required method would mean grinding the waste and potentially exposing workers to unnecessary contamination. The proposed treatment will further encapsulate the waste and protect it from contact with precipitation, thereby decreasing the potential of leaching. EnergySolutions proposes to receive approximately 4,500 cubic feet of this waste.

Final disposal of the waste will occur in the Mixed Waste Disposal Cell at the EnergySolutions Mixed Waste Facility.

Mr. Orton clarified that the material is being received from a single generator, the Department of Energy (DOE). The uranium recovery process creates an enriched uranium contaminated ash through a thermal process. The enriched uranium is then recovered through an organic solvent extraction process. The residual waste from this extraction process was collected in small cans (2 ½ gallons each) and stored at the generator's facility.

This is an information item only. A 30-day public comment period began on July 30, 2009 and will end on August 28, 2009. A public hearing will be held in the Tooele County Courthouse on August 26, 2009 at 7:00 p.m. After all comments are addressed, the request will be presented to the Board for consideration at the September 10, 2009 meeting.

VIII. Used Oil Section.

A. Final adoption of proposed rule changes to the Used Oil Rules R315-15-13.6 (b) (Board Action Item).

Cheryl Prawl reminded the Board members that in its June 11, 2009 meeting, the Board gave approval to proceed with rulemaking and a 30-day public comment period for proposed changes to the Used Oil Rules R315-15-13. The proposed changes to the rule were published in the Utah State Bulletin on July 1, 2009.

The purpose of the proposed rule changes is to allow permitted hazardous waste incinerator facilities to burn off-specification used oil without the need to also obtain a separate used oil off-specification burner permit under R315-15-13.6(b) of the Used Oil Management Rules.

Ms. Prawl further explained that currently there is one permitted hazardous waste incinerator operating in Utah, and the requirements for storage, testing, and record keeping of materials (including off-specification used oil) to be burned at the facility are as stringent as the used oil management rules and permitting requirements. Also, Division personnel inspect this facility on a regular basis to ensure compliance with the hazardous waste permit. Therefore, this proposed rule would eliminate the need for a separate used oil permit (if certain conditions are

met), and would reduce the redundant inspections and requirements already covered by the hazardous waste permit.

The used oil management rules cover the permitting of used oil facilities and the proper management and recycling of used oil in the state. Specifically, R315-15-6 contains standards for used oil facilities which burn on-specification and off-specification used oil for energy recovery. R315-15-6.2 specifies that off-specification used oil may only be burned for energy recovery in certain devices, such as hazardous waste incinerators. In addition, R315-15-13.6(b) requires facilities which burn off-specification used oil to apply for and receive a permit from the Executive Secretary prior to burning off-specification used oil.

The 30-day public comment period on the proposed rule changes began on July 1, 2009 and ended on July 30, 2009. No comments were received. Approval by the Board is needed to make the rule effective. The Executive Secretary recommends that the proposed rule changes be approved with an effective date of September 1, 2009.

It was motioned by Jeff Coombs and seconded by Kory Coleman and UNANIMOUSLY CARREID that the proposed rule changes to the Used Oil Rules R315-15-13, be approved with an effective date of September 1, 2009.

IX. Chemical Demilitarization.

John Newman announced that Martin Gray has accepted a position with the Division of Air Quality. Mr. Gray's responsibilities will now be handled by Scott Anderson, Branch Manager (Hazardous Waste Branch). Dennis Downs announced that Chris Bittner, Environmental Scientist/Toxicologist for the Chemical Demilitarization Section has accepted a position with the Division of Water Quality.

A. TOCDF Update.

Doug Taylor, Environmental Scientist for the Chemical Demilitarization Section, provided the TOCDF update.

Mr. Taylor stated that TOCDF has completed destruction of 60% of the total mustard ton container stockpile, bringing the total agent stockpile destroyed at TOCDF to 83%.

The Drum Ventilation System, the Sorting Room and the Autoclave that will be used to treat the secondary waste at TOCDF are now complete. A "shake-down" will begin on August 17, 2009. The secondary waste, which consists of DPE suits and other items contaminated with agent, will be processed during the Autoclave demonstration tests that will commence in September 2009. Much of the secondary waste at TOCDF has been placed in storage in drums and igloos. At this time, separation of the secondary waste stored in drums is underway in preparation for the Autoclave testing.

Mr. Taylor stated that the 45-day public comment period for the Pollution Filtration System (PFS) modification started on August 11, 2009. TOCDF anticipates starting the PFS heating process immediately. The PFS consists of fixed beds of carbon impregnated with sulfur to capture the mercury found in the mustard ton containers and mortars. A separate PFS for each liquid incinerator (LIC 1 and LIC 2) and the metal parts furnace have now been installed. Demonstration tests will commence in November on the LIC(s) and metal parts furnace.

