

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Thursday, January 12, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Welcome and Introductions	
58-0101-1602	Rules for the Control of Air Pollution in Idaho	Tiffany Floyd, Air Quality Division Administrator, DEQ
58-0101-1603	Rules for the Control of Air Pollution in Idaho	Tiffany Floyd
58-0103-1501	Individual/Subsurface Sewage Disposal Rules	Barry Burnell, Water Quality Division Administrator, DEQ
58-0105-1601	Rules and Standards for Hazardous Waste	Matt Alvarado, Waste Management and Remediation Division, DEQ
58-0107-1601	Rules Regulating Underground Storage Tank Systems	Kristi Lowder, Waste Management and Remediation Division, DEQ

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive	Rep Horman
Vice Chairman Thompson	Rep Trujillo	Rep Malek
Rep Hartgen	Rep Chaney	Rep Moon
Rep Vander Woude	Rep Nate	Rep Smith(Lacey)
Rep Anderson	Rep Scott	Rep Jordan
Rep Anderst	Rep Cheatham	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, January 12, 2017
TIME: 1:30 P.M.
PLACE: Room EW41
MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith (Lacey), Jordan, Rubel

**ABSENT/
EXCUSED:** Rep. Horman

GUESTS: Paula J. Wilson, Department of Environmental Quality (DEQ); Tiffany Floyd, DEQ; Barry Burnell, DEQ; Matt Alvarado, DEQ; Kristi Lowder, DEQ; Carl Brown, DEQ; Michael Reno, CDHD; Dale Atkinson; Amber Christofferson, DFM; John Tippets, DEQ; Norm Semanko, Idaho Water Users; Tyler Margoitio, Idaho Water Users; Braden Jensen, Idaho Farm Bureau; Jay Shaw, Administrative Rules; Neil Colwell, Avista Corporation.

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

Chairman Raybould introduced the new Page, **Matthew Ricks**, and the Committee Secretary, **Lorrie Byerly**. Chairman Raybould advised that the Administrative Rules review would be done by the whole committee.

DOCKET NO. 58-0101-1602: **Tiffany Floyd**, Air Quality Division Administrator, DEQ, stated **Docket No. 58-0101-1602** deletes Section 582, Interim Conformity Provisions for Northern Ada County Former Nonattainment Area for PM-10 (Rules for Control of Air Pollution in Idaho) because it is out of date and no longer applies. It was promulgated in 2001 as a temporary measure until a required maintenance plan was developed, and on October 17, 2003 the Environment Protection Agency (EPA) approved the developed plan.

MOTION: **Rep. Anderson** made a motion to approve **Docket No. 58-0101-1602**. **Motion carried by voice vote.**

DOCKET NO. 58-0101-1603: **Tiffany Floyd** presented information that DEQ annually updates state rules to ensure consistency with federal regulations. For DEQ to be the implementing authority for the Clean Air Act in Idaho, they are required to implement the National Ambient Air Quality Standards and an air quality operating permit program for facilities with significant emissions. To obtain the appropriate authority, updated federal rules are incorporated by reference in **Docket No. 58-0101-1603**. The ambient air standard that will impact Idaho reduces ozone air quality to 70 parts per billion. The new ozone standard will have an impact on crop burns, which DEQ will address with a new crop residue burn program later in the session. Implementation of federal rule updates to the Operating Permit Program will affect power plants (carbon dioxide emissions), phosphate fertilizer manufacturing (mercury and fluoride emissions), and the oil and gas industry (adds methane to covered pollutants).

Ms. Floyd answered committee questions concerning the current parts per billion air quality emissions in the Treasure Valley and there were 68 parts per billion. She reviewed various means of improving or maintaining the air quality within the new ozone standard. In answer to committee concerns about the authority for Idaho to implement and enforce federal law, Ms. Floyd stated the authority is through the EPA and the Clean Air Act, and is for the purpose of allowing DEQ to implement it locally.

MOTION: **Rep. Thompson** made a motion to approve **Docket No. 58-0101-1603**.

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 12 AYE, 1 NAY, 4 Absent/Excused. Voting in favor** of the motion: **Reps. Raybould, Thompson, Hartgen, Vander Woude, Anderson, Mendive, Chaney, Cheatham, Moon, Lacey, Jordan, and Rubel. Voting in opposition** to the motion: **Rep. Nate. Reps. Anderst, Trujillo, Horman and Malek were absent/excused.**

DOCKET NO. 58-0103-1501: **Barry Burnell**, Water Quality Division Administrator, DEQ, stated that **Docket No. 58-0103-1501** creates an effective and useful means of approving and overseeing DEQ service providers for complex alternative septic systems for the purpose of expanding the choices of service providers for private property owners. The amendment creates minimum application contents and responsibilities service providers would have to meet, as well as allows DEQ to authorize issuance of complex installer registration permits with a service provider certification. Mr. Burnell described the current process and status of licensing service providers for alternative septic systems and for property owners to obtain and choose a service provider. Mr. Burnell explained that service company pools have caused a monopoly to exist, and training and certifying service maintenance providers would increase the number of providers from around 600 to 2,000 creating more choice for property owners.

Committee members inquired about property owners' preservation of choice for installation and maintenance and whether there would be an increase of costs to them. **Mr. Burnell** responded that the rule is about property owners being able to determine who can come on their property, and if they determine their current system is adequate, they can keep that system. The costs to the property owner will be about the same. The cost for service providers for certification is approximately \$100 for the licensing but the training and education is free.

Dale Atkinson testified in opposition to **Docket No. 58-0103-1501** stating that the systems have been around a long time and been successful in a lot of states because the state helps them, but here they don't help people.

MOTION: **Rep. Moon** made a motion to table **Docket No. 58-0103-1501** to January 18, 2017, at 1:30 p.m.

SUBSTITUTE MOTION: **Rep. Lacey** made a substitute motion to approve **Docket No. 58-0103-1501**.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Motion failed by a vote of 5 AYE, 6 NAY, 6 Absent/Excused. Voting in favor** of the motion: **Reps. Raybould, Thompson, Lacey, Jordan, and Rubel. Voting in opposition** to the motion: **Reps. Vander Woude, Mendive, Chaney, Nate, Cheatham, and Moon. Reps. Hartgen, Anderson, Anderst, Trujillo, Horman and Malek were absent/excused.**

VOTE ON ORIGINAL MOTION: **Chairman Raybould** called for a vote on the motion to table **Docket No. 58-0103-1501** to January 18, 2017, at 1:30 p.m. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:57 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

JOINT
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
AND
SENATE STATE AFFAIRS COMMITTEE
1:30 P.M.
Lincoln Auditorium
Monday, January 16, 2017

SUBJECT	DESCRIPTION	PRESENTER
Presentations	Idaho National Laboratory Overview/Lab Plan	Dr. Mark Peters, INL Lab Director
	NuScale Overview	Mike McGough, Chief Commercial Officer
	Utah Associated Municipal Power Systems (UAMPS) Overview	Ted Rampton, Chief Government Affairs Officer

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould Rep Mendive
Vice Chairman Thompson Rep Trujillo
Rep Hartgen Rep Chaney
Rep Vander Woude Rep Nate
Rep Anderson Rep Cheatham
Rep Anderst

Rep Horman
Rep Malek
Rep Moon
Rep Smith(Lacey)
Rep Jordan
Rep Rubel

COMMITTEE SECRETARY

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MINUTES
JOINT MEETING
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
SENATE STATE AFFAIRS COMMITTEE**

DATE: Monday, January 16, 2017

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive (Mendive), Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith (Lacey), Jordan, Rubel
Chairman Siddoway, Vice Chairman Hagedorn, Senators Davis, Hill, Winder, Lodge, Lakey, Stennett, Buckner-Webb

**ABSENT/
EXCUSED:** Rep. Vander Woude; Sen. Hill; Sen. Lodge; Sen. Lakey; Sen. Stennett;
Sen. Buckner-Webb

GUESTS: John Chatburn, OEMR; Will Hart, ICUA; Miguel Legarreta, AIC; Shannon Graham, OEMR

Chairman Raybould called the meeting to order at 1:32 p.m.

Dr. Mark Peters, Director, Idaho National Laboratory (INL) presented an overview of INL and a lab plan. Dr. Peters provided information on INL's infrastructure, including its Research and Education Campus in Idaho Falls, employment statistics, an economic summary, funding sources and financial projections, its Advance Test Reactor and its Materials and Fuels Complex. He stated that INL is a Research, Development, Demonstration and Deployment (RDD&ID) National Laboratory with a mission of discovering, demonstrating and securing innovative nuclear energy solutions, other clean energy options, and critical infrastructure. A lot of energy is regional, so INL will address energy challenges associated with development, delivery and use of energy resources in North America via partnership and collaboration with a couple of partner labs and universities in Idaho by enabling advanced nuclear energy systems, licensing and constructing a first-of-its-kind small modular reactor, constructing a new Collaborative Computing Center, collaborating on energy research via the Center for Advanced Energy Studies (CAES), and the Cybercore Integration Center. INL is focusing on four areas: nuclear competitiveness and leadership; integrated nuclear fuel cycle solutions; regional clean energy systems; and cyber and physical security organized around the Cybercore Integration Center. High performance computer and modeling situations are important to their work, and INL hopes for support from the State Board of Education on collaboration with the universities. INL plans two facility modifications, including the Cybercore Integration Center and a Collaborative Computing Center.

