



# Newsletter

## Environmental Connection

January - February 2011

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Donna Kemp Spangler, Editor

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### **2011 Legislative Session: DEQ Takes Part in E-Recycling Bill Talks & Seeks Passage of Drinking Water Bill**

Manufacturers of computers, monitors, televisions and a few other devices would foot the bill for recycling and safely disposing of their products once they are discarded under proposed legislation Rep. Becky Edwards plans to sponsor during the upcoming 2011 session.

Department of Environmental Quality (DEQ) officials have responded to questions that Edwards (R-North Salt Lake) has had as she drafts an electronics recycling bill. DEQ officials also are working with Rep. Mike Noel (R-Kanab) on another piece of legislation. The later proposal would allow the Division of Drinking Water to utilize loan origination fees from federally funded projects to pay for activities allowed under the federal statute such as enabling the Division's partners, including: local health departments, the Rural Water Association of Utah and Certified Laboratories access to the Division's database so they can assist water systems.

Both bills are expected to be introduced during the 45-day session that begins January 24, 2011.

A proposed electronic recycling bill was introduced last session that passed the House but was not voted on by the Senate. Throughout the year, Representative Edwards met with stakeholders to draft a bill that would be fair and equitable to manufacturers and landfill operators.

"The goal of the legislation is to help ensure electronic waste is disposed of safely and properly without ending up in landfills or illegally dumped," said Brad Johnson, deputy director of DEQ who tracks environmental bills during the Legislative session.

Experts say an average computer monitor contains six pounds of lead, which can seep into waterways and harm the environment.

"Some landfill operators have set up collection points but the counties end up getting stuck with the tab," said Scott Anderson, director of Solid and Hazardous Waste.

Under the proposal, electronic manufacturers would pay a registration fee that would help establish a program to collect, transport and dispose of old electronic products. Consumers would be able to drop off their covered electronic devices at various collection points across the state without charge, Anderson added

Twenty-four states have electronic recycling laws, and 23 of these laws follow a similar model. A California law requires payment of a recycling fee when a TV or computer monitor is purchased.

For more information on upcoming legislation.

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## **DEQ Retirements in 2010**

Bill Wallner, environmental scientist for the Division of Solid and Hazardous Waste (DSHW), retired December 16 after serving 22 1/2 years in state government.

Raymond Nelson, environmental scientist for the Division of Radiation Control (DRC), retired December 16 after serving 25 years in state government.

Cheryl Prawl, environmental program manager for the Division of Solid and Hazardous Waste (DSHW), retired January 1 after serving 26 years in state government.

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## **Governor Seeks Money for Air & Radiation**

The Department of Environmental Quality could receive additional funding next year to help pay for air quality needs in the Uinta Basin and radiation inspections under Governor Gary R. Herbert's proposed \$11.9 billion spending plan for 2011-12.

Herbert's proposed budget includes \$200,000 in ongoing General Funds to proactively address air quality issues in the Uinta Basin, which is experiencing an increase in the number of days when pollution is high due to a number of factors, including population growth and oil and gas drilling. His budget proposal also includes \$110,000 ongoing General Funds to provide the Division of Radiation Control additional resources to effectively register and complete inspections leading to a lower risk of radiation exposure to the public.

In addition to a proposed increase in General Funds to DEQ's budget, Governor Herbert proposes to allow the Divisions of Drinking Water and Water Quality to use restrictive funds for much needed projects—about \$90,000 to Drinking Water that would pay for a database to assist water systems and \$312,000 to Water Quality for monitoring and improvements to waterways. This would require Legislative approval to change the statute. (See article on Legislative bills).

"I'm very pleased that the Governor recognized the need to fund these critical activities," said Amanda Smith, executive director of DEQ. "I look forward to working with the Legislature to explain DEQ's funding needs."

Governor Herbert unveiled his spending plan on Dec. 10, highlighting a budget proposal that includes more than \$216 million expected from economic growth and the first time in three years of not

proposing across-the-board cuts in state spending. Those cuts have resulted in 1,000 fewer state employees from the 24,000 workforce.

"I am pleased with what we see on Utah's economic horizon," Herbert wrote in his budget message. "In Utah, we are leading by example. We have continued to exercise good fiscal management through careful budgeting. We have balanced our needs against our resources. And we will continue to take careful, measured steps to position the State to address the challenges and seize the opportunities that lie ahead."

During the 45-day session the Legislature will finalize the 2012 fiscal year budget, which runs from July 1, 2011 to June 30 2012.

DEQ receives a small percentage of its funding from the General Fund—about 20 percent under the proposed budget. The remainder of DEQ's overall budget is funded by a combination of federal funds (43 percent), restricted funds (20 percent) and dedicated credits (16 percent).

Herbert's proposed budget recommends DEQ be funded as follows:

- Air Quality—\$12.2 million.
- Environmental Response—\$11.8 million.
- Water Quality—\$10.4 million.
- Solid and Hazardous Waste—\$7.1 million.
- Drinking Water—\$5.3 million.
- Radiation Control—\$4.1 million.

