



Newsletter

Environmental Connection

January 2008

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Donna Kemp Spangler, Editor

2008 Legislative Session: DEQ Seeks Passage of Water and Waste Bills

The Water Quality Board would have greater oversight over lagoons under a bill that would give the Board the authority to issue permits to the facilities that operate them.

Rep. Patrick Painter (R-Nephi) has opened a bill file that would amend Title 19-5 to allow the Water Quality Board to issue so-called "aquifer protection permits" to non-discharging wastewater treatment facilities like municipalities that operate lagoons.

Although Water Quality has oversight on construction permits, there is no regulatory authority to oversee them once the lagoons are in place.

"This will help us and municipalities to quickly identify problems such as leakage and overflowing," explained Bill Sinclair, deputy director of the Department of Environmental Quality (DEQ) who keeps track of legislation during the session.

Also included in the bill is to add a representative from local health departments to the Water Quality Board. Many of the Boards within DEQ have a slot reserved for a local health department representative but not Water Quality, which deals with many health-related water issues like mercury in fish.

Amendments to the Underground Storage Tank Compliance Act will be another closely watched bill. When the federal Solid Waste Disposal Act was amended in 2005 it placed several requirements on the states to implement additional federal requirements in the underground storage tank program.

Rep. Sylvia Andersen (R-Sandy) has opened a bill file that would incorporate the changes in the federal Act and signify the Legislature's intention to require the Board to adopt requirements for underground storage tanks contained in future amendments to the Solid and Hazardous Waste Act.

The Natural Resources, Agriculture and Environment Interim Committee has endorsed these amendments, along with a similar request to reauthorize the Underground Storage Tank Compliance Act for another 10 years, which will be included in the omnibus bill.

Of importance to DEQ is an amendment to the Waste Tire Recycling Act that would reduce the reimbursement rates to recyclers who burn or shred the tires for rubber. Rep. Neal Hendrickson (D-West Valley) plans to sponsor that bill.

“The Waste Tire Recycling program is very successful,” said Sinclair. “The problem is we could run out of money if the reimbursements to recyclers are more than the fees collected.”

Another bill, sponsored by Senate Majority Whip Dan Eastman (R-Bountiful), would allow municipal waste from Cache, Weber, Davis and Morgan to be disposed of at an expanded facility in Box Elder County and allow private operators to compete for the commercial waste disposal.

“DEQ is not taking a stance on this bill,” Sinclair said. “It’s a policy issue for the Legislature to decide.”

At issue is an agreement made by the five northern Utah counties to expand Box Elder’s landfill so it can take waste from Weber, Morgan, Davis and Cache counties which are running out of landfill space. In doing so, the agreement calls for the counties to send for disposal all waste, including commercial. Private operators want to remove that requirement so they can compete for that waste stream.

Other environmental issues are likely to emerge when the 45-day session begins on Jan. 15.

Climate Change and energy related bills could take a front seat during this session as both issues have prompted extensive discussions in recent years and are tied to air quality, one of Governor Jon Huntsman’s top priorities in 2008.

“We look forward to working with lawmakers on key environmental issues,” said Rick Sprott, director of DEQ.

A Watershed Vision for Great Salt Lake

Walter L. Baker
Director, Utah Division of Water Quality

I am sure most of us here at DEQ know what experts are saying about the Great Salt Lake (GSL): that it is the most important inland shorebird site in North America; that it supports 75 percent of the state’s wetlands; that it is one of the most significant wildlife habitats in our hemisphere; and that it is the re-fueling stop for millions of migratory birds. Certainly, GSL is one of Utah’s crown jewels – though perhaps the least understood and most neglected one.

The Utah Division of Water Quality (DWQ) is striving to understand this mysterious water body better, at least from a water quality perspective. In cooperation with a magnificent group of scientists and stakeholders, DWQ has nearly completed a four-year study that is aimed at developing a numeric selenium standard for GSL. It is the first such numeric pollutant standard devised for GSL, although I believe more will follow. During the same period, DWQ has led a nationally-recognized study

investigating whether GSL wetlands are being impaired by excessive nutrients coming from natural sources and human activities. Soon, we will begin a study investigating the methyl-mercury issue in GSL. That study will allow us to define the magnitude of the mercury problem and help lead to the sources of the mercury pollution. Over \$3 million has been committed for these three studies, all aimed at increasing our understanding of conditions that affect the GSL's water quality and helping us preserve the beneficial uses of the lake.

