



Newsletter

Environmental Connection

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Sponsored by the Utah Department of Environmental Quality

Donna Kemp Spangler, Editor

Fred Nelson Retires

Attorney has Helped Shaped Utah's Environmental Laws

For 33 years, Fred Nelson has helped improve Utah's air, land and water—many times from a boardroom, law library or inside a courtroom.

Nelson, who represented the Department of Environmental Quality (DEQ), retired June 30 after a long and distinguished career in the Utah Attorney's General Office, the past 22 years serving as the Division Chief of the Environmental Division. His successor is Denise Chancellor who served along side him, most notably representing the state of Utah in litigation over keeping high-level nuclear waste from entering the Goshute Indian Reservation.

"I started in 1977 when Cal Rampton was Governor," he said. "I've worked with many people, including five Attorneys General, several Executive Directors of DEQ and Division Directors."

The start of Nelson's career coincided with the passage of federal environmental laws. He helped draft Utah's first environmental statutes that oversee all aspects of DEQ's six divisions. "As each federal law passed, I was able to learn each program," he said.

He was instrumental in helping draft legislation that created DEQ in 1991. Shortly after that, Nelson represented the state in one of the largest damage claims—the Kennecott Natural Resources Damage Claim.

"One of Fred's greatest achievements has been the recovery of monetary damages in cases involving the contamination of the state of Utah's groundwater resources," noted Chancellor. "Fred has helped bring millions of dollars into the State's coffers, which have been used to clean up contaminated groundwater and to develop continuing sources of clean drinking water."

Amanda Smith, executive director of DEQ, said Nelson has been invaluable to Utah.

"Utah's citizens and environment have benefited greatly from Fred," she said. "His legal skills have been invaluable in protecting the state's air, land and water. He will be greatly missed. And I wish him the best in his retirement."

Nelson who was raised in Provo received his law degree from the University of Utah and a Master of Laws in Environmental Law from George Washington University. Prior to joining the AG's Office, Nelson served for three years as a U.S. Army Judge Advocate.

It was during his attendance at the U. and George Washington University when Nelson decided he wanted to be an environmental attorney.

"I took a class at the U of U in environmental law that intrigued me," Nelson said. "The military gave me the chance to also study environmental law and I have thoroughly enjoyed it."

Nelson said although he's enjoyed the work, it's time to retire and move onto other things.

"I have good health," he said. "I plan to stay active in environmental issues here in Utah."

Chancellor is counting on it.

"Fred's steady demeanor, institutional knowledge and expertise will be missed by his long time client, the Department of Environmental Quality, as well as by all of us," she said.

Governor Herbert Challenges State Employees to Clear the Air

Governor Gary Herbert is encouraging all state employees and their Departments to participate in the 2010 Clear the Air Challenge to help improve Utah's air.

Clear the Air Challenge is a month long competition running from July 1-31st. The Challenge offers information and prizes to encourage use of alternative transportation in order to reduce emissions and improve air quality.

In a letter to state employees, Herbert said the goal is to:

- Eliminate 300,000 vehicle trips;
- Save 2 million vehicle miles; and,
- Reduce 3.4 million pounds of emissions

"Reaching these goals can be as simple as walking or riding your bike to the grocery store or combining your trips to reduce driving miles," he said. "Other steps include taking mass transit, the bus or TRAX, instead of your personal vehicle."

Amanda Smith, executive director of the Department of Environmental Quality, called on DEQ employees to participate.

"In the spirit of friendly competition, the DEQ team has challenged the Department of Health and the Department of Agricultural teams in the Clear the Air Challenge," she said. "The losing team's Executive Director will bear the burnt of the loss (they are dreaming up some humiliating penalty), so

please join and do your best!" Smith wrote in an email to all DEQ employees. "There are 400 plus DEQ employees which is 400 plus opportunities to win the Challenge."

Sign up for team Department of Environmental Quality and start tracking your information.

To kick it off, state employees who work the 4-10s automatically earn two trips saved a week for not traveling to the office on Fridays.

Coinciding with the Clear the Air Challenge, the DEQ Green Team has instituted "Alternative Transportation Tuesday." Each Tuesday from July through September, DEQ employees can run, walk, bike, blade, board, take TRAX, Front Runner, bus or carpool. The Green Team will send out weekly emails with other ideas and tools to make alternative transportation easier.

"I hope you'll join me in taking proactive steps to help improve Utah's air quality," Herbert said. "If everyone does just a little, we can achieve a lot."

