



Newsletter

Environmental Connection

March 2007

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Sponsored by the Utah Department of Environmental Quality

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2007 Legislative Session: Waste Bill Goes Into Law; Others Await Gov's Pen

A waste amendment bill, SB 155, was sent to Gov. Jon Huntsman, Jr. on Feb. 15 with veto-proof majorities in both the House and Senate. The Governor had until midnight on Feb. 27 to make a decision. In the end, Huntsman decided to allow the bill to go into law without his signature.

"I do so in part because of the need to recognize the 'grandfather' status of an existing facility," Huntsman said. "The bill, <http://le.utah.gov/~2007/bills/sbillenr/sb0155.htm> is simply a technical clarification of current practice. It is not the legislation that concerns me, but the nuclear waste industry and its impact on Utah."

Huntsman made it clear he continues to oppose expansion beyond a company's current boundary and plans to notify the Northwest Interstate Low-Level Waste Compact to limit the volume of waste that can be disposed at EnergySolutions' low-level radioactive waste facility in Clive, Utah, to the currently approved volume.

He went on to say: "I will exercise my statutory powers to supervise the conduct of the Department of Environmental Quality officers responsible for licensing the EnergySolutions facility, to include requesting the Utah Radiation Control Board to make special reports to me concerning the quantities and types of wastes received at the facility."

DEQ-Supported Legislation

Utah lawmakers passed two important pieces of legislation sought by the Department of Environmental Quality (DEQ) to provide more flexibility in administering environmental laws.

HB 99, sponsored by Rep. Patrick Painter (R-Nephi) and Sen. Margaret Dayton (R-Orem), makes amendments to the Water Loan Program that would give the Water Quality and Drinking Water boards more flexibility in using the funding, either with loans or grants, to protect Utah waters. The bill, <http://le.utah.gov/~2007/bills/hbillamd/hb0099.htm>, for instance, would allow funding to be used to study a water issue, thereby reducing the cost or improving the quality of water treatment.

HB 221, sponsored by Rep. Ronda Menlove (R-Garland) and Sen. Greg Bell (R-Fruit Heights) makes a technical change to cover environmental statutes that were otherwise not covered under existing law. The bill, <http://le.utah.gov/~2007/bills/hbillint/hb0221.htm>, adds the Hazardous Substances Mitigation Act, Used Oil Management Act and the Waste Tire Recycling Act to the provision giving DEQ the ability to preserve their right to legal remedies in the courts while attempting to resolve the environmental problem.

Bills of Interest Await Gov's Consideration

The Governor has until March 20 to sign or veto bills lawmakers passed this session, including the following:

HB 20 designates the first full week of May to be commemorated yearly as "State Water Week." The bill, <http://le.utah.gov/~2007/bills/hbillint/hb0020.htm>, by chief sponsor Rep. Ralph Becker (D-Salt Lake), recognizes the importance of water conservation, quality, and supply in the state. Gov. Huntsman signed the bill into law on Feb. 27.

HCR 01, <http://le.utah.gov/~2007/bills/hbillint/hcr001.htm>, is a concurrent resolution that would create the Utah Lake Commission, setting up an inter-local cooperative agreement between DEQ, Department of Natural Resources (DNR), Central Utah Water Conservancy District and local governments within Utah County to implement a comprehensive management plan for Utah Lake and its shoreline. Provisions of the bill, sponsored by Rep. Stephen Clark (R-Provo), would require the state to contribute 35 percent of the Commission's annual budget, estimated at \$300,000. DEQ and DNR would pay the state's portion.

SCR 05, <http://le.utah.gov/~2007/bills/sbillenr/scr005.htm>, is a joint resolution opposing Divine Strake. The Governor signed the resolution the day the Department of Defense announced it would scrap its proposal to detonate a 700-ton blast at the Nevada Test Site.

HB 110, <http://le.utah.gov/~2007/bills/hbillamd/hb0110.htm>, sponsored by Rep. Fred Hunsaker (R-Logan), requires the director of Fleet Services to establish standards and procedures for purchasing energy efficient state vehicles.

HB 243, <http://le.utah.gov/~2007/bills/hbillamd/hb0243.htm>, amends the state energy policy to include hydroelectric in the list of renewable energy resources. The bill, sponsored by Rep. Roger Barrus (R-Centerville), also adds language supporting energy related educational programs.

HB 351, <http://le.utah.gov/~2007/bills/hbillamd/hb0351.htm>, establishes a revolving loan fund to fund energy efficiency projects in buildings in school districts. The bill, sponsored by Barrus, also appropriates \$5 million for fiscal year 2007-08 only.

Bills of Interest Languished

Several bills failed to take shape.

For instance, a bill that would have initiated a perpetual care fund for commercial hazardous and radioactive waste facilities like Clean Harbor's Grassy mountain landfill and EnergySolutions' low-level radioactive landfill never materialized. EnergySolutions' low-level radioactive waste facility has such a fund currently in place. The fund would be used to pay for problems that surface years after the facilities close. The company has said it would support leaving the existing perpetual care fund for their facility as is. The issue will be studied by the Radiation Control and Solid and Hazardous Waste boards.

