

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY

&

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VIII



PERFORMANCE PARTNERSHIP AGREEMENT
FY 2010

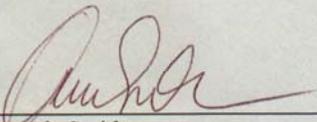
November 2009
Final

**PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN THE
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
AND
THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION VIII
FOR FISCAL YEAR 2010**

By entering into this Performance Partnership Agreement (PPA) 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 (PPG) application subject to adjustments based on appropriations and EPA grant allocations. Should final appropriations be considerably less than these amounts, both parties may renegotiate the goals and measures outlined in the agreement.

This PPA covers the period from October 1, 2009 through September 30, 2010 and represents the workplan for the FY 2010 portion of UDEQ's FY 2009/2010 multi-year PPG.

FOR THE STATE OF UTAH

BY:  11-3-09
Amanda Smith Date
Executive Director
Utah Department of Environmental Quality

FOR THE ENVIRONMENTAL PROTECTION AGENCY, REGION VIII

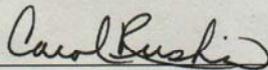
BY:  11/16/09
Carol Rushin Date
Acting Regional Administrator
U.S. EPA, Region VIII

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Chapter I

How We Do Business

How We Do Business

The Partnership Concept

The State of Utah, Department of Environmental Quality (UDEQ), U.S. Environmental Protection Agency (EPA) Region VIII and Utah's local health departments (LHDs) continue to discuss roles and responsibilities for delivering Utah's environmental services. Issues surrounding accountability of one level of government to another have been at the heart of many debates. The partnership concept recognizes that each partner brings unique experience, capabilities, knowledge and resources to the table and that environmental issues can be effectively addressed by maximizing these assets. UDEQ and EPA recognize the unique opportunity for three levels of government to address common goals with a common vision without one level of government assuming an oversight role. Each partner participates with joint responsibility, which necessitates a new way of thinking and a commitment to each partner's success. UDEQ, EPA and representatives of Utah's LHDs jointly developed the following vision statement, values and operating principles, which serve as the basis for doing business through this partnership.

Partnership Vision Statement

The Environmental Protection Agency, Department of Environmental Quality, and the Local Health Departments work together to solve environmental problems.

Partnership Shared Values

- * We focus our activities at the local level.
- * We solve or prevent problems by using each agency's resources and authority.
- * We take risks, build trust, and listen to community needs.
- * Personal leadership, team work and follow-through will assure success.

Partnership Operating Principles

- * Recognize issues and conflicts as opportunities to build relationships.
- * Focus on results instead of on a "set" process.
- * Know and respect your audience. Keep the message SIMPLE.
- * Recognize and understand the strengths and limits, the abilities and resources of the people with whom we work.
- * EMPATHIZE. Seek to understand before you are understood.

- * LISTEN, LEARN, ASK. What would you have us do?
- * Be creative in finding cost-effective, timely, workable solutions.
- * Fix the problem, not the blame.
- * Involve others to solve problems.
- * Partners share information, support, and accountability.
- * FOLLOW UP! FOLLOW THROUGH!
- * Recognize the needs of the people and the environment of Utah.

Enlibra Principles Advance Partnership

In 1999, the Western Governor's Association adopted Enlibra as its shared doctrine of environmental management. Enlibra, derived from Latin, was created to mean a balance and stewardship. It is a symbol for a balanced approach to successful environmental and natural resources management, UDEQ and EPA agree to further advance our partnership approach to solving environmental problems by applying the Enlibra Principles. These principles are:

- * National Standards, Neighborhood Solutions - Assign Responsibilities at the Right Level
- * Collaboration, Not Polarization - Use Collaborative Processes to Break Down Barriers and Find Solutions
- * Reward Results, Not Programs - Move to a Performance-Based System
- * Science For Facts, Process for Priorities - Separate Subjective Choices from Objective Data Gathering
- * Markets Before Mandates - Pursue Economic Incentives Whenever Appropriate
- * Change A Heart, Change A Nation - Environmental Understanding is Crucial
- * Recognition of Benefits and Costs - Make Sure All Decisions Affecting Infrastructure, Development and Environment are Fully Informed
- * Solutions Transcend Political Boundaries - Use Appropriate Geographic Boundaries for Environmental Problems

