



# Newsletter

## Environmental Connection

March - April 2011

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Donna Kemp Spangler, Editor

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### **2011-2012 Budget**

#### **Legislature Adds Money for Air, Cuts 2%**

The Utah Legislature passed a final budget plan that restored all but 2 percent of the 7 percent in cuts proposed to the Department of Environmental Quality earlier in the session, while also adding an additional \$200,000 of ongoing General Funds to help proactively address air quality issues in the Uinta Basin.

"We ended up with a \$228,000 cut, which is better than we anticipated," said Brad Johnson, deputy director of DEQ. "At one point we were facing about \$1 million in proposed cuts."

The Legislature began its 45-day session on January 24 by slashing all state agency budgets by 7 percent for the 2011-2012 fiscal year, which begins July 1. The Executive Appropriations Committee restored much of those cuts by the time the budget bill for DEQ, SB8S01, passed both House and Senate and signed by Governor Herbert.

"I'm pleased we received additional ongoing money to help deal with the air pollution challenges facing the Uinta Basin," said Amanda Smith, executive director of DEQ. "We knew going in the session we would be faced with some reductions and came out with a budget we can live with."

In the months ahead Smith and Johnson will be looking at ways to meet the budget cuts.

DEQ receives a small percentage of its funding from the General Fund—about 20 percent—with the remainder of its overall budget funded by a combination of federal funds, restricted funds and dedicated credits.

The Legislature agreed to give the Division of Air Quality ongoing funds to help improve air quality conditions in Uinta Basin, a recommendation that was made in Governor Gary Herbert's budget plan. It also provided the Division of Drinking Water with \$90,000 to pay for a database to assist water

systems and \$312,000 to Water Quality for monitoring and improvements to waterways—funding that was secured by the passage of key bills (see article on Legislative bills).

In addition, the Division of Solid and Hazardous Waste was allocated \$155,300 in one-time money for used oil collection.

Once again, there are no pay raises for state workers. Health insurance premiums are expected to increase but dental insurance will remain the same.

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## **2011 Session Ends**

### **Energy Office, Back to 5-Day Work Day?**

The 2011 Legislature convened March 10 with the successful passage of key bills that would allow Drinking Water and Water Quality to use restrictive funds for much needed projects, and create an Energy Development Office housed at the Department of Environmental Quality.

Lawmakers also passed bills that would encourage electronics recycling—not require it. They passed Water Quality amendments intended to give agriculture more say in water quality decisions, and bills that could change the face of state governments—one to study consolidation of state agencies and another that returns the state workforce back to a five-day work week.

"The session may have ended but discussions on various issues that arose during the session have just begun," said Brad Johnson, deputy director of DEQ who, along with Executive Director Amanda Smith, worked with the Legislature throughout the 45-day session.

Significant legislation that passed this session includes:

- HB247 allows the Divisions of Drinking Water and Water Quality to use restricted 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.
- HB475 creates the Energy Development Office. The bill, sponsored by Rep. Roger Barrus (R-Centerville) puts the office under the oversight of Governor Gary Herbert but would be housed at DEQ by shifting 17 employees, mostly temporary positions funded with federal stimulus money, from the State Energy Program within the Department of Natural Resources under the direction of Energy Adviser Amanda Smith.
- SB184 requires manufacturers of electronic devices to help consumers find recycling options and report to DEQ about the efforts. An annual report would be presented to the Legislature. (A competing bill, sponsored by Rep. Becky Edwards (R-North Salt Lake) failed. That bill would have collected a registration fee from manufacturers to help establish a program to offer free recycling of electronic devices at various collection points across the state.)
- HB132S1 requires the Division of Water Quality to coordinate with the Agriculture Conservation Commission on actions related to agriculture. The bill, sponsored by Rep. Bill Wright, a dairy farmer from Holden, would ensure what water quality regulators already do—consult the agriculture community of any actions governing feeding operations known as AFOs (animal feeding operations and CAFOs (confined animal feeding operations)).
- HB280 creates an advisory council to study consolidating state agencies. The bill's sponsor, Rep. Wayne Harper (R-West Jordan) had sought to combine the Departments of

Environmental Quality and Natural Resources but that bill never made it out of Committee. This bill allows the advisory council to make recommendations on restructuring state agencies intended to make Utah's government more efficient.

- HB328 requires a state agency in the executive branch to operate nine hours Monday through Friday. This would become effective on September 17, 2011. It is uncertain how much flexibility the bill gives state agencies.

