

**Chapter III**

**Agreements  
And Initiatives**



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## **Air Quality**

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Governor Herbert has made improving Utah's air quality a priority of his administration. UDEQ and EPA will work closely:

- to find innovative and rapid ways to improve air quality in urban areas and throughout the state.
- on energy development issues in eastern Utah to ensure air quality concerns are addressed as the nation's energy needs are met. In addition, Utah will work cooperatively with Region 8 and other states to address shared issues.

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## **Clean Utah**

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Even though EPA decided to divest in its Performance Track program, Utah has determined to continue this important pollution prevention initiative.

There are currently 20 Clean Utah members - 13 at entry level and 7 partners. It is anticipated that the success of Clean Utah takes leadership at both EPA and UDEQ. EPA and UDEQ agree that program managers within each Agency are responsible for ensuring the MOA is implemented and appropriately incorporated into planning and accountability processes. Furthermore, managers are responsible to enhance cross-program communication about Clean Utah activities within each agency to insure the success of the program.

The Agencies will review the accomplishments and any outstanding issues associated with Clean Utah and work toward resolutions and improvements as part of the PPA and End-of-Year Joint Evaluation processes.

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## **Burden Reduction**

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EPA and UDEQ are committed to an ongoing cooperative effort to reduce reporting burden on states as outlined on the EPA webpage <http://www.epa.gov/burdenreduction/> and in the “Grants Policy Issuance 08-05: Burden Reduction” document included in the appendix.

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## **Climate Change**

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In recent years, Utah policymakers have discussed options, given deliberative consideration, and worked collectively to establish a statewide energy policy that balances the role of the affordable and diverse nature of the energy resources within Utah with the need for economic viability and growth and environmental sustainability. A similar effort has opened up on the national level to chart a course that strengthens both national and local economies as well as consider the most effective means for greater energy security and enhanced attempts to address climate change.

In light of this movement, Utah remains committed to taking action to address climate change. Utah is a member of the Western Climate Initiative (WCI, [www.westernclimateinitiative.org](http://www.westernclimateinitiative.org)) and The Climate Registry (TCR, [www.theclimateregistry.org](http://www.theclimateregistry.org)) and maintains an ongoing dialogue with EPA on climate change issues. EPA and UDEQ agree to continue to work together on these issues and to look for opportunities and resources to support Utah’s renewable energy and climate change related goals. See [www.climatechange.gov](http://www.climatechange.gov) for additional information.)

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## **Compliance/Enforcement Process**

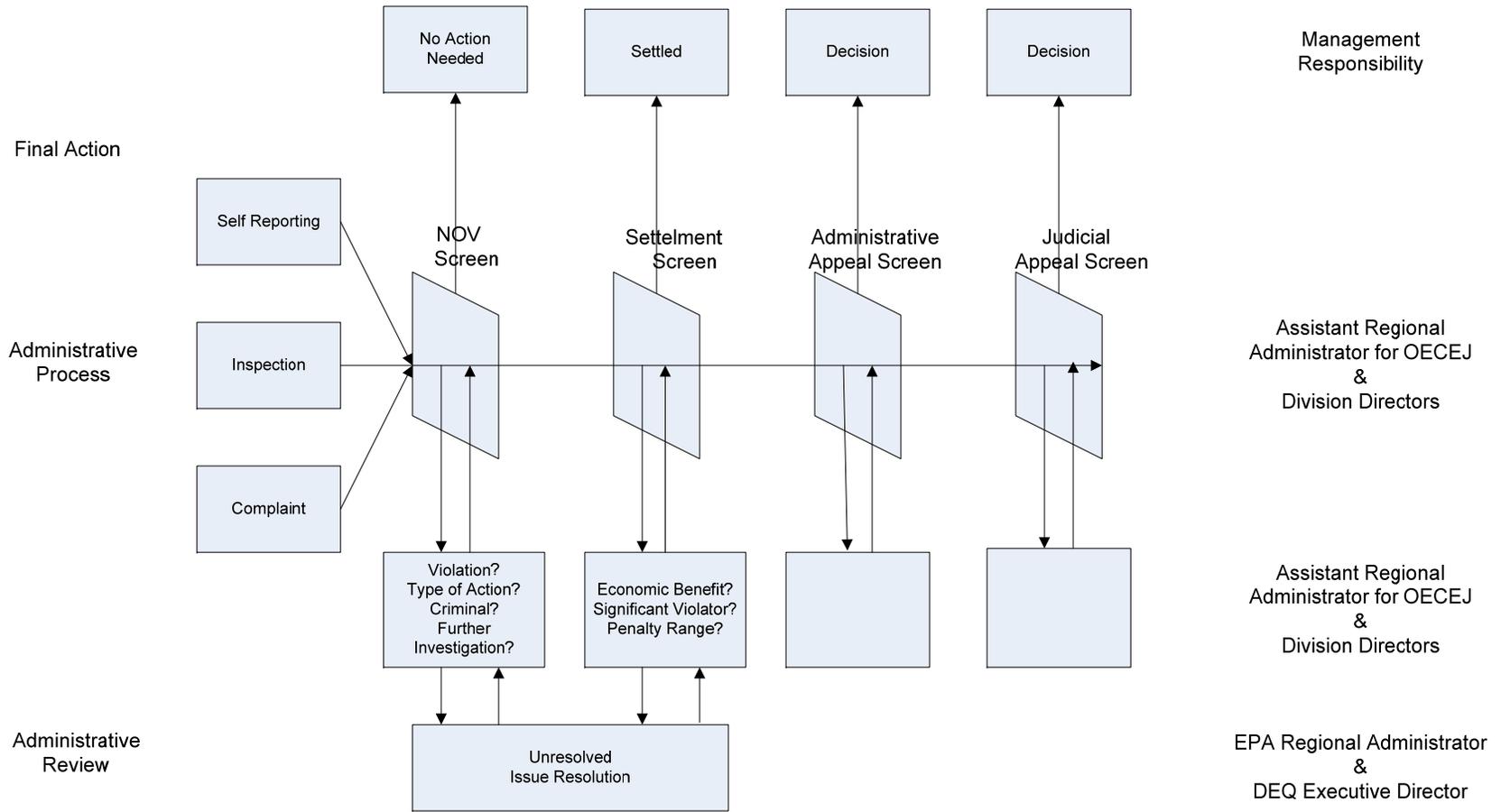
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The diagram on page III-2 outlines the general compliance/enforcement process agreed to by UDEQ and EPA. More detailed compliance/enforcement diagrams have been prepared for the Air, Drinking Water, Solid and Hazardous Waste, UPDES and UST programs to address their specific regulatory requirements. These additional process diagrams are contained in the Appendix in Chapter VII.



