



Newsletter

Environmental Connection

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Contents

- 2009 Legislative Session: Legislature OKs DEQ Air, Land and Water Acts
- DEQ Employees Donate Food by the Barrels for the Holidays
- DEQ Icons Gone: DEQ chief, Finance whiz and Air Quality Gurus Retire
- DEQ Participates in Earth Day Events: Nearly 40 years later Utahns still Rally for Earth Day
- Montessori Students Learn about Environmental Quality
- Student Science Standouts: DEQ Engineers Serve as Judges for Science Fair
- Utah Legislature Slashes General Fund Budget

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2009 Legislative Session: Legislature OKs DEQ Air, Land and Water Acts

The Utah Department of Environmental Quality (DEQ) will continue to have oversight of key statutory acts that govern air, land and water programs for the next five to 10 years following passage of SB 143.

Both chambers passed the “Sunset Reauthorizations” omnibus bill that essentially renews the Safe Drinking Water Act, Water Quality Act, Solid and Hazardous Waste ct, and the Used Oil Management Act for 10 years. The Air Conservation Act has been reauthorized for 5 years. The bill is expected to be signed by Governor Jon Huntsman.

“We are pleased we will continue to have primacy over these programs,” said Bill Sinclair, acting executive director of DEQ.

This was the primary bill sought by DEQ this session, but Division Directors kept track on other environmental related bills that could have an impact on the agency.

Energy-related bills surfaced, for instance, that could impact Utah’s participation in Western Climate Initiative (WCI), a multi-state alliance committed to reducing greenhouse gas emissions.

Under HB 412 sponsored by Rep. Roger Barrus (R-Centerville) and Sen. Scott Jenkins (R-Plain City) passed both chambers by the end of the session. That measure will require an economic-impact analysis before the executive branch takes any action on climate change. The bill could face a veto by Governor Huntsman, in which case the Legislature would need a two-third majority to override it during a special session.

House members also passed HR3 sponsored by Rep. Mike Noel (R-Kanab), a nonbinding measure urging Huntsman to withdraw from WCI, a move that Huntsman has not indicated he would do.

Lawmakers approved two bills aimed at revving up Utah's renewable energy engine. Governor Huntsman backs HB 430, sponsored by Rep. Kevin Garn (R-Layton), which would set up tax credits for renewable-energy projects after they show results. Another bill, SB 76, sponsored by Sen. Curt Bramble (R-Provo), would establish a way for renewable energy producers to bond for transmission lines that would connect to their projects.

Governor Huntsman signed into law HCR 1, a concurrent resolution sponsored by Rep. Jack Draxler (R-North Logan) that encourages the Environmental Protection Agency (EPA) to provide more natural gas fueling stations and speed up the availability of EPA-certification kits.

Other environmental-related legislation that passed included:

- SB 70 sponsored by Sen. Margaret Dayton (R-Orem) would put in place an administrative law judge to hear any appeals over a DEQ board. The judge would then make a recommendation to the Board on whether the Board should approve or deny the appeal. It is intended to speed up the appeals' process.
- SB 224 sponsored by Bramble authorizes the Solid and Hazardous Waste board to enact rules for reuse of industrial byproducts.
- HCR 5 sponsored by Rep. Ronda Menlove (R-Garland) is a non-binding resolution that encourages the EPA to withdraw Tooele and Box Elder counties from Utah's non-attainment areas for PM2.5.
- HB 205 sponsored by Rep. Noel limits certain cities from being required to or restricting those that do adopt a water source protection ordinance.
- HB 241 sponsored by Rep. Kerry Gibson (R-Ogden) removes a provision that would have given domestic water use a priority over irrigation rights in times of drought. If signed by Huntsman it would take effect next year.
- SJR 4 sponsored by Sen. Scott McCoy (D-Salt Lake) is a non-binding resolution urging DEQ to continue working with Recycling Coalition of Utah of assessing the need for recycling electronic waste.
- SJR 16 sponsored by Sen. David Hinkins (R-Orangeville) expresses support for developing nuclear power in Utah.

To be studied by the Legislature during Interim will be whether to add two new board members – another representative of the public and one from the local Health Department – to the Air Quality Board.

DEQ Employees Donate Food by the Barrels for the Holidays

Weeks before Christmas the Department of Environmental Quality (DEQ) looked like a food warehouse. Large barrels overflowed with the types of things like cans of chili, boxes of mac-n-cheese, bags of rice – enough food to feed hundreds of hungry Utah families.