Committee members asked questions about INL employee salaries, radioactive material testing, and partnerships with higher learning institutions, including whether new buildings proposed would support them. **Dr. Peters** stated that salaries for scientists and engineers rose to be competitive but were offset by the sale of one building, which also will offset proposed new building proposals. He noted that INL brings in small quantities of radioactive material to test because it is controversial, but the small quantity impedes their ability to do new research over the long term. INL is interested in working with any higher learning institutions and already have straight-up internships. The buildings proposed would provide a tremendous collaboration of space, be bonded by the state and leased back by INL.

Mike McGough, Chief Commercial Officer, NuScale Power, stated NuScale was the first company to develop a small modular nuclear reactor (SMR) by beginning with a small nuclear grant awarded jointly with INL. They have been testing on a 1/3 scale reactor design for thirteen years. NuScale currently employs approximately 400 people and have invested about \$500 million dollars in the project. They were awarded a US Department of Energy SMR award in 2013 of \$217 million. The Design Certification Application was completed and submitted to the Nuclear Regulatory Commission (NRC) December 2016. Mr. McGough described how the NuScale SMR was designed and worked, as well as the amount of electricity produced by each module in the reactor. The NuScale SMR's output is 1/20th of a big 1,000 megawatt plant. The SMR's operation is driven by physics, and convection, conduction and gravity replace the electrical running requirements of a big power plant. SMRs are designed to be built in the factory and shipped to where they are to be installed. NuScale knows the SMR works because they built and tested all components individually and together. Mr. McGough outlined the enhanced safety features of their SMR. The SMR can vary its output to need. In giving details about NuScale's planned market study for the SMR, he stated it is expected the market size to call for 28 to 38 SMRs to be produced a year by 2030.

Ted Rampton, General Manager, Utah Associated Municipal Power Systems (UAMPS), described UAMPS as an energy service created by the Utah legislature in 1980 that allows cities to work together to reduce carbon footprint energy resources. Right now, UAMPS is conducting 17 projects. The Carbon Free Power Project uses NuScale modular reactors which promise to be a cost competitive resource with a reduced environmental footprint. UAMPS entered into a site-use agreement with INL, conducted studies of four sites located within INL for the project, and after examining transmissions systems, will coordinate with PacifiCorp and Idaho Power on transmission planning for the area. The Shoshone/Bannock Tribes' concerns are a big issue, and UAMPS is working with them. The project can provide Idaho with initial peak construction jobs of 1,000 workers for about 3 years, 360 jobs with salaries of \$85,000/yr when a plant is operational, and other economic benefits from related industries. UAMPS will be looking at concluding the NRC application process in 2022, with site mobilization and set up in 2020/2026.

In response to committee questions, **Mr. Rampton** stated that the new plant would use a dry driven technique that uses large electrical driven fans instead of water for cooling, and UAMPS is conducting a cooling study looking at total dry cooling and wet cooling. Regarding questions about the kind of technology building being put into their startup plans, Mr. Rampton replied that in their application, they have added 10 years per variable to the licensing scope experience but it is not on their planning horizon.

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

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Wednesday, January 18, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>58-0103-1501</u>	Individual/Subsurface Sewage Disposal Rules	Barry Burnell, Water Quality Division Administrator, DEQ
<u>58-0105-1601</u>	Rules and Standards for Hazardous Waste	Matt Alvarado, Waste Management and Remediation Division, DEQ
<u>58-0107-1601</u>	Rules Regulating Underground Storage Tank Systems	Kristi Lowder, Waste Management and Remediation Division, DEQ

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith(Lacey)
Rep Vander Woude	Rep Nate	Rep Jordan
Rep Anderson	Rep Cheatham	Rep Rubel
Rep Anderst	Rep Horman	

COMMITTEE SECRETARY

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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, January 18, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive (Mendive), Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith (Lacey), Jordan, Rubel

**ABSENT/
EXCUSED:** None

GUESTS: Matthew Chandler; Barry Burnell, Department of Environmental Quality (DEQ); Matt Alvarado, DEQ; Michael McCurdy, DEQ; Brian Crawford, Southwest District Health; Dale Atkinson, Atkinson-Jet; Paula Wilson, DEQ; Representative Heather Scott, 5th District of Idaho; Britt Reichel, Veritas; Jay Shaw, Administrative Rules

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Thompson** made a motion to approve the minutes of January 12, 2017.
Motion carried by voice vote.

**DOCKET NO.
58-0103-1501:** **Chairman Raybould** returned **Docket No. 58-0103-1501** to the committee for review, which was held for a time certain from the meeting of Thursday, January, 12, 2017.

Barry Burnell, Water Quality Division Administrator, DEQ, explained that the current system of operation, maintenance and monitoring involves property owners signing an agreement and easement with an O&M, which is a non-profit corporation made up of manufacturers that send out service providers to provide maintenance and monitoring of the complex alternative septic systems. With the easement, the O&M has "anytime" access to a property owner's property to conduct maintenance. The new rule removes the O&M, and the property owner directly contacts a service provider, who has been certified and trained under the new rule, and the service provider comes upon the owner's property at his express invitation only for repair. The new rule cuts out the middle man, O&M, and gives property owners a choice of service technicians.

Mr. Burnell, in response to committee questions, confirmed that service provider training would be in place during the transition period prior to the rule effective date of July 1, 2017, and that there would be no additional costs to property owners and service providers. He also informed committee members that liability for system failure shifts from the O&M to the homeowner unless it is caused by service maintenance, in which case service providers are required to be bonded.

Matthew Chandler testified in support of **Docket No. 58-0103-1501** from his personal knowledge as an owner of a complex alternative septic system. With the easement that ownership of the system requires he enter into, the system service providers can come onto his property anytime without informing him they are or have been there, so he has no way of knowing if service is being performed on his system. Recently, Mr. Chandler came home and noticed a truck from Waste Water Systems on his property, service tools on the front steps, his front door open, and the service man in his master bedroom. The service man stated he had a drug problem and was looking for narcotics. Mr. Chandler called the authorities, and the service man is currently in the custody of the Idaho Department of Correction. Mr. Chandler looked up the service man's criminal history on the internet and found

that he had many felonies, including armed robbery and breaking and entering. In conversations with the O&M, he discovered that they never checked the service man's background, and that the O&M board consists of 3 members, all of whom are employees of the alternative septic system manufacturers. He asked for another entity to monitor his septic system, but has not been given one. Under the current rule, he has no options for selecting another service provider. There is one service provider for over 2,000 systems in Idaho, and they have a monopoly.

Brian Crawford, Southwest District Health, testified in support of **Docket No. 58-0103-1501** stating he has worked for Southwest District Health for 15 years, and during that time the most complaints received have been on the issue of property owners unhappy with complex alternative septic system service providers and wanting to select their own service provider. He stated the current rule has not worked the whole 15 years he has worked for the state, and he has concluded it cannot be made to work.

Dale Atkinson, testified, in opposition to **Docket No. 58-0103-1501**, that he is a service provider, and without an easement, he can't provide service. Mr. Atkinson discussed the percentage of people required to maintain the system, saying that Biomicrobics only has 1 or 2 people servicing 2,000 people while he services 200 systems. He stated that most system manufacturers recommend testing twice a year but the rule only requires one time a year. It needs to apply to everybody if it is going to have service providers servicing different systems. He opined that he has grandfather rights to continue to be a service provider but the new regulations "knocking him out" are in there, and he has trouble with them. He said it needs to be added that for a property owner to switch to another service provider, he needs to meet some requirements to not owe a service provider monthly, has to have his tank emptied, and he needs to be in compliance with the DEQ.

Rep. Heather Scott testified in opposition to **Docket No. 58-0103-1501** because it affects her district's citizens directly. She explained the rule adds requirements to service providers, costs to citizens, and, with new installation and training, it will require more paper and licensing which generates extra money going to licensing fees and growing the government. She stated she represents districts with home septic systems with lots of water, and **Docket No. 58-0103-1501** will have a negative effect on her district.

MOTION: **Rep. Anderst** made a motion to approve **Docket No. 58-0103-1501**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:56 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Tuesday, January 24, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>58-0105-1601</u>	Rules and Standards for Hazardous Waste	Matt Alvarado, Waste Management and Remediation Division, DEQ
<u>58-0107-1601</u>	Rules Regulating Underground Storage Tank Systems	Michael McCurdy, Waste Management and Remediation Division, DEQ

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive(Mendive)	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith(Nye)
Rep Vander Woude	Rep Nate	Rep Jordan
Rep Anderson	Rep Cheatham	Rep Rubel
Rep Anderst	Rep Horman (Reed)	

COMMITTEE SECRETARY

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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, January 24, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive (Mendive), Trujillo, Chaney, Nate, Cheatham, Horman (Reed), Malek, Moon, Smith (Nye), Jordan, Rubel

**ABSENT/
EXCUSED:** Rep. Vander Woude, Rep. Malek

GUESTS: Matt Alvarado, Department of Environmental Quality (DEQ); Michael McCurdy, DEQ; Paula Wilson, DEQ; Suzanne Budge, SBS Associates.