Sen. Scott McCoy (D-Salt Lake) tried for a second time to pass a bill that would require the recycling of certain types of electronic waste, a measure that failed to muster support.

Rep. Roz McGee's (D-Salt Lake) bill that would have provided a \$1,000 tax credit to buyers of new energy efficient vehicles and provide credits for companies that convert vehicles to clean-energy fuel passed the House but failed in the Senate.

Sen. Fred Fife (D-Salt Lake) introduced a bill that would have increased the waste tire recycling fee from \$1 to \$1.25 to cover the cost of relocating a waste tire recycling plant. That bill languished in the Senate rules committee.

Air Quality Forecasts Get Rave Reviews

The Division of Air Quality (DAQ) has now made it easier for the public to find out the air quality conditions with a newly revamped Web page that gives a three-day forecast to help people decide when it is healthier to stay indoors and ride mass transit.

People can't be more pleased.



Rick Sprott, Director of DAQ, holds a Press Conference on the new Air Quality Forecasting web site.

"As a runner, I cannot begin to tell you how happy I am about this new Web site," said Tammy Kikuchi, public affairs officer for the Division of Natural Resources. "I will bookmark this site for quick reference before deciding whether to stay indoors or go out."

On Valentine's Day, DAQ launched a new format at www.airquality.utah.gov, which uses the same "red, yellow and green" color-coded information that emphasizes the pollution warnings for forecasting air quality conditions. Instead of the old "no-burn" advisories, a yellow means it is an

“ACTION” air quality day, asking people to reduce pollution by minimizing driving. A red “ALERT” notifies the public on days when pollution is high and especially harmful for people most susceptible to pollution. The new system will be used year round and emphasizes year-round vehicle pollution, since over half of the pollution is caused by emissions from cars and trucks.

The tougher air quality standards and the high pollution days in January prompted the change. On Dec. 18, 2006, the daily average standard for small particulate pollution known as PM2.5 was nearly cut in half from 65 micrograms per cubic meter of air (ug/m3) to 35 ug/m3.

“Since research has shown there is a significant health impact with this pollutant, there is a greater need to advise the public more quickly and simply,” said Rick Sprott, director of DAQ. “We also want to provide forecasts that enable people to plan ahead and make better choices for pollution prevention and self protection.”

Local meteorologists are incorporating the information in their news forecasts.

Sterling Poulson, senior meteorologist for Channel 2, said he likes the concept and suggested people would be more responsive to taking measures to reduce pollution when they hear a call for ACTION signified with the yellow color. A red ALERT signifies the severity of the situation.

“This is very clean and informative,” added Kathy Van Dame, policy coordinator for the Clean Air Coalition. “Intuitively obvious how to use.”

Asthma Air Quality Study Extended to Cache County

Cache Valley – One hundred students at Greenville Elementary – half of them with asthma – are participating in a far-reaching lung function study that will determine whether it is healthier to stay indoors during recess when the air quality is poor.

The study is a larger-scale version of a similar one conducted at Hawthorne Elementary in Salt Lake City, where the Department of Environmental Quality (DEQ) collected data from air-quality monitors placed inside and outside the school from December 2004 to March 2005. The results showed the air quality inside the school was about three times better than the outdoor air. Then last year, pediatricians measured the lung function of 60 students before and after playing outside at Hawthorne to determine the effect air quality has on schoolchildren’s developing lungs. The University of Utah also participated in this study.

“We have a lot of observations,” said Steven Packham, toxicologist with the Division of Air Quality and member of the Utah Asthma Task Force, which spearheaded the effort. “What we learned was the indoor air is a lot cleaner than outdoor air on high pollution days, by a factor of three or more. We know that an individual who stays inside has less exposure to the air pollutants outside.”

But that isn’t always the case, Packham observed. The study also indicated that on really good air quality days, the air is healthier outside because the air inside is stable and doesn’t fluctuate as much.

“What we want to know is whether or not 15 to 30 minute exposure to poor air quality is an exposure that is unacceptable,” Packham said. “And what are the effects on a student’s respiratory system?”

Libbey Chuy, health program specialist for the Department of Health Asthma Program, said the latest study came about after the State Office of Education, Department of Health and DEQ issued guidelines on when to keep kids indoors. “The guidelines released in 2004 were based on national recommendations and lots of assumptions,” said Chuy. “But the results of these types of studies should only improve decision-making for parents and teachers.”

The study is likely to raise more questions than answers, admitted Dr. Karen Buchi, professor of pediatrics at the University of Utah Medical School, the principal investigator of the study. “I think a very important part of the current research is from the basic science question: We need more information on what impact these very small particles have on children’s health. ... and does that change in children before and after recess, and correlate with what the air pollution index is for that day.”

The study is unique, she added, because it involves a collaboration of agencies and experts. The study at Greenville Elementary involves interns from Utah State University and health experts from the Bear River Health Department, who will be conducting the tests.