Throughout the month of December, DEQ collected nearly 1,000 pounds of food and over \$1,000 in cash for the Utah Food Bank, making it one of the more successful charity drives DEQ has sponsored.

“It was quite impressive,” said Bill Sinclair, acting director of DEQ. “It was a great project that helped bring the spirit of Christmas alive throughout this agency.”

Every year DEQ sponsors a charity drive, appointing a committee comprised of employees from each of DEQ’s six Divisions. This holiday season Division of Air Quality stepped up to the plate to spearhead the project.

“Our employees in air quality feel this is very important,” said Cheryl Heying, director of Air Quality. “Even though it’s a busy time of year, people here take time out to help others in need.”

Air Quality Engineers Lynn Menlove and Derek Jones headed a committee that collected the food. The Engineering Branch was the biggest promoter at DAQ, with some pledging matching funds.

Other Divisions also eagerly responded.

Bill Rees and others at the Division of Environmental Response and Remediation (DERR) encouraged each section to participate, which resulted in 500 pounds of food – nearly half of the total food donated.

“It was really neat,” said Rees. “I just think it’s important to give back and not necessarily at a specific time of the year. People in this agency have a long history of supporting charities. People want to do it.”

He also applauded DAQ for organizing it. “It was a total collective department-wide team effort. I just think it was neat to be part of that puzzle.

Food Drive officials couldn’t have been more pleased.

“We are very grateful for the generosity shown through the DEQ’s food and fund drive,” said Jim Pugh, executive director of Utah Food Bank Services. “A thousand pounds of food is equivalent to 781 meals. And since we can turn every \$1 donation into \$9 worth of food and services, the equivalent of \$9,783 was contributed in cash. The bottom line is that many families throughout the state won’t have to worry about going to bed hungry because of the kindness shown by DEQ employees.”

Thousands of Utahns depend on the Utah Food Bank. In the Brown Bag/Food Box Program alone, the Utah Food Bank provides food to more than 900 homebound people unable to access the emergency food network, according to the Utah Food Bank’s Web site:

<https://www.utahfoodbank.org/home/>.

The statistics are staggering. Consider this:

- One in 10 Utahns live in poverty, according to the 2007 U.S. Census Bureau. (A family of four living in poverty makes just over \$20,600 a year to cover health care expenses, shelter, food and other household expenses.)
- Utah ranks fourth in the nation for families in need. More than 345,700 individuals are at risk of missing or skipping a meal due to lack of resources, according to the U.S. Department of Agriculture, Household Food Security.

That's disheartening to Air Quality Scientist Tom Orth.

"I think that in a country as well developed as ours, it is completely unacceptable for anyone to have to go to bed hungry."

DEQ Icons Gone: DEQ Chief, Finance Whiz and Air Quality Gurus Retire

Utah's environment looked different back in the days when Rick Sprott, Bob Dalley, Steve Higley and Tim Blanchard came to the Department of Environmental Quality (DEQ).

For starters, when Higley and Dalley began their careers over 30 years ago, DEQ wasn't even a Department. Back then, the Bureau of Environmental Health was part of the Division of Health and the Department of Human Services and Blanchard just started.

"How things have changed!" recalls Bill Sinclair, acting executive director and a 29-year veteran of DEQ.

"We now have been a Department for 17 years," he said, "the new multi-state office building is well under construction and that will house everyone within the Department for the first time, our programs are mature, we have committed managers and staff to carry out our many responsibilities, and we have excelled in building partnerships to impact needed change."

Much of the improvements can be attributed to such DEQ stalwarts as Bill Birkes who retired from the Division of Drinking Water after 25 years. Others include: Dalley, Higley, Sprott and Blanchard.

About Bob



Monitoring the air was a real dirty job back then for Dalley, who recently retired as the manager of the Air Monitoring Center – a career that spans 37 years, 9 months and 14 days.

As the Salt Lake Tribune aptly reported on his retirement, “He weathered the high-pollution spells brought on by the Geneva Steel mill, the rise of modern environmental regulation and the restructuring of the state’s environmental programs.”

To some reporters, Dalley was as popular as the weatherman.

“His data and knowledge of Utah’s quirky air pollution profile helped the state meet increasingly tough federal limits and slash the number of high-pollution days Utahns suffer,” writes Salt Lake Tribune environmental reporter Judy Fahys.