# COMPLIANCE/ENFORCEMENT PROCESS



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## **Emerging Issues**

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If both parties agree, UDEQ and EPA will reopen the PPA and amend to address emerging issues not originally discussed during the PPA negotiations. This “reopener clause” is intended to address new issues that emerge during the PPA period. In addition, during the course of this agreement, UDEQ and EPA will examine how a “reopener clause” will operate for a future, multi-year document.

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## **Mercury**

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Fish tissue sampling and analysis continue in Utah. More health advisories have been issued during 2009 and more areas of concern identified. The first “no eat” health advisory was issued for wibper in Newcastle Reservoir in southwestern Utah. Wet and dry mercury air deposition monitors are installed and operating providing new insight to mercury deposition.

UDEQ and EPA Region 8 are still members of a multi-state, multi-EPA Region effort to communicate and coordinate mercury issues; work with other western states (Utah, Idaho, Nevada ) and Regions 8, 9, and 10. A Memorandum of Understanding was established and signed by all parties resulting in the Great Basin Mercury Workgroup.

Even though mercury was removed from the regional priorities list, it continues to be a significant issue in Utah. The Statewide mercury workgroup continues to meet on a quarterly basis with Region 8 staff participation. EPA Region 8 and Utah continue to work on monies to fund more research on mercury in the Great Basin region.

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## **Children’s Environmental Health**

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During FY09, UDEQ and EPA Region 8 agree to advance their joint priority to protect Children’s

Environmental Health by meeting twice during the year with representatives from the University of Utah Vanguard Center and other interested partners, to enhance communication about the progress of the National Children’s Study and assess opportunities for more involvement. The National Children’s Study is currently soliciting volunteers in the Salt Lake Metro area.

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### **Environmental Justice (EJ)**

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UDEQ and EPA agree that “Environmental Justice (EJ) means the fair treatment and meaningful involvement of people of all races, income, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of negative environmental impacts resulting from the execution of environmental programs.” UDEQ and EPA agree to conduct all of their base regulatory programs within the framework and spirit of this EJ principle. UDEQ and EPA agree to communicate about EJ issues, grant outreach, and Grantee activities in Utah and continue to assist, upon request, EJ grant funded activities in the state. Lastly, UDEQ and EPA agree to exchange information, which, if appropriate, may give rise to opportunities for addressing additional EJ issues. EPA is prepared to offer EJ training to UDEQ for the purpose of increasing understanding and improving clarity about EJ concepts and application. UDEQ and EPA will discuss the applicability of this training to UDEQ programs.

EPA will provide the state access to its environmental justice Geographic Information System and other environmental justice tools and resources, as requested.