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Jordan** made a motion to approve the minutes of January 16, 2017. **Motion carried by voice vote.**

MOTION: **Rep. Jordan** made a motion to approve the minutes of January 18, 2017. **Motion carried by voice vote.**

**DOCKET NO.
58-0105-1601:** Matt Alvarado, Hazardous Waste Regulation & Quality Coordinator, Waste Management and Remediation Division, DEQ, explained **Docket No. 58-0105-1601** updates state rules to ensure their consistency with federal regulations implementing the Resource Conservation and Recovery Act as directed by the Idaho Hazardous Waste Management Act. There are four new rules:

- The definition of solid waste (DSW) is redefined, withdrawing the transfer-based exclusion and replacing it with the verified recycler exclusion creating a new definition of "legitimate recycling" of Hazardous Secondary Materials (HSM). Currently, only one facility in Idaho is using an HSM Recycling exclusion that will be impacted by the new requirements. The new DSW rule includes a requirement for the National Response Center to be notified in particular emergency situations, and Idaho rules have been revised to ensure the State Communications Center is notified in those situations.
- The Coal Combustion Waste rule regulates disposal of residuals from coal combustion at electric utilities. Since there are currently no coal-fired power plants located in Idaho the impact should be minimal.
- The original Coal Combustion Waste Rule published two different effective dates for the rule, which **Docket No. 58-0105-1601** corrects to October 19, 2015 as the effective date.
- The regulations applicable to transboundary movement of hazardous waste among the Organization for Economic Cooperation and Development (OECD) member countries was amended to list the OECD member countries of Estonia, Israel and Slovenia. Under the Environmental Protection Act, states do not have the authority to administer federal import/export functions of hazardous transboundary shipments and must be notified of all imports/exports of hazardous waste. The amendments to the OECD member list should have no impact on Idaho facilities.

MOTION: **Rep. Thompson** made a motion to approve **Docket No. 58-0105-1601**. **Motion carried by voice vote.** **Rep. Nate** requested he be recorded as voting **NAY**.

DOCKET NO. 58-0107-1601: **Michael McCurdy**, Waste Management and Remediation Division, DEQ, presented rules regarding underground storage tank systems. DEQ inspects underground storage tanks to make sure they don't leak and harm the environment. Last year, legislation was enacted allowing DEQ to collect fees for underground storage tank inspection due to decreased federal grant funding and so state primacy can be maintained. The fee will not exceed \$100 per tank per year, and a fee balance in excess of \$35,000 will be used to reduce the following year's fees. **Docket No. 58-0107-1601**, establishes a dedicated fund for the fees, and fee expenditures will be reported annually to the Legislature and Governor's Office. To maintain state primacy, DEQ must implement updated Environmental Protection Agency regulations, which **Docket No. 58-0107-1601** adopts and incorporates by reference, with a few exceptions regarding operator training and secondary containment. Mr. McCurdy discussed the major tests the updated rules require in underground storage tank testing.

MOTION: **Rep. Anderst** made a motion to approve **Docket No. 58-0107-1601**. **Motion carried by voice vote. Reps. Nate and Moon** requested they be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:01 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Monday, February 06, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Transfer of Spent Fuel Rods Into Idaho	Kathleen Trever, Deputy Attorney General

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive(Mendive)	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith(Nye)
Rep Vander Woude	Rep Nate	Rep Jordan
Rep Anderson	Rep Cheatham	Rep Rubel
Rep Anderst	Rep Horman	Rep Scott

COMMITTEE SECRETARY

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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Monday, February 06, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive (Mendive), Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel

**ABSENT/
EXCUSED:** None.

GUESTS: Kathleen Trever, Office of the Idaho Attorney General; Hannah Schwan, ICL.

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Trujillo** made a motion to approve the minutes of January 24, 2017. **Motion carried by voice vote.**

Kathleen Trever, Deputy Attorney General, presented information on the transference of spent nuclear fuel rods into Idaho for the Idaho National Laboratory (INL) to use for testing and research. Ms. Trever stated that to understand the current situation, the actions and agreements of the past must be reviewed. An agreement negotiated in 1995 between the state of Idaho, the federal government, through agencies with various names, but currently the United States Department of Energy (DOE), and the US Navy, became a federal court order that incorporated three guiding principles: 1) Idaho must not become the default repository of spent nuclear fuel; 2) the DOE must address waste already in Idaho; and 3) INL must be a viable national lab. Repository wastes were dealt with over a 40-year timeframe with deadlines for waste removal, requirements for treatment and safe interim storage, and limits on incoming spent fuel shipments. The Navy and DOE obligations were separated with the Navy being accountable for fuel coming in and the DOE responsible for deadlines for waste removal. The agreement required dual representation for the state of Idaho of both the Governor's Office and the Attorney General's Office. The DOE is not in compliance with the deadline to solidify liquid waste by December 31, 2012, nor with the requirement to ship a 3-year running average of 2,000 cubic meters per year of transuranic waste out of Idaho. There has been progress in 20 years in the amount of waste out of Idaho, but a February 2014 incident at the New Mexico disposal facility halted shipments out. The facility opened January 2017 but INL shipments have not yet resumed. The only remedy under the 1995 consent order is stoppage of incoming DOE shipments. The 2002-2008 Buried Transuranic Waste Litigation & Resolution; 2008 Navy Spent Fuel Addendum; and the 2011 Commercial Fuel Research MOA are all post 1995 legal modifications that do not effect the 1995 federal consent order. Because the DOE is out of compliance with transuranic and high-level waste deadlines, and the only remedy under the 1995 court order is stoppage of incoming DOE shipments, the DOE request to the state of Idaho to allow 2 research shipments has resulted in two years of discussions with no resolution. The new Secretary of Energy, Rick Perry, has indicated that the Yucca Mountain, Nevada disposal facility may again be viable, and Ms. Trever said discussions with the new administration may be hopeful.

Ms. Trever addressed committee questions, stating that Idaho does have the authority to waive DOE performance but the state is looking at the overall accountability of the DOE. After two years of negotiations, the DOE still has not provided assurances about disposal of incoming materials and both the 1995 agreement and the 2011 MOA provide Idaho the remedy of stopping DOE shipments, whether they are connected to research or cleanup. The DOE runs and manages both the INL cleanup and the national lab through different contracting mechanisms, but it is still under the same rule and required to meet deadlines. The decision makers for Idaho under the 1995 settlement are the Governor and the Attorney General who can deny entry or, in agreement together, waive a court order, and the DOE is charged with deciding what kind of work is done and who is the contractor, so they would be the one negotiating action as long as the proposal involves a small amount of materials. The 1995 agreement has been adopted and is a part of a federal court order, and it would take court approval to make a new agreement, grandfather the old agreement, set aside the agreement or change the language of the agreement, and the Governor, Attorney General, the Navy, and the DOE would need to come together to reach different options for proceeding. Currently there is still not a single accord between the parties, and discussions are on hold until the new federal administration is settled. Idaho has already started the process by communicating with the transition team.

Chairman Raybould discussed changes to Joint Rule 18 regarding the fiscal notation on proposed legislation coming to the committee and the correct way to review the fiscal notes on proposed legislation.

ADJOURN: There being no further business to come before the committee the meeting adjourned at 2:52 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AMENDED AGENDA #1
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Wednesday, February 08, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Cybersecurity Task Force Overview - Executive Order	Lt. Governor Brad Little; Gen. Brad Richy, Director, Idaho Division of Emergency Management

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive(Mendive)	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, February 08, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive (Mendive), Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel

**ABSENT/
EXCUSED:** None.

GUESTS: Susan Buxton, DHR; Jack Lyman, Idaho Housing Alliance; Lance Wyatt, OCIO; Greg Zickau, Department of Administration.

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

MOTION: **Rep. Rubel** made a motion to approve the minutes of February 6, 2017. **Motion carried by voice vote.**

Lieutenant Governor Brad Little presented information on the formation of the Governor's Cybersecurity Task Force, saying that technology moves at a high rate of speed, doubling every 18 months, while state government regulation moves slowly. The public expects online access and an open and transparent government but state data and citizen's privacy are at risk if we don't accelerate their protection. The magnitude of urgency on dealing with cyber crime is greater than it ever has been before. Originally, hackers were young kids and malcontents, but today, they can be enemy states and organized crime. Some state agencies, like Health and Welfare and the Idaho Tax Commission already have robust systems in place. The Department of Administration headed up mandatory meetings of all state technical personnel and presented their recommendations to the Governor. **Governor's Executive Order 2017-02** created a director of information security position in the Governor's office to: 1) ensure the Department of Human Resources addresses employee education and training; 2) adopt National Institute of Standards and Technology (NIST) standards and best practices and implement Critical Security Controls (CSC); and 3) develop a public outreach program to citizens, other levels of the government and the business community, with the goal for Idaho to be the most secure place to do business. Legislators will be hearing about the costs because software and hardware programs are needed to implement the higher standard.