About Steve



DEQ’s budget has its ups and downs over the 17 years Higley was responsible for the Department’s finances. Its operating budget, however, has remained relatively flat despite the growing demands on environmental protection.

Its appropriated budget has gone from roughly \$44.6 million in 1999 to \$52.8 in 2009.

“DEQ is very complex financially,” Higley said. “It deals with fluctuating revenues from permit fees, federal funds and General Fund money to restricted revenues like waste disposal fees. The Legislature has a hard time understanding it so it was a challenge to deal with that. It is a pretty tricky financial organization to manage.”

Higley retired at the end of last year after working a total of 31 years, 6 months and four days in state government. Prior to DEQ's formation, he managed the finance, audits and general services for the Utah Department of Health.

DEQ receives a small percentage of financing from the General Fund – about 25 percent, under the current budget proposal. The remainder of DEQ's overall budget is funding by a combination of federal funds (35 percent), restricted funds (22 percent) and dedicated credits (18 percent).

Higley said his greatest pleasure was working with former executive director Dianne Nielson.

"I absolutely adored that lady. She is intelligent, fair, a great manager and the most dedicated public servant I have ever met."

About Tim



John "Tim" Blanchard began his career as an engineer for Division of Air Quality's New Source Review over 18 years ago. Before that, he worked for Utah Power and Light when it was housed in DEQ Building #2. When DAQ moved in to Building 1, he walked across the street to work for Air Quality and never looked back.

Two years ago, Regg Olsen, permitting manager, promoted him as the manager of the New Source Review. "The thing Tim had that was unique, is a history. He had a long history with air quality issues from the early days of the program and remembers projects and people. The history he had, and brought to us, is invaluable and will be missed."

Air Quality Engineer Tad Anderson sat in the cubicle next to him for the last 11 years. "Tim was very laid back," he said. He didn't let things get to him, he added. "For the longest time, we went without a manager and he stepped up and took that role. He was a strong supporter of the engineers in the Division and stood up for them."

Blanchard retired on Feb. 12, having worked 18 years, three months and 20 days.

About Rick



Although Rick is a relatively short-timer compared to the others – 14 years at DEQ – he’s climbed higher up the agency’s ladder.

Spratt began his career at DEQ in 1994 as a permit writer for the Division of Air Quality. He subsequently served as manager of the Permitting and Planning branches before serving as DAQ’s director.

While Director he focused the staff on air quality outcomes, implemented an integrated data system, greatly expanded public outreach, increased community-based health actions, and oversaw several major regulatory efforts, including mercury emissions and health standards. He also initiated partnerships with other agencies and industry sectors to include federal land agencies, oil and gas producers, agriculture, and utilities.

Just when he thought he was about to retire, in June 2007 Governor Huntsman appointed him executive director for DEQ to replace longtime Director Dianne Nielson who left to become the Governor’s energy policy advisor.

As executive director he focused on energy and climate issues, serving as one of the Governor’s leads in working with the public, business, and the Legislature to reduce greenhouse gas emissions. He continued to emphasize partnerships as a means to reaching environmental solutions.

He’s now breathing a little easier at 8,500 feet high where he and his wife built a home in Angel Fire, New Mexico.

DEQ Participates in Earth Day Events: Nearly 40 years later Utahns still Rally for Earth Day

Thirty-nine years have gone by since the inaugural Earth Day of 1970. Those organizing Earth Day events have seen it evolve from a one-day celebration on April 22 to a weeklong opportunity to raise awareness about environmental protection.

The Department of Environmental Quality (DEQ) is doing its part by participating in several community events that run throughout April and May.

Earth Day continues to inspire many, especially those who recall the first one.

“I was a junior at East Tennessee State University majoring in a field called, ‘Environmental Health,’” said Bill Sinclair, acting executive director of DEQ. “The Department of Environmental Health had organized an event that brought in experts throughout Tennessee to discuss air, water, and land issues.”

Each day is Earth Day for the Utah Department of Environmental Quality, which focuses on protecting Utah’s air, water, and land.

“I think people care about the environment, not just on this one particular day, but all year long,” said Lori Walker, education/outreach coordinator for DEQ’s Office of Planning and Public Affairs (OPPA). “However, it’s nice to set aside a week filled with fun activities that remind us why the environment is so important.”

This Earth Day week focuses on an opportunity to properly dispose of old things – including prescription drugs.