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## **Scientist Gets National Award for Coordinating Environmental Training**

A stolen wallet prevented environmental scientist Neil Taylor from attending the Interstate Technology Regulatory Council's (ITRC) annual conference so he didn't know he was the recipient of the "Outstanding Service Award" until a colleague congratulated him on it.

"I was surprised, and at first thought it was a joke," said Taylor, scientist with the Division of Environmental Response and Remediation (DERR). "Because my wallet was stolen I didn't have any identification to be able to travel."

Turns out, Taylor was one of three to receive an award from a field of 50 ITRC "Points of Contact" (POC) throughout the nation.

ITRC is private—public coalition within the Environmental Council of States (ECOS)—a national organization of state environmental agency commissioners—to develop guidance documents and training courses to streamline the regulation of innovative environmental technologies and approaches, so that compliance costs are reduced and resources maximized.

For the past 10 years, Taylor has been Utah's "Point of Contact" or POC assisting in the review and dissemination of guidance documents and Internet—based training courses that help other environmental professionals do their job better.

Brent Everett, director of DERR, wasn't too surprised Taylor was recognized.

"He does an outstanding job. He is truly dedicated," said Everett.

Amanda Smith, executive director of DEQ, couldn't agree more. "Your work has been a great reflection on the Department and the State," she told Taylor.

"To date, there have been nearly 700 participants from Utah use the ITRC Internet—based Training Program (nearly 300 of those participants are from Utah state and local government)," said Kathy Brown, ITRC State Engagement Coordinator, in a letter to Smith.

"It is a pleasure to have POCs like Neil who provide leadership and support the program," Brown said.

It's a job Taylor enjoys. A 1977 graduate of Brigham Young University, Taylor has a degree in biology. As a POC, he can help solve environmental problems that even federal regulators find perplexing.

Take vapor intrusion. That's where groundwater plumes with petroleum products or solvents vaporize and travel through the soil and into residential basements, much like radon.

"There was a regulatory gap about how to conduct vapor intrusion environmental assessments." Taylor said. So an ITRC working group developed a guidance document that can be downloaded off the Internet explaining how to sample, what the levels mean and how to mitigate. It's a document that the Environmental Protection Agency references. The team also developed Internet-based and classroom training to explain the guidance document.

"It's a good feeling to be able to help others in my profession," Taylor said.

Further information about ITRC.

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## **Want To Be Green? Don't Be Greenwashed**

January is a great time to set goals and make New Year's resolutions. For many of us protecting the planet may sound like a laudable goal but isn't as easy as it may sound given that companies now claim their products are "green" without backing up the claim with a measurable environmental benefit. This is what consumer advocates call "greenwashing." Many consumers walk away confused when confronted with labels of "natural" or "environmentally—friendly". So how can you distinguish between what's truly good for you and the environment from what's being greenwashed?

Diane MacEachern, founder and CEO of Big Green Purse Web site recommends following these five steps when you shop:

Read the label. Look for meaningful claims, not words like "natural" or "planet friendly" that aren't backed up by standards or third-party verification. When it comes to cleansers and other household goods, avoid products labeled "caution," "warning," "danger," and "poison," all of which indicate the item is hazardous to you and the environment. Ignore products that are inherently contradictory, like "organic cigarettes," or "most energy-efficient Hummer." Leave goods boasting irrelevant claims - like something is "CFC-free," true but misleading since CFCs have been banned since the 1980s.

Look for third-party verification. In the absence of universal sustainable standards, if a company says its product is good for the earth, your first question should be, "Who else says so?" Reliable eco claims are backed up by an independent institution or nonprofit organization that has investigated the

manufacturer's claim so you don't have to. Look for labels from groups like Forest Stewardship Council, Energy Star and the U.S. Department of Agriculture/Organic.

Choose fewer ingredients. A long list of ingredients often indicates the presence of questionable chemicals that may be harmful to you or the environment. This is especially true for personal care products, food, and cleansers. Simplify what you buy. Needless to say, buying less is the greenest option of all.

Pick less packaging. Choose goods that come wrapped as simply as possible. For starters, buy in bulk, favor concentrates, and pick products in containers you can easily recycle (hint: glass, cans, paper and cardboard are more easily recycled than plastic). Carting home your packages in your own bags helps reduce packaging, too.

Buy local. Avoid the higher energy costs involved in transporting goods long distances. Supporting local farmers and businesses also increases the likelihood that U.S. environmental and health laws and regulations will be followed.

Consumer Report's Greener Choices program includes an Eco-label center that provides consumers with an evaluation of labels on food, wood, personal care products and household cleaners. The database allows a consumer to search by product, category, or certifier, and compares labels.

Companies are doing their best to meet consumers demand for "greener" products. As companies compete to meet the consumer's needs, more legitimate products are being created which advances the environmental sustainability movement considerably. An example of this is Wal-Mart's "Sustainable Product Index Survey" that requires companies to measure their sustainability in four areas: energy and climate; natural resources; material efficiency; and people and community. So, the best way to distinguish between what's truly good for you and the environment from what's being greenwashed is to use the tools outlined in this article and shop wisely!

This article was written by Frances Bernards, who works out of DEQ's Planning and Public Affairs providing business assistance.