Lt. Governor Little responded to committee questions regarding system access and costs by informing the committee members the first thing they would do is data mapping to find out where the data is and how sensitive it is. Access levels will be determined and mandatory training will be for the highest level of security training, money won't be spent on training for lower access levels. There will be some people whose access is lowered as part of this project. Currently, this type of expense is imbedded in agencies' budgets, and is not a line item, so it is hard to determine how much is currently spent.

Lt. Governor Little introduced **General Brad Richy**, Director, Idaho Division of Emergency Management, who stated that from July 2015 to the beginning of 2016, the task force identified threats and vulnerabilities in state technology systems and cyber daily operations and developed recommendations for best practices. He explained that Lt. Governor Little took Idaho from cyber awareness into cyber knowledge. Commencing in April 2016, they looked at breaking cyber down in the general direction it should go, and divided into work groups: 1) Financial, 2) Education and Training, 3) Information and Technology Sharing, and 4) Governance. General Richy consulted with the Governance work group, who evaluated whether Idaho should have a centralized system, a federalized system or a hybrid of the two. They first decided that cyber needed to include information technology and cyber needed to be centralized. The consensus was for a federalized IT system with centralized security and that NIST are the best standards allowing for a common language and framework that every state agency needs to incorporate. Five CSC were decided upon, and by June 30, 2017, the standards and CSC need to be incorporated.

General Richy replied to committee questions about working with other states and the federal government by indicating that if the state implements NIST best practices, it would accomplish what the federal government wants accomplished as a framework. Some state agencies by the nature of their program are tied into the federal system, and our system will communicate with any federal systems. Regarding working with power companies on cyber security, he replied that he does coordinate with our power companies to monitor their cybersecurity, and that every year, the Office of Emergency Management (used to be Homeland Security) conducts an exercise with the power companies to find out what threats there are, what mitigation factors are put into place to help avoid and constantly monitor them, and to put together a good working plan. Power companies are a challenge nationwide because they are so vulnerable to bad actors who are trying to get in and evaluate to see how the system works. There is a nationwide effort being put together through FEMA called Black Sky to look at long term complications of power outages, as well as restoration processes. In response to committee questions regarding costs to Idaho, General Richy replied that he does not anticipate any federal funding to implement hardware and software standards across the states. Idaho Fish & Game did have a security breach earlier this year, which is a learning opportunity, Idaho purchased cyber insurance to mitigate long-term liability in the case of a cyber breach.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:14 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Tuesday, February 14, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1028</u>	Underground Storage Tank Program Fund	Michael McCurdy, Waste Management & Remediation Division Administrator, DEQ
	Idaho Soil and Water Conservation Commission Annual Report	Teri Murrison, Administrator

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive(Mendive)	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, February 14, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive (Mendive), Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel

**ABSENT/
EXCUSED:** Rep. Vander Woude; and Rep. Malek.

GUESTS: Kristi Lowder, Idaho Department of Environmental Quality (DEQ); Michael McCurdy, DEQ; Teri Murrison, Idaho Soil And Water Conservation Commission (ISWCC); Katie Wenetta, ISWCC; Suzanne Budge, SBS Associates, LLC.

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

MOTION: **Rep. Trujillo** made a motion to approve the minutes of February 8, 2017. **Motion carried by voice vote.**

S 1028 **Michael McCurdy**, Waste Management & Remediation Division Administrator, DEQ, presented **S 1028** stating it amends the Idaho Underground Storage Tank Act by adding a new section establishing a dedicated fund for collected underground storage tank fees. Legislation already allows DEQ to collect fees for underground storage tanks of \$100 per tank per year with any balance of collected fees exceeding \$35,000 to be applied to subsequent years.

Mr. McCurdy answered committee member questions regarding the fiscal impact of **S 1028** saying that it does not impact the General Fund and the fees would not directly be used in taking legal actions against underground storage tank owners. Collected fees not used in the year collected would roll over to contribute to the next year's underground tank coverage. He outlined the fee program's coverage of costs for underground tank installation and removal. He also identified the General Fund and grants as additional funding sources for the underground storage tank program.

MOTION: **Rep. Anderst** made a motion to send **S 1028** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nate** requested he be recorded as voting **NAY**. **Rep. Anderst** will sponsor the bill on the floor.

Teri Murrison, Administrator, ISWCC, stated the ISWCC does agricultural stewardship that helps Idaho localities address mandated federal water quality and other environmental goals. ISWCC has no regulatory authority. ISWCC's board has five members, each serving five-year terms with a total FTP of 17.75. This year, \$100,000 was appropriated to fund a one-time pilot project, the North Central Wildfire Restoration Group, to help local, state and federal governments identify and prioritize the restoration of private and municipal lands damaged by the 2015 wildfires. ISWCC has four Core Functions: 1) conservation district support; 2) non-regulated, science-based incentive and comprehensive conservation programs, 3) administration; and 4) outreach and education. Idaho has 50 conservation districts, and about 50% of staff time goes to support districts with their water quality and quantity, cropland productivity, district operations, information and education, rangeland health, fish and wildlife, urban-rural interface, and forest health. Ms. Murrison reported on revenues and expenditures, the RCRDP Loan Program, TMDL Implementation Plans, publication of newsletters and outreach and education efforts, including the 2017 Idaho Envirothon.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:17 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Monday, February 20, 2017

SUBJECT	DESCRIPTION	PRESENTER
S 1009	Open Burning of Crop Residue	Tiffany Floyd, Air Quality Division Administrator, Department of Environmental Quality

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Monday, February 20, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel

**ABSENT/
EXCUSED:** Rep. Vander Woude; Rep. Malek

GUESTS: Braden Jensen, Idaho Farm Bureau; Galen Lee, Payette County Farm Bureau; Roger Batt, Idaho Easter-Oregon Seed Association; Tiffany Floyd, Department of Environmental Quality (DEQ); Mary Anderson, DEQ; Carl Brown, DEQ; Paula Wilson, DEQ; Lisa Carlson, Idaho Attorney General's Office; Karen Miller, Physician; Justin McLeod, Prairie Grass Growers; Greg Branson, Farmer; Cory Kriss, Grower/CRB Board; Brandy Kay, IWGA; Benjamin Kelly, Food Producers of Idaho; and Jonathan Oppenheimer, Idaho Conservation League

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Jordan** made a motion to approve the minutes of February 14, 2017. **Motion carried by voice vote.**

S 1009 **Tiffany Floyd**, Air Quality Division Administrator, DEQ, stated DEQ's Crop Residue Burn (CRB) program goals are to protect public health by ensuring that CRB does not exceed National Ambient Air Quality Standards (NAAQS) and to provide flexibility to farmers to burn crop residue as an agricultural practice when it will not jeopardize public health. DEQ's criteria for approving a burn include proximity to sensitive groups, weather activity and pollution concentrations which cannot exceed 75% of any NAAQS. **S 1009** does not propose a new standard but a threshold to ensure that DEQ does not exceed any NAAQS.

DEQ proposes to change the threshold from 75% to 90% for ozone specifically because the Environmental Protection Agency (EPA) reduced the ozone standard and because typical ozone levels can limit CRB even when burning is not predicted to exceed air quality standards. The 2008 ozone standard was 75 parts per billion and 75% of 75 equals 56 parts per billion, and 56 becomes the threshold number that DEQ uses to evaluate whether or not to approve a CRB. DEQ is not allowed to approve a burn at or above 56 parts per billion.

In 2015, the ozone standard was reduced to 70 parts per billion and 75% of 70 equals 52 parts per billion which becomes the new threshold where DEQ is allowed or not allowed to approve burns. Ozone concentrations at Craters of the Moon, which is defined as a pristine area, can range from 30 to 70 parts per billion, which can exceed both the 56 and 52 parts per billion. This has resulted in limiting the number of burn days for farmers, which DEQ estimates can be approximately one-third to one-half of the burn days currently allowed. So by changing the 75% outlined in statute to 90%, and using the 2015 ozone standard of 70 parts per billion, the threshold would be 63 parts per billion and allows for greater flexibility in determining when burning can occur when all the other criteria are met. Changing the threshold strengthens health protections by spreading the burns out over more days when smoke dispersion is better and may lead to less burns in a single day.

The proposed threshold change will require EPA approval before the statutes can be implemented, and DEQ is recommending a temporary measure that keeps the 2008 ozone standards currently used until February 28, 2018, when EPA approval of the new standard with the 63 parts per billion threshold will become effective.

Ms. Floyd informed the committee, in response to their questions that farmers get permission for a burn directly from DEQ via a Permit by Rule, and DEQ determines if the ambient ozone quality is below 90%, utilizing their staff meteorologist to make the determination on a day-to-day basis. She affirmed at the national level the parts per billion level was lowered because of information that ozone was more harmful to human health than people thought, and it is important that DEQ consider the NAAQS and something above it as harmful to public health. DEQ worked with the Department of Health & Welfare State Toxicologist for an evaluation of an 80% threshold, which, although it kept the ozone at 56 parts per billion, still presented the management problem of a reduction in burning days without an increase of public health benefits compared to a 90% threshold.