Each of these water quality investigations involve separate individuals and groups, but that approach is about to change. Recently, DWQ selected Jodi Gardberg of the Total Maximum Daily Load section of Water Quality to coordinate activities for a newly-designated GSL Watershed. This new approach will coordinate public and private efforts toward solving pressing water quality problems in the drainage basin of GSL – a 21,000-square-mile area that includes five major rivers and parts of three states. It is a huge area, equivalent to 25 percent of Utah's total land mass.

The GSL Watershed Committee will provide a continuing water quality forum based on strong science. Its core principles will be stakeholder involvement and collaboration; data collection; resource assessment; clear problem prioritization; goal-setting; and effective implementation and evaluation. The new committee will carry on work begun by the Great Salt Lake Steering Committee, but in broader terms. It will not supplant the work of other formal and informal groups interested in GSL. Instead, the GSL Watershed Committee will coalesce financial and institutional resources to address GSL's challenges, with a focus on environmental and conservation issues.

I envision the GSL Watershed Committee eventually becoming a GSL Commission established by statute, as precedent suggests that it should. Of the major sovereign water bodies in the state, which are Great Salt Lake, Utah Lake, Bear Lake, Jordan River, and portions of Green River, Colorado River and Bear River – only GSL, Jordan River and Green River do not benefit from statutory commissions. Despite the lack of an overseeing commission, Jordan River is under the stewardship of Salt Lake County which recently updated the area-wide water quality management plan which serves to protect the river. This leaves GSL as one of only two "orphaned" sovereign water bodies.

I believe the creation of a GSL commission will be invaluable in bringing increased local, state, regional, and national resources to bear on managing Great Salt Lake – thus preserving this crown jewel as a natural treasure for future generations to enjoy. This step would be in complete harmony with Utah's Public Trust Doctrine. I ask for your support in making this vision a reality.

This article appeared in the Friends of the Great Salt Lake fall newsletter.

Clean Utah Membership Expands

Firestone Building Products significantly reduced the chemicals used in its manufacturing process by over 1 million pounds last year while La-Z-Boy in Tremonton recycled over 85 percent of its waste.

These and other successes were highlighted at a November luncheon to honor the Department of Environmental Quality's (DEQ) Clean Utah members. Consider the following:

La-Z-Boy in Tremonton also has reduced the amount of waste being sent to the landfill by 52 percent and saved 12 percent over what it spent last year.

Autoliv's Ogden Technical Center has xeriscaped a section of its front lawns, saving water and showing employees how the same thing could be done at their homes.

UTA replaced incandescent lamps with fluorescent lamps at all its TRAX lots, saving 76,596 watts over last year's numbers.

Circle Four Farms in Milford is installing a windmill farm on a portion of its excess property.



La-Z-Boy Facility Manager Norm Davis gives a presentation at a DEQ Awards Luncheon.

Four new members have been accepted under the Clean Utah program – a voluntary initiative that rewards companies for reducing or preventing pollution. Circle Four Farms and UTA were accepted into the Partner Level. Information on Partner Level accomplishments is posted at: <http://www.deq.utah.gov/cleanutah/partners.htm>

Two new companies joined the seven other Entry Level Members:

USANA Health Sciences, a leading manufacturer of nutritional supplements, in West Valley received a silver certificate with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for designing an energy-efficient building in 2007.

Employees are rewarded for driving low-emission vehicles and carpooling. The xeriscaped lawn saves about 750,000 gallons of water a year. USANA's purchase of 750 blocks of wind energy a month reduces 800 tons of carbon dioxide emissions in the air, the equivalent of not driving 1.9 million miles or planting 176,775 trees a year.

"We want to reduce the environmental impact of our company and our business to the fullest extent possible because it's the right thing to do and because, in the long-run, it will be good for our business," Timothy Wood, the company's executive vice president, wrote in his application for Clean Utah.