A permit modification request has been submitted by the Army to combine the TOCDF and CAMDS permit into one permit, now that EG&G is operating both facilities. CAMDS is currently in the process of closure.

B. Presentation of Explosive Destruction System (EDS) at Dugway Proving Ground.

The Board approved a Stipulation and Consent Order on January 8, 2009, for Dugway Proving Ground. The Executive Secretary approved a Destruction Plan on May 4, 2009, which allowed Dugway to utilize the Explosive Destruction System (EDS). The EDS is used to treat chemical rounds stored in Igloo. The EDS is a transportable device engineered to safely treat chemical warfare material. In the summer of 2004, the EDS successfully treated 23 chemical warfare rounds stored in Igloo G, and during the last three months all chemical agent rounds and

agent containers that were stored in Igloo G have been processed utilizing the EDS. The campaign started on May 4, 2009 and ended July 25, 2009 and treated 62 containers/rounds. Igloo G is now empty of all chemical rounds and chemical containers, and the Executive Secretary approved the removal of the EDS from Dugway on July 30, 2009. The EDS is presently being dismantled so it can be transported back to Edgewood, MD. Dugway will begin closure of Igloo G.

X. Other Business.

A. Update on meeting regarding the Environmental Quality Restricted Account.

Dennis Downs reviewed the meetings that have been held with stakeholders to discuss funding issues associated with DEQ's Environmental Quality Restricted Account (EQRA). The stakeholders have had to deal with two issues: (1) funding the deficient in the EQRA for FY10 and (2) keeping the account viable in the future. The EQRA receives fees from facilities that dispose of solid, hazardous, and radioactive waste. Those fees are then appropriated to DEQ and specifically fund most of the waste management programs in the Divisions of Solid and Hazardous Waste and the Division of Radiation Control. With the current economy, the DEQ is receiving less revenue from disposal fees to the point that adequate funding in the EQRA has now become a crisis as there is not enough money coming in to continue to operate the various programs within DEQ at their current level. Stakeholders attending the meetings have included representatives from disposal companies, members of county governments, manufacturing and petroleum associations, and a representative from the legislature. The goal of the stakeholders meetings is to come up with a strategy to provide adequate funding for the future.

DEQ has made significant cut backs and adjustments in funding from various accounts. Currently, there is \$2 million dollar shortage for this year. DEQ has identified where that amount can be made up, which includes not filling positions. DEQ will not have to further address the shortage for FY10 with the stakeholder group. However, future funding (FY11 and beyond) remains problematic. Currently, meetings are taking place with separate stakeholder groups to discuss fee increases and what can be done to make the fund viable. One major issue is diversion of EQRA funds into other programs by the Legislature. The stakeholders group is trying to get the Legislature to leave the funds in the EQRA, and if they do that, the EQRA could be viable.

Mr. Downs clarified that the first \$400,000 dollars in fee collections goes into the general fund as free revenue to be used by the Legislature as it sees fit. This transfer of money to the general fund has been taking place for a number of years. Previously it was \$500,000, now it is \$400,000. The annual appropriation needed from the fund for DEQ's programs is approximately \$6 million dollars. The EQRA was set up such that fees collected in excess of program needs would remain in the fund to support DEQ's programs during times when fewer fees were collected. However, the surplus that has been built up over the years is now gone.

B. Saratoga Springs Odor/Fire (Peck Rock Landfill).

Ralph Bohn, Solid Waste Section Manager, updated the Board on the fire at the Peck Rock landfill in Utah County. A complaint was received on the DEQ Hotline regarding a chemical odor that appeared to be coming from the vicinity of the Saratoga Springs area. Mr. Bohn personally went and investigated the odor complaint. The odor appears to be stronger in the late evening and early morning hours, depending on wind conditions. Peck Rock operates a construction/demolition waste landfill in that vicinity. It was determined the odor was coming from clay pits that are currently being mined by Interstate Brick for clay for their brick making operation. One of the pits is currently being used as construction/demolition waste landfill.

The landfill has been permitted by the DEQ for the past eight years. The pits are very deep, and the pit that is currently the problem is approximately 90 feet deep and there is a layer of waste that is approximately 40-45 ft. deep. The waste only has two feet of soil on it. After inspection of this pit, it was discovered that there were cracks along the edges of the pit and there were fumes coming from those cracks. Mr. Bohn stated that landfill fires are very difficult to put out and this particular landfill does not have a compactor which results in large voids in the waste. It was determined that the solution was to dig up the waste, which is currently taking place. The Environmental Protection Agency (EPA) has been and is currently taking air samples. Although the air samples are not indicating levels causing a threat to the public, the concern is that there are hazardous constituents in the

air samples themselves. Dennis Downs clarified that this is a privately operated construction debris landfill, and the facility's name is Peck Rock.