Those speaking **in support** of **S 1009** were **Braden Jensen**, Farm Bureau; **Justin McCloud**, President, Kentucky Blue Grass Association; **Greg Branson** Nezperce, farmer; **Cory Kriss**, Power County farmer; **Benjamin Kelly**, Food Producers of Idaho; **Robert Batt**, Idaho Eastern-Oregon Seed Association; and **Galen Lee**, Payette County Farm Bureau. They have been working under the same plan for 8 years and adjusting the burning criteria would allow for a robust program to be successful and continue in the future. Failure of the legislation would have a catastrophic impact on their businesses and cause losses in the millions of dollars. Seventy percent of blue grass seed in the United States is grown in Idaho, and without the ability to burn, bluegrass farmers would not be able to survive in Idaho. CBR lowers use of pesticides in farming since tilled crop residue harbors many pests, and lack of tractor use reduces diesel fuel use and emissions. The proposed change is equivalent to a change of one penny in \$10,000 or one minute in 37 years. The EPA stated they would support a 90% ozone standard as long as it protects human health, and there have been no documented cases showing impact (hospitalizations/deaths) to human health. Under the legislation, if it is a bad day to burn, they don't have to take advantage of it but can do it another day, which also would reduce smoke.

Those speaking **in opposition** of **S 1009** were **Dr. Karen Miller**, Physician, St. Luke's Idaho Pulmonary Associates and Adult Director of St. Luke's Cystic Fibrosis of Idaho, and **Jonathan Oppenheimer**, Government Relations Director, Idaho Conservation League. They expressed concern that the legislative changes weaken levels of protection for sensitive populations such as youth, elderly, pregnant woman or individuals suffering from respiratory issues because it allows a 14% increase from current standards and is contraindicated by the best available science. **Dr. Miller** stated that many of her pulmonary patients become housebound when crop residue burning takes place, and visits from patients with lung problems increase, as well as emergency and inpatient admission and the need for more health products to counteract poor air quality. **Mr. Oppenheimer** stated the proposed changes were not reached through consensus, are not in line with the collaborative approach used to forge the initial agreement between the agricultural community, human health advocates and regulating agencies and erodes the community partnership built over the past 8 years.

In response to committee questions, **Dr. Miller** stated she is not an expert on the impact of ozone levels, nor has she done any research on whether increasing ozone level concentration in the small amounts at issue causes harmful impact to patients' health. Her patients say crop burning has exacerbated their problems and so do forest fires, and she cannot tell whether 10 farms' CRB or 1 farm's CRB makes a difference in the impact on her patients.

Ms. Floyd to close, reiterated strongly that DEQ is dedicated to protecting public health in Idaho, and the proposed threshold change is not a new standard but falls below DEQ standards.

In response to committee questions, **Ms. Floyd** indicated the legislation could increase CRB days, and they do not have any scientific research to show whether the ozone changes at this level have any impact on health.

MOTION: **Rep. Thompson** made a motion to send **S 1009** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Rubel** requested she be recorded as voting **NAY**. **Rep. Chaney** will sponsor the bill on the floor.

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

Representative Raybould
Chair

Lorrie Byerly
Secretary

JOINT
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE
1:30 P.M.
Lincoln Auditorium
Wednesday, February 22, 2017

SUBJECT	DESCRIPTION	PRESENTER
	" Invasive Species: Knocking on Idaho's Door"	Nate Fisher, Board President, Idaho Council on Industry and Environment
	Overview and History of Quaggas in the U.S.	Jesse Taylor, Bear Lake Watch Inc.
	Idaho Legislative Interim Task Force Report	Rep. Terry Gestrin
	Proposed 2017 Legislation and Funding	Sen. Mark Harris
	Potential Impacts to the Entire Columbia Basin River System	Northwest Economic Region
	Current Prevention Efforts Relating to Invasive Species	Lloyd Knight, Administrator, Plant Industries Division, Idaho State Department of Agriculture

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordanl
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1128
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MINUTES
JOINT MEETING
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE**

DATE: Wednesday, February 22, 2017

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel

Chairman Bair, Vice Chairman Vick, Senators Siddoway, Brackett, Heider, Bayer, Johnson, Stennett, Jordan(17)

**ABSENT/
EXCUSED:** Rep. Vander Woude, Rep. Trujillo, and Rep. Malek.

GUESTS: Sharon Kiefer, Idaho Department of Fish and Game (IDFG); Jim Fredericks, IDFG; Dave Parrish, IDFG; Andrew Smyth, Idaho Department of Lands (IDL); Jason Laney, IDL; Tanner Beymer, Wittmeyer Associates; Mitch Whitmill, Jefferson County Weed/Invasives; Mitch Coats, Food Producers of Idaho; Greg Casey, Veritas Advisors; Dustin Miller, OSC; Rayola Jacobsen, RJ Consulting; Rialin Flores, CVI; Will Hart, ICUA; Braden Jensen, Idaho Farm Bureau; Amber Christofferson, DFM; Tom Wolf, Idaho State Department of Agriculture (ISDA); Cecilia R. Gould, ISDA; Lloyd Knight, ISDA; Neil Colwell, Avista Cop.; Pat Care, ITD.

Chairman Bair called the meeting to order at 1:33 p.m.

Nate Fisher, Board President, Idaho Council on Industry and Environment, stated invasive species in our waterways are a major issue for Idaho, and he introduced and welcomed **Jesse Taylor** to address the issue.

Jesse Taylor, Bear Lake Watch, Inc. (BLWI), explained that BLWI is not an environmental group, but a group of people who have summer homes on Bear Lake which is located on the border of Utah and Idaho. Since 2006, BLWI has been concerned about invasive species devastating Bear Lake's ecosystem by reducing the plankton upon which the Cisco, Mackinaw and Cutthroat fish population feed. Mr. Taylor earned a level 3 decontamination certification for decontaminating boats because decontaminating all boats coming out of the water is a big problem, and Idaho has funded operating stations at Bear Lake to ensure decontamination. Mr. Taylor held a legislative rendezvous at Bear Lake to get legislators from Utah and Idaho to start talking to one another about these efforts, he and **Eric Anderson** met with the Utah Legislature regarding boat decontamination, and BLWI hosted the Invasive Species Task Force in Bear Lake last summer.

Rep. Gestrin, Co-Chair, Idaho Invasive Task Force (IITF), stated IITF's focus is on the threat in Idaho of Quagga/Zebra Mussels and current and potential prevention efforts. The cost of eradicating Quagga/Zebra Mussel infestations is approximately \$94 million a year. Idaho has 16 watercraft inspection stations that operate dawn to dusk February through October.

Rep. Gestrin reviewed IITF's meeting history, membership makeup, and a brief history of the Quagga/Zebra mussel infestation in the United States. The IITF found that waterfront inspection station operation time should be increased and irrigation districts should regulate waters under their purview. They recommended: 1) the Legislature provide for an infraction violation and a fine for bypassing a watercraft inspection; 2) operation times for inspection stations at Bear Lake, Cedars, Cotterel, Franklin, Hwy 93 and Malad be extended to 24-hour operation, funded with \$4 million in General Funds; 3) adoption of a joint memorial encouraging the federal government to continue engagement in prevention efforts; 4) sale of invasive species stickers by the Department of Park and Recreation at all watercraft inspection stations; 5) continuation by the ISDA of invasive species training for Port of Entry inspectors; 6) an increase of out-of-state boat registration costs to \$30; 7) any Legislative eradication program should foster cooperation between the states and federal government regarding inspections and enforcement.

In response to committee question on what Utah and Montana have been doing to combat Quagga Mussel invasion, **Rep. Gestrin** replied that Montana appropriated \$10 million for the next 2 years and put a coordinator in the Governor's Office to oversee Quagga Mussel prevention/eradication, and Utah has been diligent. Utah has a check station at Logan, Idaho has a check station on Bear Lake, and they should coordinate and share resources. He further replied to questions stating that prevention efforts should be our focus, since efforts to eradicate invasive species have not been great. Upon committee inquiry, Rep. Gestrin informed committee members that approximately \$60,000 is generated by the sale of out-of-state tags, and that the majority of boaters in Idaho never leave the state and pose no risk.

Sen. Harris, said the Idaho Joint Finance and Appropriations Committee (JFAC) just approved a supplemental appropriation for \$700,000 for the ISDA to get three new inspection stations up and running to begin implementation of the check station program from now until June 30, 2017. The three stations are slotted to be on State Highway 3 near Rose Lake, US Highway 12 near Lolo, and Highway 15 coming out of Montana, and will bring the total to 18 stations. Difficulties for ISDA arise from providing security for the stations in the dark if they run extended hours and in finding people to man the stations. It is anticipated Idaho will receive \$1.2 million from boat registrations next year, and proposed legislation plans to increase out-of-state boater registrations from \$20 to \$30, which is about \$125,000 for the program. **S 1068** meets the recommendations of IITF and would amend The Invasive Species Act by adding an Office of Invasive Species Policy within the Office of Species Conservation. This position would coordinate all state departments to address the Quagga Mussel program and, without taking anything away from the ISDA, would be answerable to the Governor. The bill also expands the role of the ISDA in developing and administering an early detection and rapid response protocol in Idaho.