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## ***Significant progress made in Chevron cleanup*** **Water Quality Testing from Spill Continues**

Six months after the first crude oil from Chevron's pipeline leaked into Red Butte Creek, the Department of Environmental Quality's Division of Water Quality (DWQ) has made significant progress in remediation and cleanup while monitoring efforts continue.

In the days since the 800-barrel leak on June 12, a team of partners has worked diligently on getting the spill under control and beginning the cleanup process. The Unified Command (UC), comprised of the Environmental Protection Agency, DWQ, the Salt Lake Valley Health Department and Salt Lake City, has been at the forefront of the response efforts, ensuring that initial sampling, cleanup, monitoring, and restoration were all done appropriately.

"DWQ will continue to work closely with the UC partners to make certain that all cleanup and remediation activities are done in a way best protective of human health and the environment," said Walt Baker, director of DWQ.

While much of the initial cleanup has already been completed, sampling, monitoring and soil removal continue, with future sampling planned through the middle of 2011.

Although the focus has been Red Butte Creek, crews are removing contaminated soils in the Liberty Pond area. Future remediation activities at the pond include replacing the curb retaining wall and backfilling the pond bed with clean soils. It is anticipated that the pond will be refilled by April 2011.

Water Quality officials say testing results in Red Butte Creek show non-detectable amounts of contamination that pose no threat to aquatic life. That is a good sign, they say, as it will help usher in reestablishment of native species in the creek, which has seen the macroinvertebrate population diminish. These organisms, which died off as a result of the spill, are necessary to sustain fish living in the creek, biologists say. But scientists can't know for certain when the fish populations will return because no baseline data existed of the macroinvertebrate populations prior to the spill.

There have been other discoveries as well.

For example, Salt Lake City's Red Butte Creek Riparian Corridor Study, completed in 2009, provided valuable details about the composition and health of the riparian corridor before the spill. This information will be used as a blueprint to reestablish native habitat in the corridor.

Hilary Arens, environmental scientists for DWQ, noted there were other lessons learned. "As a result of the spill, we've gained valuable sampling experience and know which specific sampling protocols to follow for oil spills in the future. Removing some of the trial and error for sampling will save us time if something like this were to happen," Arens said.

As scientists wind down their remediation and cleanup efforts of the first leak, a faulty valve from a Chevron pipeline caused another crude oil spill in December about 100 yards away. Crews quickly cleaned it up and DWQ scientists continue to assess the damage of the second leak.

In the meantime, there's been no definite date when the first or second cleanup is determined to be "complete." However, scientists are noting a significant reduction in contamination levels, which makes them optimistic that remediation efforts are working.

"The cleanup will be completed when soil and water samples indicate contamination is no longer a concern to public health," said John Whitehead, assistant director of DWQ.

For more information about the spill and the response, including specific monitoring and sampling data, please see the project website.

This article is written by Stacey Adams, environmental planning consultant with DEQ's Planning and Public Affairs.

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## **Water Quality Nutrient Plans Under Way**

The Utah Division of Water Quality (DWQ) is currently working on a multi-year project to study the economic costs and benefits of implementing a nutrient criteria standard for statewide waterways.

Similar to the selenium study that established the first-ever standard for the Great Salt Lake, this study will involve stakeholders and the public.

"We have the opportunity to talk to stakeholders about this important issue and use their feedback in a way that balances the need to preserve ecosystems while allowing recreational access" said Walt Baker, director of DWQ.

Nutrients are naturally occurring and manmade chemicals, including nitrogen and phosphorus, which are the two biggest threats to aquatic ecosystems. Nutrients flow into surface waters and clog waterways. Nutrients are necessary to support aquatic life, but at high concentrations they can cause algal blooms, which sometimes result in low oxygen levels in the water that fish and other animals need to survive. Excessive nutrients can also cause problems with taste, odor, and overall aesthetics that can lead to other undesirable results: diminished recreation opportunities, reduced property values, and increased drinking water treatment costs.

Nick von Stackelberg, scientist with DWQ, said the study comes as a result of a nationwide push by the Environmental Protection Agency to set limits on nutrient criteria. "An essential part of the study is a survey, which will evaluate the values that people derive from their direct and indirect uses of Utah's water bodies and the value that residents place on preserving the state's surface waters."

The study is being funded by the Utah Department of Environmental Quality and involves a number of partners. In addition to its prime contractor, CH2M HILL, DWQ is also working with the University of Wyoming's Survey and Analysis Center, Utah State University, Colorado State University and state agencies including the Division of Parks and Recreation, Division of Wildlife Resources, and the Division of Drinking Water.

Once completed, the survey results will be used with economic data to help educate lawmakers about the socioeconomic importance of developing nutrient standards, prioritizing nutrient reduction projects, developing rules for evaluating treatment alternatives, and to providing information about implementation costs for any future nutrient criteria proposals to Utah's water quality standards.

The study will be completed in 2012. For more information on this study contact either: Nicholas von Stackelberg at 801-536-4374, or Jeff Ostermiller at 801-536-4370.

This article was written by Stacey Adams, environmental planning coordinator with DEQ's Planning and Public Affairs.