

Appendix A. Environmental Considerations

Natural disasters are naturally occurring phenomena. They play an integral part in maintaining balance in our world. Meteorological, geological, or hydrological processes have shaped Utah for millions of years and will continue to shape the valley for millions more years. These unique phenomena only cause disasters when they affect humans and their structure. Modern engineering has made it possible to prevent damage from natural hazards, however the economic and environmental costs can be rather high. Tampering with the natural systems also can create an imbalance in the natural environment. The effects of many of these imbalances are still unknown. It is better to live with a small amount of risk, respect the natural process where appropriate, than to construct mitigation at every chance. Nature provides its own mitigation measures that need to be identified, protected and/or strengthened. To ensure that our environment is not harmed through mitigation measures all applicable city codes; county codes, state and federal laws pertaining to the environment must be followed. The majority of the proposed mitigation programs in this plan will be funded through federal programs, thus tied to federal funding.

The following laws were evaluated during the planning process and will be taken into consideration and incorporated when needed while organizing and implementing the PDM plan; Clean Air Act, Clean Water Act, Endangered Species Act, Floodplain Management, National Historic Preservation Act.

Clean Air Act (CAA) 1970: The Clean Air Act is the comprehensive Federal Law that covers the entire country under the Environmental Policy Act (EPA) regulating air emissions from area, stationary, and mobile sources. This law sets limits or National Ambient Air Quality Standards (NAAQS) on how much of a pollutant can be in the air anywhere in the United States, this controls the emissions of air pollutants. These limits ensure that all Americans have the same basic health and environmental protections. Maximum pollutant standards were set and states may have stronger pollution controls on an individual basis, but not weaker pollution controls than those set for the whole country. Each state explains how it will do its job under the Clean Air Act by developing a mandated “state implementation plan” (SIP) that has to be approved by EPA. The 1977 amendment was to set new dates for areas of the country that failed to meet the initial deadlines for achieving NAAQS. The 1990 amendments addressed problems such as acid rain, ground-level ozone, stratospheric ozone depletion, and air toxics. This act required that facilities with large amounts of certain hazardous chemicals to have special emergency planning requirement. Based on a facilities potential threat or risk from chemical spills, fires, explosions, etc. a Risk Management Plan (RMP) is prepared that includes hazard identification, assessments, design and maintenance of a safe facility, necessary steps to prevent releases and ways to minimize the consequences from an accidental release (Clean Air).

Clean Water Act (CWA): The Federal Water Pollution Control Act Amendments of 1972 came about because of the growing awareness for controlling water pollution. As amended in 1977, this law became known as the Clean Water Act whose mission is to establish the basic structure for regulating discharges of pollutants into the waters of the United States, and to reduce and maintain the chemical, biological, and physical veracity. The act gave the Environmental Policy Act (EPA) the authority to set wastewater standards for industry. The act also required that each state adopt water quality standards, act to protect wetlands, and limit industrial and municipal discharges into navigable waters unless permitted. It funded the construction of wastewater treatment plants for nearly every city in the United States, under construction grant programs from the EPA and recognized the need for planning for future problems that posed a threat from nonpoint source pollution (Clean Water).

Clean Water Act, Section 404-Wetland Preservation: This act regulates activities in wetland areas and authorizes EPA to restrict or prohibit the use of an area as a disposal site for dredged or fill material if the discharge will have unacceptable adverse affects on municipal water supplies, shellfish beds and fishery areas, wildlife and/ or recreational areas. A permit must be issued that is based on regulatory guidelines developed in coincidence with the U.S. Army Corps of Engineers and the EPA (CWA Sec. 404).

Endangered Species Act of 1973: This act provides a plan for the protection of threatened and endangered plants and animals and the habitats in which they are found. Congress finds and declares that various species of fish, wildlife, and plants in the United States have been caused to become extinct, or are so depleted in numbers they are in danger of becoming extinct, as a result of economic development and expansion without adequate concern for conservation. Aesthetic, ecological, educational, historical, recreational, and scientific importance come from these species and are a value to our nation and its people. The U.S. will conserve, to a practicable extent, the species that face extinction and will encourage the States through federal assistance to develop and maintain conservation programs. The reason for the Act is to provide a means in which ecosystems with endangered and threatened species will be conserved. It is also declared that all state and local agencies resolve water resource issues in connections with conservation of endangered species (Endangered).

Floodplain Management Policy: The main points of the policy are to reduce the loss of life and property and the disruption of societal and economic pursuits caused by flooding or facility operations as well as to restore, sustain, and enhance the natural resources, ecosystems, and other functions of the floodplains. Activities will search for a balance between the, sometimes competing, uses of floodplains in a way that makes the most benefit to society. To pursue and encourage appropriate use of floodplains and to avoid long and short term negative impacts associated with the inhabitants and modification of floodplains and to avoid direct and indirect support of floodplain development, whenever there is a practicable alternative. “Functions (Natural) of floodplains include natural moderation of floods; fish, wildlife, and plant resources and habitat; groundwater recharge; and water quality maintenance. Uses of floodplains include storm water management; erosion control; open space; natural beauty, opportunity for scientific study, outdoor education, recreation, and cultural preservation; and compatible economic utilization of floodplain resources by human society” (Floodplain, Reclamation).

National Historic Preservation Act of 1966: This act was found and declared by Congress because “the spirit and direction of the Nation are founded upon and reflected in its historic heritage...the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.” Some of the other main points of the act include the awareness of historic properties that are being lost or substantially altered. The preservation will continue a legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits for future generations. The knowledge of historic resources and “the encouragement of their preservations will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development. The act would like to use measures that will foster conditions in which historic resources can exist in productive harmony with present and future generations (National).

Section 106 of NHPA “requires all Federal agencies to take into account the effects of their actions on historic properties, and provide ACHP with a reasonable opportunity to comment on those actions and the manner in which Federal agencies are taking historic properties into account in their decisions” beginning at the early stages of planning to mitigate any adverse effects on historic properties (Section 106).