

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, January 16, 2020

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Vander Woude, Vice Chairman Amador (Malek), Anderst, Horman, Moon, Scott, Ehardt, Armstrong, Furniss, Hartgen, Lickley, Young, Smith, Chew, Ellis, Mason

**ABSENT/
EXCUSED:** Representatives Raybould and Anderson

GUESTS: Lisa Carlson, DEQ/AG; Tiffany Floyd, Michael McCurdy, Carl Brown, Jerri Henry, Mary Anne Nelson, Ed Hagan, John Tippetts, Jess Byrne, Paula Wilson, DEQ; Alex Erickson, Meridian PW; John Lee, Jane Kreller, Suez; Michael Reno, CAH; Darika Barnes; Shelley Roberts, IRWA; Johanna Bell, AIC; Lizzie Kuhla, Rob McQuade, IBOL; Liz Hatter, Veritas Advisors

Chairman Vander Woude called the meeting to order at 2:03 p.m.

MOTION: **Rep. Hartgen** made a motion to approve the minutes of the January 8, 2020 meeting. **Motion carried by voice vote.**

DOCKET NO. 24-0501-1900F: **Rob McQuade**, Legal Counsel for the Idaho Bureau of Occupational Licenses, presented **Docket No. 24-0501-1900F**. This pending omnibus fee rule removes redundant language and rules.

MOTION: **Rep. Lickley** made a motion to approve **Docket No. 24-0501-1900F**. **Motion carried by voice vote.**

DOCKET NO. 58-0000-1900F: **John Tippetts**, Director of the Department of Environmental Quality (DEQ), presented **Docket No. 58-0000-1900F**. He explained what has changed with this docket including: certain sections were revised, simplified and updated, and some sections had been identified for deletion.

In answer to committee questions regarding under ground storage and the process for violations, **Mr. Tippetts** said that DEQ will work with owners to clean up leaks, but if the owner doesn't comply they can apply fines. **Michael McCurdy**, Waste Management and Remediation Division Administrator, responded saying there are mandatory underground training programs online.

MOTION: **Rep. Ellis** made a motion to approve **Docket No. 58-0000-1900F**.

In further answer to questions, **Mr. Tippetts** said that no more restrictions have been added that weren't there previously.

VOTE ON MOTION: **Chairman Vander Woude** called for a vote on the motion to approve **Docket No. 58-0000-1900F**. **Motion carried by voice vote.**

DOCKET NO. 58-0000-1900: **John Tippetts**, Director of the Department of Environmental Quality (DEQ), presented **Docket No. 58-0000-1900**. He explained that under 58.01.02 Water Quality standards, due to concerns from stakeholders and committee members last year, DEQ requested that committees reject subsection 251.02. Because neither the House nor Senate rejected this subsection last year, DEQ kept it in the docket, but have talked to stake holders and will not implement this section. In answer to committee questions, Mr. Tippetts preferred this portion of the rule not be rejected yet. The cities are comfortable with DEQ leaving it there but not currently enforcing it while further discussions are held.

MOTION: **Rep. Anderst** made a motion to approve **Docket No. 58-0000-1900. Motion carried by voice vote.**

Mr. Tippets introduced the next dockets, saying Idaho Code 39-107D states that any rule recommended by the department that is broader in scope, more stringent or more regulated than the federal government, must provide additional scientific data to be recommended. DEQ has met those requirements for every rule since this code was implemented in 2003. However, since all the rules expired, rules that were in place before 2003 needed to be reviewed. DEQ's lawyers did an extensive review to make certain these requirements were met. These rules were not included in the omnibus reauthorization docket because DEQ had not concluded their analysis. It can legitimately be stated that these rules are based on the best available science at the time these rules were adopted, and DEQ believes the intent has been met.

DOCKET NO. 58-0101-1904: **Tiffany Floyd**, Air Quality Division Administrator of DEQ, presented **Docket No. 58-0101-1904**. This pending fee rule adopts and re-publishes existing and previously approved chapters. There are some rules that are broader in scope than federal laws, and have met the 39-107D requirements except for the pre-2003 rules that did not fall under this law previously. These rules were based on current standards in other states and based on sound peer reviewed science, grounded on an appropriate risk basis and do currently meet those standards required by 39-107D.

MOTION: **Rep. Horman** made a motion to approve **Docket No. 58-0101-1904. Motion carried by voice vote.**

DOCKET NO. 58-0111-1901: **Jerri Henry**, Drinking Water Protection and Finance Division Administrator of DEQ, presented **Docket No. 58-0111-1901**. She stated that the rule has been adopted as initially proposed. The rule was adopted because of laws passed requiring it. The rules pre-dated the 39-107D requirements so they are being presented now. Since existing peer review science was used to make these standards no new data was collected.

MOTION: **Rep. Moon** made a motion to approve **Docket No. 58-0111-1901. Motion carried by voice vote.**

DOCKET NO. 58-0109-1901: **Mary Anne Nelson**, Surface and Wastewater Division Administrator of DEQ, presented **Docket No. 58-0109-1901**. Currently there are no swine facilities that fall under these rules, and in answering questions, Ms. Nelson said DEQ doesn't know the implications of removing this chapter, so it was left in the rules.

MOTION: **Rep. Smith** made a motion to approve **Docket No. 58-0109-1901. Motion carried by voice vote.**

DOCKET NO. 58-0103-1902: **Mary Anne Nelson**, Surface and Wastewater Division Administrator of DEQ, presented **Docket No. 58-0103-1902**. This is two rules combined into one, which were directly copied from one rule to the other for a combined rule. There were no substantive changes. The federal government does not include individual septic tanks in their regulations, so these rules are broader in scope to cover that concern. These rules are unchanged and based on current science, but are before the committee because they fall under 39-107D.

In answer to committee questions regarding addressing required service providers for complex alternate systems not always being in close proximity to those that need their services, and the substantial increase in costs, **Ms. Nelson** said the intention with the required service providers was to open it up to more providers and decrease costs. But that expectation did not happen and costs have risen. She explained requirements are based on the manufacturers recommendations.

MOTION: Rep. Lickley made a motion to approve **Docket No. 58-0103-1902. Motion carried by voice vote.**

DOCKET NO. 58-0117-1901: **Mary Anne Nelson**, Surface and Wastewater Division Administrator of DEQ, presented **Docket No. 58-0117-1901.** These recycle water rules are to promote and regulate the use of recycled water and protect ground water.

MOTION: **Rep. Chew** made a motion to approve **Docket No. 58-0117-1901. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:48 p.m.

Representative Vander Woude
Chair

Maggie Price
Secretary