In response to committee questions, **Sen. Harris** stated that having someone from the Office of Species Conservation reporting directly to the Governor would make the process more responsive and effective even though the ISDA has done a great job.

Matt Morrison, Pacific Northwest Economic Region (PNWER), examined the costs of a Quagga Mussel infestation in our region, and said, based upon the Pacific Northwest being a hydropower economy, it would cost half a billion dollars a year for the length of a lifetime and the lifetime of the next generation. The situation is urgent because Quagga Mussels have now been found in the PNWER region in Montana. The Montana Governor declared an environmental emergency, and set up an incident command system that came up with specific recommendations on January 20, 2017. Mr. Morrison emphasized that Canyon Ferry, where Quagga Mussel larva was found in Montana, is only 50 miles from the Continental Divide, and from there, they can flow into the Columbia and become unstoppable. Matt Morrison commented on economic impacts to Idaho and other PNWER states and sources of federal funding. Mr. Morrison introduced **Matt Walcott** who appeared telephonically.

Matt Walcott, Montana Incident Commander in MT, explained the Tiber Reservoir had three positive samples and a positive alert by a mussel sniffing dog, so they have a good confidence level there is an adult Quagga Mussel population in the Tiber Reservoir. Canyon Ferry had two positive dog sniffing alerts and one suspect sample taken, so they are treating it like it has mussels and setting up task forces to deal with control and containment issues. They put a restriction on Canyon Ferry and Tiber Reservoirs to limit the removal of boats on the water without prior approval of Fish, Wildlife and Parks even though it is late in the year and the water is cold.

Task force teams were formed around the issues of the draw down of the Tiber Reservoir, looking into other control measures, sampling and monitoring, education and outreach, economic impacts, and they set up a scientific advisory team. The task forces came up with these recommendations: 1) use restrictions, closure and decontamination as a prevention tool at infested water bodies; 2) expand the watercraft inspection program and increase watercraft inspection stations from 17 to 34, as well as days/hours of operation; 3) expand the AIS monitoring program to increase field sampling and monitoring capacity to more than 1,500 samples at 206 water bodies and increase the speed of processing; 4) strengthen management of the aquatic invasive species program, secure program funding, enhance existing staffing, identify needs and increase education. They stood up a fire wall on the Continental Divide, and every one of the paved Continental Divide crossings will now have an inspection station, with inspection stations increasing from 13 to 34 this coming season with expanded time and hours.

New rules were implemented that all boats using Canyon Ferry or Tiber Reservoirs are to be decontaminated after use unless they agree by affidavit to use a local boat sticker and not use their boat anywhere else. Montana also implemented an inspection-before-launch rule for all boats entering Montana and, regardless of origin, crossing the Continental Divide. On January 16, 2017 the Legislature approved the recommendations, authorized funding of \$11 million, guaranteed by state funding, for the next two years and a program staff of 130 employees. Montana is hoping to leverage federal 50% match funding, so Montana legislators have reached out to the Department of the Interior and the Bureau of Reclamation. Both Canyon Ferry and Tiber Reservoirs are Bureau of Reclamation facilities. Montana's Legislature is also sending out letters to all federal agencies connected with Quagga Mussel prevention and eradication.

In response to committee questions, **Mr. Morrison** said that the Northwest Power Planning Council has been supportive of this issue, but they have declined to set up a regional advisory committee like the Army Corp of Engineers asked.

Mr. Walcott responded to committee questions by explaining that finding control measures using natural means such as natural predators of Quagga Mussels have not been successful, and not preventing or eradicating Quagga Mussels has caused such problems as destruction of the wall eye fishery in St. Clair and the requirement that shoes be worn to swim on Chicago beaches to protect people's feet from Quagga Mussels.

Lloyd Knight, Administrator, Plant Industries Division, Idaho State Department of Agriculture, presented a brief history dating back to 2006 of Quagga Mussel prevention efforts, as well as provided information on program funding, authorities and staffing. The supplemental appropriation JFAC approved funded the creation of three new FTPs. The roadside inspection stations keep hours from dawn to dusk, and adding three new stations were the reason for the addition of three new FTPs.

The heart of what they do is cooperate with other agencies and entities, and they have dozens of cooperative agreements with seven soil and water conservation districts and six local law enforcement agencies. They deal with the Department of Environmental Quality, the Tribes in Idaho and the US Army Corp of Engineers on cooperative sampling efforts across the state, have right-of-way permits with the Idaho Department of Transportation, and are involved with the Western Regional Panel Columbia River Basin Team Building Consensus Subcommittee, PNWER, Army Corp of Engineers and Idaho Invasive Species Council. In 2016, ISDA performed 89,390 water craft inspections from 5,200 US zip codes, hot washed 1,093 water craft, found other invasive species contamination on 480 water craft and 1,200 boats visited infested water bodies in 2016, with only 19 boats infested, and one boat being viable for mussels which was held under a mandatory quarantine. Mr. Knight reviewed traffic patterns and boating destinations in Idaho and the northwest, advising that Idaho is a pass through state that gets boats passing through to Canada.

In response to committee questions, **Mr. Knight**, stated that Idaho took 9,000 samples from Idaho waters in 2016.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 3:00 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Tuesday, February 28, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Cybersecurity and Critical Infrastructure Capabilities	Zach Tudor, Associate Laboratory Director National & Homeland Security, Idaho National Laboratory
	Cyber Challenges Facing Industry	Dick Garlish, General Manager of Compliance Risk and Security, Idaho Power

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive(Mendive)	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, February 28, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel

**ABSENT/
EXCUSED:** Rep. Vander Woude, Rep. Anderson, Rep. Chaney, Rep. Scott, Rep. Malek, Rep. Moon

GUESTS: John Chatburn, Governor's Office of Energy and Mineral Resources

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

MOTION: **Rep. Jordan** made a motion to approve the minutes of February 20, 2017.
Motion carried by voice vote.

Zach Tudor, Associate Laboratory Director, National Department Homeland Security (DHS), Idaho National Laboratory (INL). Mr. Tudor also serves as a member of the Board of Directors of the International Information System Security Certification Consortium (ISC), that provides strategy, governance and oversight for the Certified Information Systems Security Profession (CISSP) certification that grants certifications to qualifying candidates and enforces adherence to the ISC Code of Ethics. INL experts conduct control system cybersecurity research, travel across the nation to large industrial sites, communities and military facilities to participate in cyber security investigations and security assessments of critical infrastructure, collaborate with government agencies, private industries, universities and via ICS-CERT staff respond to calls from government and industry representatives requesting help regarding suspect cyber-related events, and, at the invitation of the Department of Energy (DOE) and the International Atomic Energy Agency, share expertise to improve cybersecurity at nuclear power plants and other critical infrastructure in foreign countries. They are also assisting nuclear energy plants and other utilities across the nation to implement more secure systems and leading in the development and implementation of Consequence-driven Cyber-informed Engineering addressing cyber attack. Since cyber attacks can happen to automobile control systems, INL has developed cooperative research agreements with auto manufacturers to assist them in producing cybersecure vehicles.

Under a consolidated Battelle Energy Alliance contract in 2005, the DOE and INL invested approximately \$100 million to enable cybersecurity research and develop laboratories and a power-grid test bed. INL, DOE, DHS and the Department of Defense develop, test and validate technologies, systems and policies to protect the nation's critical infrastructures via the Critical Infrastructure Test Range Complex (CITRC). INL has designated nearly \$4 million for creation of the Cybercore Integration Center, has 51 contracts worth \$9 million with universities in Idaho to perform collaborative research, and cosponsors the Center for Advance Energy Studies and K-12 STEM.

In response to committee questions, **Mr. Tudor** replied that he would need to research and report back to the committee on whether INL has ever been hacked, whether over-the-horizon technology is a cyber threat to INL, and whether flights over INL pose a cybersecurity risk. Mr. Tudor informed committee members in answer to a question that hacking into driverless cars is a possibility, which is why INL and DHS are working to understand the systems and to make them safer. Mr. Tudor defined CITRC, when asked by committee members, as the Critical Infrastructure Test Range Complex, which has a wireless test bed, power generation and electric distribution lines and is a platform allowing INL to bring in other tools from utilities to test in a real environment. CITRC also has water test beds, roads and rails, so they can have a complete environment to simulate a small region for testing real-world scenarios.