Tear-a-Part, an auto recycling company in Salt Lake City has been received several awards for its environmental initiatives. The company joined Clean Utah to further its goal of minimizing its environmental impact.

"We believe that a successful business must show respect and concern for the community of which it is a part." explained environmental specialist Kristen Brinkerhoff in her company's application. "Through the implementation of a comprehensive environmental management system we expect to

identify areas for improvement while instilling in our employees a sense of responsibility and environmental conscientiousness.

“These companies and entities are committed to protecting the environment,” said Rick Sprott, executive director of DEQ. “We applaud them for their good work and encourage other companies to apply for the Clean Utah program.”

The program, designed by a stakeholder group in collaboration with DEQ and consultation with the U.S. Environmental Protection Agency, has seen a steady increase in participation since the program was officially launched in September 2004. Today there are 15 members representing 34 facilities.

The program is designed as a three-tiered system. At “Entry Level,” businesses are committed to develop an Environmental Management System or EMS that provides a thorough review of its operations. At “Partner Level,” the company is committed to completing projects aimed at improving their environmental performance. Companies then can advance to the “Leader Level,” where even more projects are implemented. DEQ rewards companies for participation by publicly recognizing them for their efforts and potentially fast-tracking their permit applications.

Renette Anderson, who provides business assistance for DEQ, said the participation is growing because agencies are willing to go a step beyond the basic requirements of meeting local, state and federal environmental requirements. “More businesses are becoming aware of the economic and environmental advantages in taking a look at what can be done to improve efficiencies,” she said.

More information and an application is available at www.deq.utah.gov/cleanutah/

Governor’s Budget seeks funds for Air and Mercury

Governor Jon Huntsman’s proposed \$11.7 billion budget for next year would provide additional ongoing General Fund money to the Department of Environmental Quality (DEQ) to address air and mercury pollution.

Huntsman has made air quality one of his top priorities for the remainder of his administration. The proposed fiscal year 2008-09 reflects that.

“We are pleased with the Governor’s support for DEQ,” said Rick Sprott, executive director of DEQ. “We are hopeful the 2008 Legislature will recognize the need for additional money to address air quality and mercury concerns.”

The Governor proposes supporting the Division of Air Quality with a \$2.5 million increase of ongoing General Fund money. That money would be spent to purchase additional equipment to monitor air pollution and develop plans to meet tougher federal air quality pollution standards.

In addition, the Governor’s proposed budget includes providing the Division of Water Quality with an additional \$62,000 of ongoing General Fund money to address mercury contamination in Utah’s waterways. Also, another \$100,000 one-time General Fund money would be provided to the Division of Air Quality to purchase new mercury monitoring equipment to track and monitor airborne mercury and an additional \$19,500 of ongoing General Fund money to maintain and operate the equipment.

“Essential responsibilities of the State include keeping our families safe and maintaining a high quality of life,” Huntsman said in his budget message. “As such, my budget calls for greater investment into improving our air quality and making government facilities more energy efficient.”

Governor Huntsman has proposed investing \$5 million to increase energy efficiency of state buildings and \$2.4 million to buy hybrid vehicles for the state fleets.

During the 2008 Legislature’s 45-day session, which begins January 15, lawmakers will work with the Governor to finalize a budget that also includes increased spending for education, public safety and roads.

The Governor has recommended the Department be funded as follows:

- Air Quality – \$11.8 million
- Water Quality – \$11.8 million
- Solid and Hazardous Waste – \$8.2 million
- Environmental Response and Remediation – \$7.8 million
- Drinking Water – \$4.6 million
- Radiation Control – \$3.6 million
- Executive Director’s Office – \$6.1 million

DEQ receives a small percentage of financing from the General Fund. With the proposed increases within the FY2009 budget, DEQ would receive 28 percent of its budget from the General Fund. The remainder of DEQ’s overall budget is funded by a combination of federal funds (34 percent), restricted funds (21 percent) and collections (17 percent).

Governor Huntsman also has recommended a 3 percent cost-of-living increase for all state employees and another \$12.3 million has been set aside for discretionary salary increases that would allow agency directors to provide raises to exceptional employees.