

MINUTES

# HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Wednesday, January 26, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/  
EXCUSED:** Rep. Horman, Adams, Nash

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

**Chairman Ehardt** called the meeting to order at 1:31 p.m.

**Chairman Ehardt** turned the gavel over to **Vice Chairman Wisniewski**.

**DOCKET NO. 58-0000-2100:** **Kristan Ryan**, DEQ Deputy Director presented **Docket No. 58-0000-2100**. Seven rule chapters had no changes. Director Ryan presented the one changed chapter 58.01.23, Contested Case Rules and Rules for Protection and Disclosure of Records. The changes made to this chapter were to remove obsolete and outdated rules as per Executive Order No. 2020-01, Zero-Based Regulation. Chapter 58.01.21 was repealed, and any remaining sections were moved into chapter 58.01.23.

Committee expressed concerns that merging these rules to another chapter pulled it out of review for this committee and placed it into another committee.

**MOTION:** **Rep. Lickely** made a motion to approve **Docket No. 58-0000-2100**. **Motion carried by voice vote.**

**DOCKET NO. 58-0000-2100F:** **Kristan Ryan** presented **Docket No. 58-0000-2100F**. Seven fee rule chapters had no changes.

**Tiffany Floyd**, Air Quality Division Administrator for DEQ, presented chapter 58.01.01, Rules for the Control of Air Pollution in Idaho. The chapter was revised to update federal regulations incorporated by reference with the July 1, 2021 Code of Federal Regulations (CFR). Ms. Floyd noted the most significant federal change was to municipal solid waste landfills, and impacted eight landfills in Idaho.

**Ms. Floyd**, confirmed that although high emissions in Cache Valley were impacted significantly by industries in Utah, Idaho was still able to make changes in the community to help lower emissions. She also clarified that landfills measured their own emissions and hired environmental consultants to help them meet the requirements.

**Michael McCurdy**, Waste Management and Remediation Division Administrator for DEQ, presented chapter 58.01.05, Rules and Standards for Hazardous Waste. The changes to this chapter were to reduce outdated information and to increase clarity. It was also revised to update federal regulations incorporated by reference. Mr. McCurdy explained that the state must meet federal regulations to maintain program primacy. This allows DEQ to implement the hazardous waste program in lieu of the Environmental Protection Agency (EPA).

In answer to committee questions, **Mr. McCurdy** explained this rule applied to only one private commercial facility. The facility receives waste from all over the world. Committee members were of the opinion that to name a company specifically in a rule seemed odd. Mr. McCurdy responded that because they have a specific process, they needed to be mentioned specifically.

**Michael McCurdy** presented chapter 58.01.18, Idaho Land Remediation Rules. The only changes made were to follow Zero-Based Regulation revisions. The majority of changes were to remove language that was already in the Land Remediation Act.

To clarify, **Mr. McCurdy** explained this section was a voluntary program the DEQ helps facilitate when individuals approach them for help with contamination. 'Perceived risk of harm' was added to this rule to broaden the ability of participants to receive help in clean-up if they suspect their land might have contamination.

**Dr. Mary Anne Nelson**, Surface and Wastewater Division Administrator for DEQ, presented chapter 58.01.09, Rules Regulating Swine Facilities. The only changes made were to follow Zero-Based Regulation revisions.

The committee expressed concerns this chapter was unnecessary when Idaho has no Swine Facilities that fall under these regulations. **Dr. Nelson** explained that Idaho Code 39-104A directed for these rules to be established. DEQ is exploring moving these rules and the authorizing statute to the Department of Agriculture. She also explained that moving draft permit proposal determination from 2 months to 6 months allows DEQ more time to have dialogue with facilities and aligns with time lines in other permitting programs.

**Dr. Mary Anne Nelson** presented chapter 58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program. Section 302.20 Water Quality Trading was removed based on concerns expressed by this committee last year.

**MOTION:** **Rep. Hartgen** made a motion to approve **Docket No. 58-0000-2100F. Motion carried by voice vote.**

**Vice Chairman Wisniewski** turned the gavel over to **Chairman Ehardt.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:42 p.m.

---

Representative Wisniewski  
Vice Chair

---

Maggie Price  
Secretary