DEQ Hosts Rocky Mountain's Carol Hunter **Energy Efficiency to Shine this Summer**

Rocky Mountain Power is heating up its campaign that asks its customers to turn down their air conditioners this summer.

"Summer in Utah has always been a real challenge. Those high peaks in the summer is what we call air conditioners," said Carol Hunter, vice president of communications and economic development of Rocky Mountain Power, a division of PacifiCorp. "If we can convince customers that they didn't need those air conditioners, or if they could use their air conditioners differently, we could start managing these peaks."

Utah Department of Environmental Quality Executive Director Amanda Smith invited Hunter to speak in late May on behalf of a Leadership Development Group's speaker series.

"She is refreshingly straight-forward, highly respected and has a great sense of humor," Smith said.

Solar and wind power may get the headlines and attention, but Hunter says Rocky Mountain Power's Cool Keeper program is the key to energy efficiency this summer. Under the program, customers install electronic rationing devices on their air conditioner in order to restrict electricity usage during peak energy times.

Energy efficiency generally refers to a wide range of technologies designed to cut energy. It's how Rocky Mountain Power plans to manage CO₂—a contributor to greenhouse gas that's regulated by the U.S. Environmental Protection Agency under the Clean Air Act.

Rocky Mountain Power also relies on DEQ's Power Forward program, which runs from June 14 to August 14, to encourage Utahns to save energy during peak times.
<http://www.powerforward.utah.gov/>.

"Diversity is a magnificent thing, that's how we keep the lights on," Hunter said. "We rely on someone shutting something off at the same time someone turns one on."

Consider the sheer numbers:

- Rocky Mountain Power provides an additional 450 megawatts of electricity a year for an extra 80 hours of electricity consumed.
- Utah has one of the lowest utility rates.
- A 500-megawatt power plant costs between \$750 million and \$1 billion
- Of the 550,000 residential customers, 100,000—28 percent—of those customers have signed up for the Cool Keeper program, and it has saved about 100 megawatts of power.
- In 2009, Rocky Mountain Power helped 50,000 homeowners finance energy-efficiency upgrades like insulation.

Rocky Mountain Power had set its hopes on passage of a bill that would have required customers install devices on their air conditioning unless they opt out of the Cool Keeper program. Governor Herbert vetoed the bill (SB47) because it forced customers into the program.

"We were attempting to get about 375,000 residential customers in total signed up for the (Cool Keeper) program under a opt-out, which hopefully at some point we'll get to that in the state of Utah because it is an extremely valuable generation for us," Hunter said.

Smith wanted to know of an estimated energy savings if the measure had passed.

"In countries where you have to "opt-out," where you have to make a decision that you do not want to participate," there's an 85 percent participation, Hunter said. "It would more than double our program. And hence the reason we were encouraged to ask the Legislature whether or not that would be an option for the state of Utah. Clearly the state is not ready for that right now."

Hunter received her mechanical engineering degree, along with an MBA at University of Utah. She began a career in energy efficiency in 1997 for Utah Power and Light, formerly Rocky Mountain Power.

"I was hired because I was an extremely smart mechanical engineer," she said, "and female. I still can't get it right, so I still have the job."

"Energy efficiency over time has been a customer service and a resource," Hunter explained. "We've been pretty aggressive in rolling our programs out. Since 2000, we have gone from \$5 million in investments to over \$105 million. I argue that GOED (Governor's Office of Economic Development) should give me the best small business award for the state because we have one of the fastest growth rates."

Those interested in the Web Cast, it is available on the InnerWeb at <http://real2.state.ut.us/RAMGEN/deq/2010-05-24deq.rm>

Dane Finerfrock Retires **Radiation Director is Looking Forward to No Agenda**

For 28 years Dane Finerfrock has been in the front lines of the often controversial issues of low level radioactive waste disposal in Utah. As the director of the Division of Radiation Control (DRC) for the past seven years he's been in the middle of contentious battles over whether to allow radioactive

waste giant EnergySolutions to dispose of hotter waste, depleted uranium, foreign waste and most recently "blended" waste.

Now he's eager to step out of the spotlight and into retirement with no real agenda in mind.

"I'm looking forward to not having any schedules," he said, shortly before he retired June 30. Rusty Lundberg, manager of the Sustainability and Energy Group and former Hazardous Waste Manager, will replace him as the head of DRC.

Amanda Smith, executive director of the Department of Environmental Quality, praised Finerfrock for helping her understand the complicated issues surrounding radioactive waste management.