Michael Brehm asked if odors were typical in a landfill fire. Mr. Bohn stated the odors are comparable to a house fire, which is a very bad smell. Mr. Brehm asked for more information regarding the DEQ Hotline. Brad Johnson explained that DEQ has a 24-hour emergency number and the call was originally received on the emergency number. Michael Brehm questioned the gap in time between the Saturday call and the Monday visit and whether there should have been an immediate response. Mr. Johnson stated that, depending on the situation, an immediate response is provided, if warranted. Mr. Johnson did not know exactly when the call came in and what transpired after that.

Jeff Coombs stated he has worked with DEQ on many issues and usually what happens is that DEQ contacts the local jurisdiction to assist (i.e., local health/Haz-Mat Team, etc.) Mr. Coombs said the local jurisdictions do respond and take the lead. Mr. Coombs felt the 24-hour hotline is a very useful tool.

Scott Bruce asked if this situation could happen again and if any long term planning needs to occur to ensure it does not happen again. Mr. Bohn stated that many long term efforts are being looked at to ensure it does not happen again, including permanent covering, capping, etc. Commissioner Ellertson asked if the DEQ is comfortable with the information distributed to the general public and if their concerns have been addressed. Mr. Bohn noted that information has been posted on the DEQ website. The local health department was also notified and could provide information. The DEQ is looking at distributing handouts (door-to-door) to the local residents informing them of the specific contaminant levels in the residents' homes. Commissioner Ellertson asked if the city officials were contacted and involved in the situation. Mr. Bohn stated that DEQ is coordinating with city officials, Utah County Health Department, Saratoga Springs Fire Department, EPA and the landfill's owner to mitigate the source of the odor.

Steven Zohner, Brigham Young University, asked if argon or some other inert gas that is heavier than air could be placed in the pits to stop the fire. Mr. Bohn acknowledged that possibility, but indicated it may be difficult because that particular area experiences a lot of wind. Therefore, it would be impossible to keep it in the pit.

C. Board Members List.

Dennis Downs stated that Board members were recently given a "draft" information list of Board members to review. Mr. Downs asked each Board member to review the list and provide any changes to Arlene Lovato. This list will be placed on the DEQ website for the general public to view.

Kevin Murray asked for an updated organization chart as some employees have moved to other Divisions.

D. Discussion of possible Board tours.

Dennis Downs briefly discussed Board tours. Mr. Downs invited all Board members (specifically new Board members) who are interested, who have not been to any of the facilities located in the west desert (EnergySolutions, Clean Harbors, Deseret Chemical Depot) to contact him to schedule a tour.

Brad Johnson added that one suggestion that was made for possible future Board tours was for the Board members to visit the Gunnison Top Stop facility. Although there is not a lot to see at the site, it would give the Board an opportunity to view where the leak occurred, the scope of the problem, and the magnitude of the leak. If the Board were interested, the Division would be happy to arrange that tour.

Larry Ellertson inquired about the status and progress of the Gunnison Top Stop facility cleanup. Mr. Johnson stated that Wasatch Environmental, Top Stop's environmental consultant, is confident that the extent of the plume has been identified. However, there are still a few residences that are experiencing vapor issues. It is expected that it will take a number of years before a final resolution to the cleanup is achieved. Nevertheless, the leak has stopped, as the tanks have been removed, and the cleanup system is continuing to work and operate to extract contamination.

Mr. Brehm asked that with the UST rules that were approved today, would an owner/operator type of training have helped to prevent this type of leak. Mr. Johnson explained that based on all of the information collected about the release, an owner/operator training could have helped to prevent the leak as the purpose of the training is to educate the people who run the stores on a daily basis. Mr. Brehm also added that he would support a visit to the Gunnison site, but asked that it be in conjunction with another site visit. He does not feel it warrants a dedicated trip alone.

John Newman stated he has toured many facilities that have had issues brought before the Board. Mr. Newman stated that, by touring these facilities, he has found it very educational and helpful in making decisions. Mr. Newman explained what typically happens when Board meetings are held in conjunction (either prior to or after) a Board tour.

XI. Next Board meeting.

The next Board meeting will be held on September 10, 2009 at 1:30 p.m. in the Utah Department of Environmental Quality, (Bldg. #2), located at 168 North 1950 West, (Conference Room 101), SLC.

XII. Adjourn.

The meeting adjourned at 2:56 pm.