Lawmakers also passed HB399, which requires plaintiffs seeking stays of decisions by agencies to post bonds that would cover the financial losses of developers and licensees in the event the lawsuit fails. The bill's sponsor, Rep. Mike Noel (R-Kanab) removed DEQ from the bill after the Environmental Protection Agency warned it could potentially threaten DEQ's primacy over clean air and water laws. The amended bill leaves the bond requirement for lawsuits involving the School State Institutional Trust Lands Administration and the Departments of Natural Resources and Transportation.

Governor Herbert has 60 days to sign the bill into law or veto them. Lawmakers could override any vetoed bills with a two-thirds majority. If no veto, most of the new laws take effect in mid-May, with the exception of the budget bills begin at the start of the fiscal year, July 1.

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*Editors Note: This is the first in a series about new online tools for business available at the DEQ website.*

## **Fugitive Dust and Storm Water Permits Available Online Soon**

The Utah Divisions of Air and Water Quality are partnering to provide businesses with a new online Internet tool to file fugitive dust plans and obtain storm water discharge permits electronically. The tool, an enhanced database that combines two separate processes into one efficient, customer-friendly application, has been in the works for over a year and should be available by May.

For the Division of Water Quality (DWQ), this new tool will help ensure that businesses comply with the federal requirement to have the appropriate storm water permit, as well as a Storm Water Pollution Prevention Plan (SWPPP) that reflects current onsite conditions. The SWPPP outlines strategies, or Best Management Practices (BMPs) that businesses will use to prevent stormwater pollution, which can range from raw materials and chemicals on an industrial site to dirt, sediment, and debris on construction sites.

DWQ sees a benefit to both business and the Divisions.

"It's a win-win" said Jeff Studenka, environmental manager with DWQ. "The database has been enhanced for the public's benefit and it makes collecting the information DWQ needs that much easier."

It's also a convenience for businesses, he added. "The database will walk businesses step by step through the fugitive dust and storm water permitting process."

Once the steps are complete, businesses will have a printable plan that is automatically approved and sent to both Divisions. If the plans ever need to be modified, businesses can log into their account and update them as needed anytime, with the exception of the Storm Water Pollution Prevention Plans.

The Division of Air Quality (DAQ) believes the database could potentially reduce fugitive dust, a problem that if not contained properly can contribute to poor air quality and impact public health.

In addition to benefiting public health by reducing fugitive dust, the Internet tool also helps achieve greater compliance without increasing inspections, said Joel Karmayzn, DAQ environmental scientist.

Once it is launched, the Divisions plan to reach out to local health departments and impacted stakeholders to inform them about the new tool. For questions please call Joel Karmayzn, DAQ 801-536-4423 or Jeff Studenka at 801-536-4395.

This article was written by Stacey Adams, environmental planning consultant with the Office of Planning and Public Affairs.

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## **DEQ Scientists Take Part in University of Utah Lecture Series**

Division of Air Quality Toxicologist Dr. Steven Packham told about 100 people gathered at the University of Utah's Wallace Stegner Center on January 12 about a recent analysis that examined how asthma-related hospital emergency room visits fluctuate during wintertime inversions.

The analysis, a collaborative effort between the Department of Environmental Quality and Department of Health, along with the National Weather Service, sheds some light on how prolonged inversions can lead to increased hospital visits. Packham, and his agency partners Celeste Beck of DOH and Meteorologist Randy Graham, were eager to share their research to an interested crowd of students, faculty and the public.

"Speaking at venues like the Stegner Center is an important part of our service to the public," Packham said. "The influence of the information grows the more we share it with the public."

The Wallace Stegner Center, housed at the University of Utah Law School, is a place where scientists, educators, policymakers and others can engage the public on such topics of environmental law and policy issues. The 2010-2011 series featured topics ranging from air quality, climate change, water, energy, wildlife, land use, quality of life, and even mercury and the Great Salt Lake.

Division of Water Quality Scientist Jodi Gardberg welcomed the opportunity to speak about water quality issues and those surrounding the Great Salt Lake.

"The crowd was very engaged," Gardberg said. "They were inquisitive and I felt gained a better appreciation of what we do here at Water Quality."

Presenting information and research is part of DEQ's mission, said Amanda Smith, executive director of DEQ. "Our employees have a wealth of knowledge. By presenting at the Stegner series they not only educate the public about environmental issues, but also learn from them about their concerns and willingness to be a part of the solution."

For more information about the Stegner lectures click on the following link. If you're interested in presenting during the 2011-2012 series please contact Stacey Adams in the Office of Planning and Public Affairs at 801-536-4482.

*This article was written by Cheralyn Anderson, outreach coordinator and Stacey Adams, environmental planning consultant.*

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## Longtime DEQ Technology Director Retires

Ryan Walker, whose colorful neck ties match his exuberant personality, retired in February after 32 years in state government—26 of those years overseeing the Department of Environmental Quality's Information Technology.