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### **Implementation of Goals and Measures**

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By entering into this agreement, UDEQ and EPA agree to implementation of the goals and measures contained herein. The EPA commits to fund UDEQ in the amounts specified in the Performance Partnership Grant application. Should final appropriations be different (i.e. more or less) than these amounts, both parties may renegotiate the goals and measures outlined in this agreement.

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## Quality Assurance Program/Quality Management Plan (QMP)

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UDEQ continues to operate an EPA approved Quality Assurance Program that meets or exceeds federal requirements for all programs and provides input into the regional/national databases. The quality assurance plans developed by UDEQ for the RCRA, CWA, CAA, delegated programs are incorporated into this agreement by reference and will be reviewed annually by UDEQ and updated with the technical assistance of EPA as appropriate.

The aforementioned quality assurance language has been in Utah's PPA since FY 97. To meet the requirements of the latest EPA Order 5360.1 on Quality Management Plans, dated May 5, 2000, we are also providing the Internet link to our Quality Management documents. The UDEQ and EPA agree that this direct Internet link provides access to documentation that is "equivalent" to a QMP being prepared and submitted. The direct URL's for this site are:

[http://www.deq.utah.gov/About\\_DEQ/Planning/EPA\\_QMP.htm](http://www.deq.utah.gov/About_DEQ/Planning/EPA_QMP.htm)

<http://www.epa.gov/quality/qs-docs/5360-1.pdf>--EPA Order 5360.1

<http://www.epa.gov/quality/qs-docs/r2-final.pdf>--EPA Guidance on QMPs

<http://www.epa.gov/quality/qs-docs/r5-final.pdf>--EPA Guidance on QAPPs

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## Supplemental Environmental Projects

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EPA and UDEQ agree that Supplemental Environmental Projects (SEP's) can and should appropriately be used as a part of certain environmental compliance settlements. SEP's can be used to promote useful environmental projects to impacted communities.

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## Training

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UDEQ and EPA agree to jointly identify training opportunities to support the goals and objectives in this PPA. During FY2010, EPA agrees to support UDEQ's leadership succession and training efforts. UDEQ has to date successfully graduated 23 staff with 14 in the cue to graduate within the next 2 years. Of those graduates, 8 have been promoted to management positions with UDEQ. These leadership groups have successfully completed group projects that have strengthened UDEQ. The groups have tackled enhancing communication within UDEQ, promoting UDEQ with local government agencies, examining the impact of the Working 4 Utah initiative upon UDEQ employees, publishing an annual UDEQ State of the Environmental Report, and hosting a semi-annual convocation for employees with selected speakers to discuss the environment. The speakers to date have been Governor Jon Huntsman, Mayor Ralph Becker of Salt Lake City, and Andrew Harding, CEO of Rio Tinto. UDEQ continues to offer its employees opportunities for training with modified EPA courses such as Getting Work Done Through Others, Adapting to Change, and Excellence in Supervision.

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## **Utah Base Program**

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The Utah Department of Environmental Quality (UDEQ) certifies that it has, maintains, and implements adequate programs in conformance with federal and state law and regulations and conditions set forth in authorizing documents (delegation, MOA's, enforcement agreements) for the following federal laws: the Clean Water Act (CWA); the Safe Drinking Water Act; the Resource Conservation and Recovery Act (RCRA); the Clean Air Act (CAA); the Pollution Prevention Act; the Toxic Substances Control Act; and the National Environmental Policy Act. This agreement is not intended to and does not supersede authorization/delegation packages or enforcement agreements. Utah also works closely with the 12 local health departments in Utah to ensure that environmental programs are delivered effectively and efficiently.

### **Currently Utah has the following delegated programs:**

#### **CAA**

- Air Toxics (Partial)
- NESHAPS
- New Source Review (SIP)
- NSPS
- PSD (SIP)
- Title V

#### **CWA**

- Construction Grants

- Non-Point Source (SIP)
- NPDES Water Quality Permits
- Pretreatment
- Sludge Management (Biosolids)
- State Revolving Fund (SRF)
- Water Quality Standards (SIP)

#### FIFRA

- Enforcement
- Groundwater Protection (SIP)
- Pesticides Certification
- Worker Protection Safety

#### RCRA

- Base Program
- Boilers & Industrial Furnaces (Interim)
- Corrective Action
- Land Disposal Restr. 1/3 Wastes
- Land Disposal Restr. 2/3 Wastes
- Land Disposal Restr. 3/3 Wastes
- Land Disposal Restr. California Waste
- Land Disposal Restr. Construction & Demo Wastes
- Mixed Waste
- Solid waste
- Toxicity Characterization
- UST

#### SDWA

- Drinking Water
- UIC Class V (General)
- UIC Class II (Petroleum Related)
- Wellhead Protection (SIP)

#### TSCA

- AHERA Waiver (Enf)
- Asbestos (MAP)

CERCLA (Non-Delegable)

EPCRA (Non-Delegable)