

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, February 14, 2024

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Barbieri, Vice Chairman Furniss, Representatives Vander Woude, Horman, Scott, Young, Wisniewski, Raybould, Allgood, Bundy, Lambert, Mickelsen, Redman, Wheeler, Chew (Wilson), Necochea, Rubel

**ABSENT/
EXCUSED:** Representative(s) Allgood, Redman, Rubel

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Barbieri called the meeting to order at 1:31 pm.

MOTION: **Rep. Necochea** made a motion to approve the minutes from the January 8, 2024 meeting. **Motion carried by voice vote.**

DOCKET NO. 24-0501-2301: **Amy Lorenzo**, Building Construction and Real Estate Bureau Chief, presented the pending rules for **Docket No. 24-0501-2301** relating to Drinking Water and Wastewater. The pending rule disposes of outdated, duplicative, or created barriers while focusing on consumer protection and safety. The code of ethics was greatly simplified to remove language that could be perceived as a practice standard and this provided clarity for licensees and help remove cumbersome language. They also removed barriers by allowing distance learning opportunities for all of the license types except of back-flow assembly testers. The framework changed to identify a passing score instead of a percentage to provide standardization for the licenser process. There is a new licenser type for a small wastewater distribution system which was implemented due to feedback from stakeholders.

MOTION: **Rep. Furniss** made a motion to approve **Docket No. 24-0501-2301**. **Motion carried by voice vote.**

DOCKET NO. 58-0101-2301: **Tiffany Floyd**, Air Quality Division Administrator, presented the pending rules for **Docket No. 58-0101-2301** relating to the Control of Air Pollution in Idaho and the air quality divisions annual Incorporation by Reference of federal regulations. For DEQ to be implementing authority for the Clean Air Act, they are required to continually demonstrate the air quality program meets minimum federal requirements. This year's incorporation includes changes made to the Code of Federal Regulations (CFR) as of July 1, 2023. EPA also updated regulations for source testing of emissions under various rules. This included correcting typographical and technical errors, updating outdated procedures, and adding clarity and consistency among monitoring requirements. The revisions will improve the quality of data but will not impose new requirements on facilities, owners, or operators.

MOTION: **Rep. Wisniewski** made a motion to approve **Docket No. 58-0101-2301**. **Motion carried by voice vote.**

DOCKET NO. 58-0107-2301: **Michael McCurdy**, Waste Management and Remediation Division Administrator for the Department of Environmental Quality, presented **Docket No. 58-0107-2301** relating to the rules regulating Underground Storage Tank Systems. There are several sections which were revised to essentially simplify the language and provide clarity by removing outdated, duplicative and unnecessary language. These changes resulted in a reduction of 3,498 words, including 50 restrictive words.

MOTION: Rep. Raybould made a motion to approve **Docket No. 58-0107-2301. Motion carried by voice vote.**

DOCKET NO. 58-0108-2301: **Jerri Henry**, Drinking Water Protection and Finance Division Administrator with the Department of Environmental Quality, presented **Docket No. 58-0108-2301** relating to the Idaho Rules for Public Drinking Water Systems. He stated this docket represents their compliance efforts with the Zero-Based Regulation Executive Order No. 2020-01, or ZBR. The goal of the ZBR effort was to perform a critical and comprehensive review of the entire chapter to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use while maintaining state program approval and primacy of the Safe Drinking Water Act. For this rulemaking, they have updated their state rules to adopt by reference the federal regulations without being more stringent. They did not propose any new regulations not regulated by the federal government and no substantive changes were made related to the stringency requirements. They also have adopted the Code of Federal Regulations, as of July 1, 2023, which encompasses the Lead and Copper Rule Revisions that became effective December 2021. Jerri Henry then introduces **Tyler Fortunati**, Drinking Water Bureau Chief, to provide more information about the pending fee rule.

Tyler Fortunai talked in depth about fourteen sections of the pending fee rule which were modified to increase clarity and simplification of language.

MOTION: Rep. Wheeler made a motion to approve **Docket No. 58-0108-2301. Motion carried by voice vote.**

DOCKET NO. 58-0125-2301: **Mary Anne Nelson**, Surface and Wastewater Division Administrator with DEQ, presented **Docket No. 58-0125-2301** relating to the Rules Regulating the Idaho Pollutant Discharge Elimination System Program. This docket complies with zero-based regulation review and rewrite of IDAPA 58-0125. The changes resulted in a reduction of over 6,700 words for a total reduction of 11 pages to reduce regulatory overburden. Incorporation by reference which rules have been changed and removed sections duplicative of Idaho Code. General purposes this rulemaking does not impose or increase a fee beyond what has been previously submitted to and reviewed by the legislature, but it is a fee rule.

MOTION: Rep. Raybould made a motion to approve **Docket No. 58-0125-2301**, with the exception of the typographical error on **pg. 457 section m. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:55 pm.

Representative Barbieri
Chair

Jacobi Van Amburg
Secretary