Dr. Ed Redd, medical officer with the Bear River Health Department, hopes this type of research will lead to better school policies that will help educators and parents determine at what point it is better to keep children inside during recess.

“Currently, schools are on their own to determine whether they should keep students inside during days when the air quality is poor,” he said. “We know what happens after a 24-hour exposure, but what about 30 minutes? We may learn there isn’t any measurable effect on lung function.”

If that’s the case, Dr. Buchi said it may be that the instrument in testing the lung function isn’t sensitive enough. “This will tell us what direction we need to take,” she said. “The original impetus of this was to start the research that would lead to decisions by school districts to keep children inside because it is based on scientific evidence, rather than it just seems like a good idea.”

“It’s really about making choices,” Packham added. “Every decision involves compromises. It is a question of relative risk related to benefit. These decisions aren’t black and white; they are latent with various elements like allowing kids to have exercise. So these kinds of studies are designed to provide reliable information upon which parents and students can make those decisions.”

Clean Utah Accepts Three, Advances One

Three companies have been accepted and one has advanced in the Department of Environmental Quality’s Clean Utah program.

At the Entry Level, a facility develops and implements an Environmental Management System (EMS), a formal planning process a facility undertakes to meet its business and environmental goals. DEQ provides technical assistance to those interested in developing an EMS. Joining 11 other Entry Level members are:

- Tear-a-Part, an auto recycling facility in Salt Lake City, employing 23; and
- USANA Health Sciences, a nutritional supplements manufacturer in West Valley with 450 employees.

Once an EMS has been in place for one complete cycle, applicants can be accepted into the Partner level of Clean Utah Program, based on compliance history and on the strength of projects to improve environmental performance. Joining two other Partner facilities are:

- Firestone Building Products in Salt Lake City. The company manufactures polyisocyanurate rigid form insulation used in roofing construction. For its two projects, Firestone plans to reduce by 15 percent the annual volume of dust bricks being disposed of in the landfill and to reduce by 5 percent the use of chemicals in its process. The company employs 50 people and is also a member of EPA's Performance Track Program.
- UTA facilities along the Wasatch Front. UTA advanced from the Entry to the Partner Level. For its two projects, UTA has committed to expand the use of its vanpool program by 7-15 percent in calendar year 2007 and to decrease its energy usage. The company employees 810 people at its six facilities.

The next Clean Utah applications will be accepted beginning through April 15. Clean Utah is a voluntary program designed to recognize and reward companies for taking steps to reduce or prevent pollution. Any facility or entity governed by applicable federal, state or local environmental regulations is eligible to participate, provided it has a good compliance record.

The application, instructions and program information are available on the Web at www.deq.utah.gov/cleanutah/index.htm or from Renette Anderson at 801-536-4478 or 800-458-0145.

Lawmakers Provide Money for Key DEQ Projects

By the end of the 2007 Session, lawmakers passed a budget for the 2007-08 fiscal year that provides \$1.5 million in General Fund and Restricted Fund money to the Department of Environmental Quality (DEQ) to help meet tougher federal air quality standards. Another \$66,500 in Restricted funds will be used for additional mercury testing in the Great Salt Lake.

"I am very pleased," said Dianne Nielson, executive director of DEQ. "We have our base budget and nearly all our funding requests."

The exception is the request for \$147,100 ongoing money in order to help identify and address the sources of mercury pollution. "It was not for lack of appreciation and support for our programs," noted Nielson, "it just did not rank high enough on the list of priorities."

In 2006, several fish and duck consumption advisories were issued after testing certain species in various Utah waters showed unhealthy levels of mercury. A multi-agency stakeholder group is developing strategies to address the problem. Even so, more fish advisories are expected this year and additional monitoring is needed in future years.

The \$1.5 million will help pay for new air monitoring analysis and modeling equipment that will enable the Division of Air Quality to better prepare for tougher air quality standards recently imposed by the U.S. Environmental Protection Agency. On Dec. 18, 2006 new standards for fine particulate matter known as PM2.5 went into effect, lowering the 24-hour standard from 65 micrograms per cubic meter (ug/m3) to 35 ug/m3. Much of the Wasatch Front will be unable to meet the new standards. The funds will enable the Division to better define the areas of high pollution sources of PM2.5 and begin to identify strategies to reduce pollution and attain and maintain the PM2.5 standard.

An Air Quality Task Force will study ongoing funding issues that would enable Utah to meet the standard. Recommendations that could include a fee on vehicle registration would be made to a legislative interim committee.

State employees also came out winners of the 2007 session. Lawmakers' approved Gov. Jon Huntsman, Jr's recommendations for a 3.5 percent cost of living increase to state employees that will become available at the start of the fiscal year, July 1. In addition, another 1.5 percent will be provided to state agencies to use as "discretionary" money to help with salary adjustments and to reward exceptional performance. The state also will cover 100 percent of any health benefit increase under a package the Legislature passed.

"This is great news for it allows us to recognize truly exceptional performances," Nielson said.