DEQ’s Division of Water Quality (DWQ) is teaming up with Smith’s Food and Drug Stores, and the Salt Lake County Sheriff’s Office Millcreek Precinct to collect old medications.

From 10 a.m. until 2 p.m. on April 25, the Smith’s Food and Drug, located at 845 East and 4500 South, will offer free disposal of unwanted medicines – prescription and over-the-counter drugs.

“Proper disposal of unwanted drugs may be a chore, but there are important reasons to dispose of them in a safe and responsible way,” said Leah Ann Lamb, assistant director of DWQ.

Flushing medicines down the toilet or sink enter the water because some wastewater treatment plants aren’t designed to remove them, Lamb said. Putting medicines in the garbage or keeping them in an unlocked medicine cabinet create an invitation for abuse. Statistics show that one in 5 teens report intentionally misusing someone else’s prescription drugs to get high, many of these are obtained by raiding a medicine cabinet or obtaining them from a friend.

“On Saturday April 18th, people will have the chance to get rid of old medicines the proper way,” Lamb said. “On other days of the year, people can visit the many take-back collection programs administered by law enforcement agencies. Locations for these collection sites can be found at www.medicationsdisposal.utah.gov.”

Also Saturday April 18th, the Ogden Nature Center is inviting people to visit the over 40 earth-friendly exhibits between noon and 4 p.m.

“We will be offering tours of the Nature Center’s green building,” said organizer Sabrina Foster. “There will be craft-making for kids, an opportunity to make crafts out of recycled materials. We will have ‘Leave no trace’ lectures and the U.S. Forest Service will be demonstrating how erosion impacts rivers and streams.”

Other Earth Day activities include:

- April 20 – 23: University of Utah’s Office of Sustainability exhibits to include educational opportunities on electronic-waste recycling and how to reduce your carbon footprint.
- April 23 – 25: Natural Resource Festival at the Sevier Events Center in Richfield.

- May 11: DEQ's Bring Your Child to Work Day, which features families who have taken the DEQ employee challenge: "Reduce Your Carbon Footprint."
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Montessori Students Learn about Environmental Quality

Three 7th graders from Montessori Community School were able to find out what it's like to work for the Utah Department of Environmental Quality during a field trip here in early March.

Bill Sinclair, acting executive director of DEQ, presented the students with a slide show that highlighted the basics of air, land, and water programs. He handed out "Choose Clean Air" pins and told them how they can help reduce air pollution.

"It's important to reach out to the younger generation and offer them a perspective of environmental protection," Sinclair said. "These youngsters may someday become environmental regulators."

Lisa Fels, co-director of Montessori Community School, wanted to expose students to state government and environmental issues.

"Environmental issues are very important to our students and are an integral part of the Montessori curriculum," said Fels. "The DEQ meeting was particularly relevant because our students have been learning all about Green Design and the impact of air, land and water issues on building design elements," she said. In addition to the visit at DEQ, students also caught a glimpse of the Legislature in session.

The students learned quite a bit from the DEQ visit, Fels added.

"They learned about what they would need to focus on academically to work in the environmental field. They also learned quite a bit about air pollution and measures that the state of Utah is taking to address this important issue. ... They learned how environmental policy is actually implemented, and that a significant number of individuals are involved in this process."

EnergySolutions particularly interested them.

"The students were impressed with how much of DEQ's Solid and Hazardous Waste team's (including Division of Radiation Control) time relates to working with EnergySolutions. They saw the EnergySolutions lobbyist talking with Utah State Representatives when we were at the capitol, and it impressed them that this one company is having such an impact on our environment as well as on our government."

The students said it best.

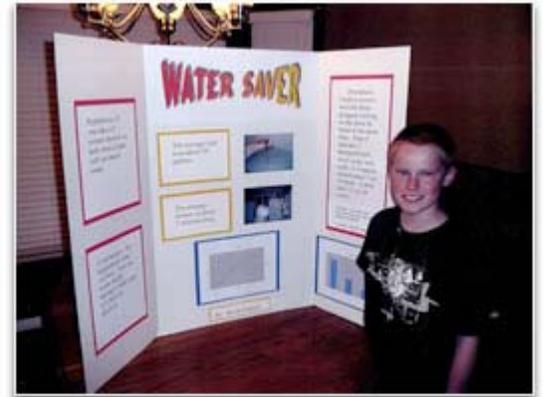
"Our trip to DEQ was very educational and a great learning experience. One of us keeps his pin for Choose Clean air on his coat," the students wrote in a 'thank you' note to Sinclair.