Partnership Development: Joint Strategic Planning

UDEQ and EPA entered into the National Environmental Performance Partnership System (NEPPS) with the primary goal of delivering environmental services efficiently and effectively at the local level. The UDEQ, EPA, LHD partnership is one avenue undertaken to reach this goal. In addition to community-based partnership, UDEQ and EPA have committed to reinforce the NEPPS through joint strategic planning. The joint strategic planning process used by UDEQ and EPA has evolved over time. Originally, joint goals and priorities were established at the annual mid-year meeting held with senior leadership staff from both agencies. This method has been augmented with EPA's new Alignment Process, which has significantly changed EPA's strategic planning processes in order to facilitate more proactive state involvement. This new alignment process includes the following:

- Regional Plans which detail regional priorities and explain progress toward meeting the Agency's strategic goals over the next 3 to 5 years. The Regional Plan is intended to reflect state priorities and EPA invites UDEQ input on regional priorities, goal establishment, and strategy development.
- National Program Guidance that highlights regional priorities and strategies, which in turn are based upon state conditions and problems. EPA invites state review and input into the development of this guidance.
- Annual performance commitments, which replace the former MOA process to assist program managers in negotiating and agreeing on work.

The Regional Plan for Region VIII describes how the region plans to make progress toward the long-term goals and objectives established in EPA's 2008-2010 Strategic Plan. The plan also establishes eight regional priorities including: Revitalization and Superfund Cleanup; Homeland Security; Energy; Agriculture; Direct Implementation; Building State Capacity; Climate Change, and Mercury.

The plan can be viewed at: <http://www.epa.gov/ocfo/regionplans/region8/2004strategicplanreg8.pdf>

At the annual Mid Year Meeting in July, 2009, UDEQ and Region 8 examined seven regional priorities and reviewed the priorities that were discussed at the annual State Directors meeting with Region 8 (June 2009, and agreed on the following six Joint Priorities for FY 2010.

UDEQ/EPA Joint Priorities for FY 2010

The overlap between the Region 8 Plan and UDEQ priorities constitute a number of our joint priorities which follow:

- Building Partnerships with Agriculture Community
- Improving Air Quality

- Addressing Climate Change
 - o Expedite processes to reduce carbon emissions
- Energy
 - o Support projects that facilitate clean and renewable energy production
 - o Focus on transmission projects
- All Hazards Response (formerly Homeland Security)
 - o Build partnerships at all governmental levels
- Building State and Tribal Resources on a Priority Basis
 - o Collaborate on priorities
 - o Maintain core programs without adding to requirements
- Implementing Programs with Delegated Authorities (formerly Direct Implementation)

Partnership Evolution

UDEQ and EPA have worked to evolve a partnership that recognizes the maturation of the EPA – State relationship, reduces real-time EPA oversight of authorized programs, reduces state reporting burden, and tests innovative approaches to environmental protection. EPA and UDEQ jointly advanced certain partnership elements through the community-based partnership effort of the nineties, and more recently the Regional Planning Work Group. The partnership approach focuses on bringing the three levels of government (federal, state, local) together to solve environmental issues. Current efforts include:

Ensuring Adequate Resources and Staff: EPA will strive to provide appropriate shares of resources needed to carry out agreed upon commitments. Furthermore, when regulations and requirements change, EPA will strive to provide states the resources necessary to carry out new requirements.

Priority Resource Driven Allocation (PDRA): Recognizing that adequate resources may not always be available, the states and EPA have developed the PDRA process to balance and prioritize resources and needs. This process will allow for consideration of state resource and capacity needs throughout the joint planning and priority setting process. It will also provide opportunities to

discuss potential investments and disinvestments, to address cross program challenges and to leverage/shift resources so that the highest environmental gains can be achieved given the available resources.

Partnering and Work Sharing: States and EPA will partner and share workloads where state shortfalls exist. This may take the form of federal IPA's, short or long-term details, federal staff being assigned tasks needed to carry out programmatic requirements, among other opportunities.

Technical Assistance: EPA and states will also provide technical assistance and expertise on specific issues, projects or policies. When possible, requests for technical assistance shall be made as part of the PPA negotiation process.

Innovations: States and EPA will share innovative, cost-effective and efficient approaches to solve environmental problems. EPA will provide flexibility for states to try new approaches and states will provide appropriate performance accountability mechanisms when new approaches are used. When necessary the PPA will be amended to address the new approaches.