Dick Garlish, General Manager of Compliance Risk and Security, Idaho Power, defined Idaho Power's cybersecurity levels and gave a brief explanation for the increasing need for cybersecurity. Since 2011, Idaho Power had 10 million breach attempts to their corporate perimeter, and this year 8 people got in, but Idaho Power was able to isolate, contain and mitigate their threat. Idaho Power uses industrial control systems to run their generation and distribution network to their customers, and because it is a huge concern, Idaho Power has invested more than \$13 million since 2012 in cybersecurity protections, including 8 full-time employees dedicated to watching their network and environment and mitigating problems. Idaho Power spends 7 1/2% of a \$34 million internet technology budget on cybersecurity. Mr. Garlish discussed the types of data both Idaho Power's corporate and operation environment levels have and how they are protected. He explained that at the operational environment level, they use a lot of automatic systems to ramp up and ramp down, and INL helps put in a lot of protection schemes, which is a tremendous asset. Idaho Power participates in INL training and conducted an evaluation this year. Threats change all the time, and Idaho Power is happy to have the support of INL.

In response to committee questions, **Mr. Garlish**, explained that Idaho Power participates in EEI, a national trade organization for utilities and the successor to the US CERT, a government facilitated information sharing site, to help improve their security posture.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:10 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AMENDED AGENDA #2
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 PM or Upon Adjournment
Room EW41
Thursday, March 02, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 236	First Informer Broadcasters in the Idaho Emergency Operations Plan	Rep. Thompson
	Wildlife Restoration Group Update	Steve Becker, Idaho Association of Conservation Districts

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, March 02, 2017
TIME: 1:30 PM or Upon Adjournment
PLACE: Room EW41
MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel
**ABSENT/
EXCUSED:** Rep. Vander Woude
GUESTS: Larry Benton, Broadcasters Association of Idaho; Ron Pisaneshi, Idaho Public Television; and Robert Trumen, KBOI-TV, Sinclair Broadcasting.

Chairman Raybould called the meeting to order at 2:16 p.m.

H 236: **Rep. Thompson** explained that **H 236** is legislation that defines broadcasters as first informers during emergencies and allows them to take care of their transmitters during emergencies. Given the similarity to first responders, the title is suitable. **H 236** ensures that emergency broadcasters have access in emergencies to their tools and fuels for generators for the purposes of keeping transmission signals up and running. The need was displayed when an engineer was denied access to a transmitter during the Soda Springs Fire and in Hurricane Katrina when broadcasters were denied gasoline to power their transmitters. First informer broadcasters will be required to complete certification and training required by the state broadcasters association.

In response to committee questions regarding requirements and training to become first informer broadcasters, **Rep. Thompson** stated the training is developed and controlled by the Broadcaster Association of Idaho (BAI), and he introduced **Larry Benton**, from BAI to address certification specifics. Mr. Benton informed the committee the training is basically in cooperation with the management services department and the emergency management services department, who will help them develop a valid program and do it properly so that applicants who don't understand the intensity of an emergency will understand after the course. Certification will not be a financial burden to the state because the broadcasters will take care of the costs, and training will be open to anyone who wants to take the training, but the permission to access emergency venues still resides with the people in emergency management. BAI wants to get the law passed and then develop the program.

Larry Benton, representing BAI; **Ron Pisaneshi**, General Manager, Idaho Public Television; **Robert Truman**, General Manager, Sinclair Broadcast Group, KBOI TV, spoke **in support** of **H 236** explaining the legislation is about keeping transmitters viable and working to operate within Federal Communications Commission parameters and will allow broadcasting staff access to emergency sites by emergency personnel. It is not about getting in to emergency areas for reporting. It is about keeping the signal up and broadcasting to the community in rural areas where they are the only source of information. Similar legislation was unanimously passed in Nevada, Oregon, West Virginia and Illinois.

Mr. Benton stated, in reply to committee questions, that the number of broadcasters entering emergency sites would be limited because they have to be trained, and he assured committee members that the authority for an emergency site would remain with emergency personnel, with first informer broadcasters only having authority to go in and maintain or repair a broadcasting transmitter under the authority of emergency personnel. Committee Members discussed the perimeters and limitations of the authority granted to broadcasters under **H 236**, and Mr. Benton stated the legislation provides emergency training certification authority to broadcasters to be able to service their equipment and make sure their broadcasts go out, but does not provide authority over anyone.

MOTION: **Rep. Malek** made a motion to send **H 236** to the floor with a **DO PASS** recommendation.

In opposition to the motion, **Rep. Trujillo** opined the language of **H 236** is too broadly written and allows the possibility of a broadcaster to have authority over emergency management personnel.

ROLL CALL VOTE: **Rep. Trujillo** requested a roll call vote on **H 236**. **Motion carried by a vote of 11 AYE, 5 NAY, 2 Absent/Excused. Voting in favor** of the motion: **Reps. Thompson, Hartgen, Anderst, Mendive, Cheatham, Horman, Malek, Smith, Jordan, Rubel, and Chairman Raybould. Voting in opposition** to the motion: **Reps. Trujillo, Chaney, Nate, Moon and Scott. Reps. Vander Woude and Anderson were absent/excused. Rep. Thompson** will sponsor the bill on the floor.

Chairman Raybould presented a draft letter to Idaho's US Congressmen requesting matching funds for 2018 to combat the immediate threat of quagga mussels. (Attachment 1.) He requested committee members take the draft and review it to see if they can approve and sign the letter to each of the four Idaho congressmen. Chairman Raybould emphasized that quagga mussel infestation is the biggest threat to the state.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2.56 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

March 3, 2017

The Honorable Mike Crapo
United States Senate
239 Dirksen Senate Office Building
Washington DC 20510

The Honorable James E. Risch
United States Senate
SR-483 Russell Senate Office Building
Washington DC 20510

The Honorable Mike Simpson
U. S. House of Representatives
2084 Rayburn House Office Building
Washington DC 80515

The Honorable Raúl Labrador
U. S. House of Representatives
1523 Longworth HOB
Washington DC 80515

Dear Senators Crapo and Risch and Representatives Simpson and Labrador:

We, the members of the House Energy, Environment and Technology Committee, are writing to request \$8 million in federal matching funding for FY 2018 to combat the immediate threat of invasive quagga and zebra mussels to the Pacific Northwest region. Until recently, the Pacific Northwest region remained one of the only regions in North America without invasive quagga and zebra mussels. In November 2016, invasive mussel larvae were detected at Canyon Ferry Reservoir and Tiber Reservoir, located in Montana, and part of the Missouri River system. In response, Montana Governor Steve Bullock declared a natural resources state of emergency.

Further spread of these invasive mussels will have a devastating and far-reaching impact on the economic and environmental wellbeing of the entire region. If invasive mussel populations become established in the Pacific Northwest, it will cost the region \$500 million a year, so it is vital that we work together to ensure that the invasive mussels do not make the short trip across the Continental Divide and into the Columbia River system. Failing to ensure this would not only result in Idaho water bodies becoming infested with quagga and zebra mussels, but the rest of the Columbia River Basin and region as well.

The Honorable Mike Crapo
The Honorable James E. Risch
The Honorable Mike Simpson
The Honorable Raúl Labrador
March 3, 2017
Page 2

For these reasons, we ask Congress to appropriate \$8 million of the authorized \$20 million for FY 2018 to the four Northwest States of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WIIN), which includes the Water Resources Development Act of 2016 (WRDA). The \$8 million in federal matching funding would be used to enhance funds already allocated by the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that invasive mussels do not spread to the rest of the region.

We appreciate the funding that Congress appropriated under the Water Resources Reform and Development Act of 2014 (WRRDA) and WIIN to assist the four Northwest States. The emergency in Montana highlights the constant and ongoing threat of invasive mussels to the region, and the importance of the States continued receipt of federal matching funding to support their efforts to protect against these aquatic invaders. Therefore, we respectfully ask that you consider our request and take the necessary steps to ensure that federal funds are appropriated to the four Northwest States in FY 2018.

Thank you. We look forward to your response.

Sincerely,

Members of the Idaho State House of Representatives
House Environment, Energy and Technology Committee

Rep. Del Raybould, Chairman

Rep. Jeff Thompson, Vice Chairman

Rep. Stephen Hartgen

Rep. John Vander Woude

Rep. Neil A. Anderson

Rep. Robert Anderst

The Honorable Mike Crapo
The Honorable James E. Risch
The Honorable Mike Simpson
The Honorable Raúl Labrador
March 3, 2017
Page 2

Rep. Ron Mendive

Rep. Janet Trujillo

Rep. Greg Chaney

Rep. Ronald Nate

Rep. Heather Scott

Rep. Don Cheatham

Rep. Wendy Horman

Rep. Luke Malek

Rep. Dorothy Moon

Rep. Elaine Smith

Rep. Paulette E. Jordan

Rep. Ilana Rubel

DR/lb



AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 PM or UPON ADJOURNMENT
Room EW41
Wednesday, March 08, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Status of the Current Energy Situation in Idaho	John Chatburn, Administrator, Governor's Office of Energy and Mineral Resources

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive(Mendive)	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, March 08, 2017

TIME: 1:30 PM or UPON ADJOURNMENT

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel

**ABSENT/
EXCUSED:** Rep. Vander Woude, Rep. Anderst; and Rep. Malek

GUESTS: Matt Wiggs, Governor's Office of Energy and Mineral Resources (OEMR); Tyler Mallard, OEMR; Chris Jensen, DBS; Neil Colwell, Avista Corp., Russell Westerberg, RMP; Shannon Graham, OEMR; Jennifer Pope, OEMR, Scot N. Pugrud, OEMR; Austin Hopkins, ICL; John Chatburn, OEMR; Jeff Larsen, RMP; Will Hart, ICUA; Ken Miller, Idaho Energy Report.