"Dane has a wealth of knowledge of technical issues, policy and a history of the Division that will be difficult to replace," Smith said. "I have counted on him for advice and been tutored by him on all things concerning radiation over the past year. And, I will miss his dry sense of humor."

His staff couldn't agree more.

"He has a good sense of humor," said Loren Morton, a manager overseeing uranium mills and low-level radioactive waste management. "He's always had a gift for sorting out the important stuff from the not so important stuff."

Finerfrock, 62, was born in Pennsylvania but raised in Braintree, Mass.—the home of John Adams and John Quincy Adams—he likes to boost. He came to Utah to attend the University of Utah where he earned a degree in meteorology in 1970. An infantry officer in the Army, he spent a tour in Vietnam, an experience that shaped his perspective about things that matter.

His Army background is what makes him a good manager who can withstand public scrutiny and criticism, Morton said. "It gave him perspective of what's important in life," he added.

It also helped shape his sense of humor, added Craig Jones, branch manager overseeing X-ray and material licensing.

"Dane can effectively use his sense of humor to let you know when he's displeased with something," Jones said. "He has a great scientific repertoire."

After Vietnam, Finerfrock came back to the U. and received a degree in biology in 1974. He married his wife, Kathy, and settled into a life in Utah where he worked at the University in the Radiation Department. He then worked for a private consulting firm on and off in between employment with the Department of Health and DEQ—an accumulative of 30 years working in state government.

It was at the U. where Craig Jones came to know and respect Finerfrock for his application of scientific principles.

"I've worked with Dane for over 30 years. I have joked with him that I've known Dane longer than I've been married to my wife," Jones said.

Finerfrock began his career at DEQ as an environmental scientist, moving up the ladder to section manager overseeing low-level radioactive waste and uranium mills to director of the Division.

"I've worked my way up from the bottom," he said.

One of the Division's greatest achievements in which Finerfrock was part of was gaining state primacy over low-level radioactive waste and uranium mills from the Nuclear Regulatory Commission in the 1980s under Bill Sinclair's leadership as the Radiation Control Director.

Jones applauds Finerfrock for his leadership in the Health Physics Society (HPS) where he successfully lobbied to have the annual convention in Salt Lake City in 1989.

"Dane has the ability to work well with others," wrote Jones who recognized Finerfrock for his leadership in HPS. "He is tactful, jovial, and nonabrasive."

These are traits that have helped Finerfrock overcome conflict with environmentalists who often oppose license applications on various types of wastes EnergySolutions seeks to dispose of at its Class A low-level radioactive waste landfill in Tooele County.

Finerfrock's regulatory role is to examine the applications and make recommendations based on technical issues. The Legislature and Governor can disapprove an application based on policy.

When EnergySolutions, formerly Envirocare of Utah, wanted to take Class B and C low-level radioactive waste five years ago, Utah lawmakers and the Governor banned it.

Former Gov. Huntsman also opposed EnergySolutions' expansion and joined the lawsuit challenging the import of foreign waste. Governor Gary Herbert has negotiated with the Department of Energy to halt sending depleted uranium to Utah while a site specific performance assessment is completed. The Governor also has gone on record opposing the downblending of waste to access Utah's Clive facility.

Finerfrock credits his staff for their professional manner to withstand the controversy surrounding the issues.

"This Division has been able to persist and succeed in such a controversial environment. It speaks to me about my stubbornness and persistence but also the fact that throughout all of this we are able to maintain and attract highly-qualified staff."

Ribbon-Cutting Ceremony for the New Multi-Agency State Office Building



Lt. Governor Greg Bell addresses audience.



Gregg Buxton, DFCM, speaks.



DEQ Deputy Director, Brad Johnson says a few words.



Preparing to cut the ribbon:
Kimberly Hood, DFCM; Brad Johnson, DEQ;
Lisa-Michele Church, DHS; Lt. Governor Greg Bell; Gregg Buxton, DFCM



Cutting the ribbon.



Celebrating the event.



Rebecca Troutman, DEQ with Gabe Griffin and Shawn Thomas of Jacobsen Construction.



Left to right, back row: Gregg Buxton, DFCM; Sean Onyon, VCBO Architecture; Matthias Mueller, DFCM; Jeff Pinegar, VCBO Architecture; Keith Davis, DHS. Front row: John Fortuna, Jacobsen Construction; Rebecca Troutman, DEQ; Lynn Hunrichs, DFCM