Walker, whose official title, "IT Director for the Department of Technology Services (DTS)" walked a tightrope between two agencies—DEQ and DTS—with a skill that garnered respect and loyalty from both. Even his right-hand man, Bob Shipman, called it quits after 38 years, retiring alongside Walker.

"When DEQ formed in 1991 it was just Ryan and me. In fact I brought him into DEQ. So we've been peers and he's been my boss, so it just seemed like the time was right to retire," Shipman said.

Kevin Van Ausdal, who has been the IT Director for the Department of Human Services and Tax Commission, will replace Walker.

A University of Utah graduate, Walker, 51, began his career in the private sector before taking a job as a programmer at the Department of Health where he shortly became a systems administrator overseeing environmental health data. When DEQ became its own Department, Walker was a natural fit.

"I reported to Bob Shipman as my manager until DEQ was formed in 1991," Walker said. At that time, there were only a few computer terminals. Secretaries did most of the data entry. A Blackberry was non-existent. DEQ had no laptops let alone desktop PCs.

He and Shipman, however, worked as a team, gently nudging DEQ into the information age. In 2004, Dianne Nelson, then DEQ Executive Director, appointed Walker as IT Director.

Walker revels in his geekiness, handing out the latest gizmos, gadgets and doohickies to Division Directors—even reluctant ones—so they can become more efficient in their jobs. Now every employee has an office cubicle with a PC.

Cheryl Heying, director of Air Quality, said she appreciated Walker's willingness to have frank and open discussions about issues. "We may have had our differences of opinions but I always respected his point of view and am very fond of Walker as if he were a brother."

But more importantly, Walker, along with Shipman's help, instituted "documentum" a centralized document management system within DEQ that once complete will help staff and the public access DEQ documents more quickly and efficiently.

In 2005, the Legislature passed HB109 that created the Department of Technology Services that led to Walker's transfer to a new agency but physically kept an office, with staff, within DEQ.

"I've always believed in the need to look at the big picture. DTS serves as a support function to help DEQ do its job better," Walker said. "The goal is to help people become more efficient in their jobs."

Those who know him well say he has a knack for making non-tecky folks comfortable.

"Ryan is always very patient with me when I don't quite understand what technology he is talking about," said Rose Kenworthy, who serves as the administrative assistant for both IT and the Office of Planning and Public Affairs. "He's one of the best bosses I've ever had and I love his sense of humor."

It's Walkers' approach to life.

"I'm a firm believer of positive reinforcement," he said. "Whether it's youth groups, scouting or coworkers I always want people to feel better about themselves, and know that the problem has been solved. And I hope my employees who interact with DEQ feel the same."

Amanda Smith, executive director of DEQ, said she relies on Walker's input. Walker and his staff were instrumental in moving all equipment into DEQ's new building without a glitch.

Rebecca Troutman, audit manager, couldn't agree more.

"He participated in all the building planning meetings, providing valuable input. When employees came to work at their new offices, their computers were already hooked up and ready to go," Troutman said.

"Ryan is extremely talented and energetic," Smith added. "I've come to appreciate his sense of humor and ability to get things done in an environment that requires him to adapt to constant change."

Walker's good-nature sense of humor puts people at ease.

For some people, Walker will be remembered as the jokester who got Human Resources Director Brooke Baker so riled up one time she got revenge by sneaking into his office one late evening and wrapping his entire office, from paper clips and staplers to computer monitors and fax machine in aluminum foil.

"Yes, I foiled him," Brooke said with a sinister laugh. "DEQ won't be the same without him."

At DEQ picnics, he was often the MC or performing skits with other Division Directors, and at one time egging on employees to throw cream pies at him.

"I've enjoyed seeing the human side of management," Walker said. "I've loved working for DEQ. I love making a difference not necessarily to a bottom line but knowing what I do makes a difference in people."

Deb Oberndorfer, administrative assistant to Smith, said Walker and Shipmen will both be missed, not just simply for their technology talents but for their friendship.

"Ryan is a man of many talents. He can do virtually anything with a computer," she said. "He also can cook, is a crazy snowmobiler, a fountain of information on just about anything. He has a soft spot for his three grandchildren, loves working at his cabin and is a real family man, a great father and husband," she said.

"Bob is a 'hate-the-spotlight,-but-would-do-anything-for-you' kind of guy," added Oberndorfer. "You always know where you stand with Bob. He's honest, hard-working, dependable, ethical, and kind. I don't know if he has ever missed a day of work. He's a big part of DEQ's history and I will truly miss him as a co-worker, but most of all as my friend."