Student Science Standouts: DEQ Engineers Serve as Judges for Science Fair

Twelve-year-old Mitch Hubbard had a pretty good idea that taking a 5 minute shower didn't waste as much water as taking a bath. But he tested his hypothesis by measuring the gallons per minutes in both scenarios and testing the various types of showerheads.

His conclusion proved his theory right. "My hypothesis was correct. You use more water taking a bath than a 5 minute shower," he said.

It paid off nicely. Mitch won the Jr. Science Fair competition at Creekside Elementary.



Judges, who included Engineers Lynn Menlove of the Division of Air Quality (DAQ) and John Mackey of the Division of Water Quality (DWQ), were impressed with Hubbard's project.

"He tried a couple of approaches to collect his information," said Mackey. "He presented his work graphically in a very organized way and did a good job of telling the story."

Menlove agreed. "He presented it so well."

Mitch said he picked his "Water Saver" project because he had seen it done before. "It looked simple and easy to do," he said.

Mitch's father, Jesse, said he helped his son, a little. "He did most of the work himself."

Mackey understands the challenge for youngsters and the need for guidance. But what impresses him about the student projects is the fact students are learning about the scientific process.

"How they interpret the results is important," Mackey said. "For me, it didn't matter so much what the project was. It didn't have to be a project that solved the world's problems or directly related to protecting the environment, but did they develop a good hypothesis, explore ways to test and then figure out how to interpret the results even if they were not what they expected."

Sarah Woodbury, a ninth-grader at Kaysville Junior High School, won the Sr. Science Fair competition for her experiment on Carbon Dioxide's (CO₂) role in plant growth.

For Menlove and Mackey it was impressive to see so many youngsters embracing science.

"What I enjoyed about judging the Science Fair is the fact it's very energizing and reassuring to see young people come up with ideas," said Menlove.

Mackey agrees.

“It’s a problem-solving process that is going to be useful for them. That’s a big benefit to figure out stuff for themselves.”

Utah Legislature Slashes General Fund Budget

By the time the 2009 Legislature ended on March 12, the Department of Environmental Quality’s (DEQ) General Fund budget was much leaner for 2009-10.

Faced with a dismal national economy, Legislators went into the 2009 session having to slash nearly every state agency’s funding in order to keep the state from going into the red. DEQ Directors walked into the session with a 4 percent total cut to the agency’s General Fund budget and the Legislative Executive Appropriations Committee cut another 18.15 percent after finalizing the fiscal 2010, which starts July 1.

“It has been a tough session for every state agency,” said Bill Sinclair, acting executive director of DEQ. “We were faced with various budget-cutting scenarios that earlier predicted our cuts to be around 15 percent, but a dismal sales tax projections made the cuts even deeper.”

For DEQ, the reduction in General Fund money means about 19 positions eliminated, many of them vacancies that won’t be filled while operating expenses such as travel and purchasing equipment will be postponed. Division Directors hope to avoid layoffs by funding some positions with federal dollars or moving staff into vacant positions as a result of retirements or staff leaving the agency.

By increasing fees, DEQ will have a little more money in FY 2010. And DEQ stands to gain federal stimulus money – about \$20 million each in Water Quality and Drinking Water about \$1.7 million in Air Quality for diesel emissions reductions and an estimated \$3 million in the Division of Environmental Response for leaking underground storage tanks. There may also be Superfund dollars to accelerate cleanups in Eureka and Woods Cross.

“The good news is there will be no furloughs as some agencies are looking to do,” said Sinclair. “Overall we survived our largest budget cut in the 29 years I’ve been here.”

The cuts were much deeper than Governor Huntsman had originally hoped for as his proposed spending plan called for 7 percent cut by tapping into the state’s Rainy Day Fund. Lawmakers refused to do that.

To soften the blow on the overall state budget, lawmakers imposed a \$20 increase in vehicle registrations in order to bring in an estimated \$50 million. In addition, various court fees will go up to raise another \$12.5 million to keep the courts open five days a week. And lawmakers were able to tap into a pot of federal stimulus money, which helped stave off cuts that could have gone much deeper.

Overall, DEQ receives a small percentage of financing from the General Fund – about 25 percent. The remainder of DEQ’s overall budget is funded by a combination of federal funds, restricted funds and dedicated credits.

The cuts in spending also mean employees will not be getting any cost-of-living increases and likely will have increases in health insurance plans.