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

MOTION: **Rep. Rubel** made a motion to approve the minutes of February 22, 2017. **Motion carried by voice vote.**

Chairman Raybould inquired of committee members whether they had reviewed the letter to Idaho's U.S. Congressional delegation regarding quagga mussels. [Attachment 1.]

MOTION: **Rep. Horman** made a motion to approve sending letters from the committee to U.S. Senators Crapo, and Risch, and U.S. Representatives Simpson and Labrador. **Chairman Raybould** said four individual copies of the letter would be sent to them.

John Chatburn, Administrator, OEMR, provided updates to issues for the Gateway West Transmission Line, the Boardman to Hemingway Transmission Line, the Hooper Springs Transmission Line, the Idaho Falls Power 161 kV transmission expansion, and the Southwest Intertie Project. Increased fuel costs in southern Idaho and Utah were attributed by Mr. Chatburn to a pipeline carrying crude oil from Wyoming to refineries in Salt Lake City that had sensor problems causing it to be taken off line and which led to a reduction in the amount of crude oil available to refineries in the Salt Lake City area. OEMR will continue to work with and monitor the oil and natural gas industry that is still developing in Idaho. OEMR continues to monitor the legal process of the Clean Power Plan under stay from the U. S. Supreme Court and the process of the appointment of a trustee, a trust effective date and Idaho's acceptance as a beneficiary of the \$2.9 billion Volkswagen Settlement Environmental Trust where Idaho's initial allocation is \$16.2 million upon Idaho's acceptance as a beneficiary and Department of Environmental Quality's (DEQ) submission of a plan to reduce nitrous oxide (NOx) emissions. Pacificorp's attempts to join the California Independent System Operator to create a regional ISO are pending decisions from the Federal Energy Regulatory Commission and the California Legislature. OEMR will participate in developing Idaho's comments for the energy portion of the Columbia River System Operations EIS. Mr. Chatburn presented a statistical overview of the energy situation in Idaho.

In response to committee questions, **Mr. Chatburn**, explained that the DEQ's plan to reduce NOx emissions for the Volkswagen Settlement Environmental Trust is different than the plan they prepared for the Clean Air Act in that it would only involve planning for the use of settlement monies to reduce NOx emissions. He also responded that the fuel that makes up 4.46% of the fuel consumption mix for electricity in Idaho is a combination of solar, woody biomass, geothermal, combined heat and power, landfill gas, anaerobic digesters, and does not include left over nuclear fuel from the Wolf Project. Answering committee questions regarding the relationship of higher electricity generation costs to use of wind or solar electricity generation, Mr. Chatburn said it involves a case-by-case analysis based on the price paid to a developer for electricity under a PURPA contract negotiated between the utility and the developer that is then approved by the Public Utilities Commission. He replied to a question on whether the ISO created by the California Independent System Operator would have an Idaho footprint by saying it would be a California footprint with PacificCorp and the states they serve added.

Mr. Chatburn introduced **Jackie Flowers**, Board Chair, Idaho Strategic Energy Alliance, and General Manager, Idaho Falls Power, who said the industry is undergoing dynamic modification and modernization, resulting in different technologies, so it is not going to be the same industry as seen by our grandfathers.

In response to committee questions on how Idaho could take advantage or lower rates for Idaho customers if the new federal administration went through with their plans to cut Environmental Protection Agency rules, **Ms. Flowers** introduced **Jeff Larson**, Vice President of Regulation, Pacificcorp, to speak to the potential impact on coal facilities. Mr. Larson explained that they are currently dealing with regional haze requirements for a number of power plants. Dealing with visibility rules requires the coal plant to make a significant investment of between \$120-200 million to put a selective catalytic reduction unit in to lower their admissions per unit. When a plant does not know what is going to proceed, such as looking at the impact of coal shutdown and what to replace it with, how do they determine economical investment. The key is to have more certainty to know what regulations are going to impact coal plant production and how they can move forward to serve their customers.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:19 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

March 15, 2017

The Honorable Mike Crapo
United States Senate
239 Dirksen Senate Office Building
Washington DC 20510

Dear Senator Crapo:

We, the members of the House Energy, Environment and Technology Committee, are writing to request \$8 million in federal matching funding for FY 2018 to combat the immediate threat of invasive quagga and zebra mussels to the Pacific Northwest region. Until recently, the Pacific Northwest region remained one of the only regions in North America without invasive quagga and zebra mussels. In November 2016, invasive mussel larvae were detected at Canyon Ferry Reservoir and Tiber Reservoir, located in Montana, and part of the Missouri River system. In response, Montana Governor Steve Bullock declared a natural resources state of emergency.

Further spread of these invasive mussels will have a devastating and far-reaching impact on the economic and environmental wellbeing of the entire region. If invasive mussel populations become established in the Pacific Northwest, it will cost the region \$500 million a year, so it is vital that we work together to ensure that the invasive mussels do not make the short trip across the Continental Divide and into the Columbia River system. Failing to ensure this would not only result in Idaho water bodies becoming infested with quagga and zebra mussels, but the rest of the Columbia River Basin and region as well.

For these reasons, we ask Congress to appropriate \$8 million of the authorized \$20 million for FY 2018 to the four Northwest States of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WIIN), which includes the Water Resources Development Act of 2016 (WRDA). The \$8 million in federal matching funding would be used to enhance funds already allocated by the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that invasive mussels do not spread

The Honorable Mike Crapo
March 15, 2017
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to the rest of the region.

We appreciate the funding that Congress appropriated under the Water Resources Reform and Development Act of 2014 (WRRDA) and WIIN to assist the four Northwest States. The emergency in Montana highlights the constant and ongoing threat of invasive mussels to the region, and the importance of the States continued receipt of federal matching funding to support their efforts to protect against these aquatic invaders. Therefore, we respectfully ask that you consider our request and take the necessary steps to ensure that federal funds are appropriated to the four Northwest States in FY 2018.

Thank you. We look forward to your response.

Sincerely,

Rep. Del Raybould, Chairman
House Environment, Energy and Technology Committee

DR/llb

cc: The Honorable C.L. "Butch" Otter
Governor of the State of Idaho
P.O. Box 83720
Boise, ID 83720-0034

The Honorable Scott Bedke
Idaho Speaker of the House of Representatives
P. O. Box 83720
Boise, ID 83720-0038

The Honorable Brent Hill
Idaho President Pro Tempore
P. O. Box 83720
Boise, ID 83720-0081

AMENDED AGENDA #1
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 PM OR UPON ADJOURNMENT
Room EW41
Tuesday, March 14, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>H 278</u>	First Informer Broadcasters Quagga/Zebra Mussel Letter to Idaho US Congressmen For Appropriation of \$8 Million of the Authorized \$20 Million for FY 2018 of the Water Infrastructure Improvements for the Nation Act, which includes the Water Resources Development Act of 2016	Rep. Jeff Thompson

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, March 14, 2017

TIME: 1:30 PM OR UPON ADJOURNMENT

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan, Rubel

**ABSENT/
EXCUSED:** Rep. Hartgen and Rep. Malek.

GUESTS: Mitch Coats, Food Producers.

Chairman Raybould called the meeting to order at 2:47 p.m.

MOTION: **Rep. Trujillo** made a motion to approve the minutes of February 28, 2017. **Motion carried by voice vote.**

MOTION: **Rep. Rubel** made a motion to approve the minutes of March 2, 2017. **Motion carried by voice vote.**

H 278: **Rep. Thompson** presented **H 278** explaining on March 2, 2017, this committee approved **H 236**. Subsequent to the committee meeting, some of the committee members pointed out redundant language in **H 236** and proposed an addition to the language at lines 6 and 7, clarifying that the authority of first informers should not be over emergency personnel. **H 278** contains all the suggested committee changes to **H 236**.

MOTION: **Rep. Chaney.** made a motion to send **H 278** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Nate** and **Scott** requested to be recorded as voting **NAY**. **Rep. Thompson** will sponsor the bill on the floor.

Chairman Raybould addressed the committee regarding sending individual letters to each of Idaho's four U. S. congressmen requesting allocation of monies to Idaho for invasive species prevention, specifically quagga/zebra mussels. He reminded them that at the March 8, 2017, committee meeting, **Rep. Horman** made a motion for the committee to send Idaho's congressional delegation the letters, and although no vote was held on the motion, the letters were printed and signed by all but two committee members. Since the committee members who declined to sign the letters stated they had some concerns about the letters and since the matter was not discussed or voted upon at the last meeting, Chairman Raybould opened the matter for discussion.

Rep. Scott stated that she had concerns the letters were not the proper procedure for asking for funding from the federal government. She opined a better approach would be to extend the opportunity to the entire body through a House or Joint Resolution rather than letters from a committee.

Rep. Nate spoke up saying that his concern with signing the proposed letters is because it is procedurally premature for the reason that the committee did not vote on the motion of March 8, 2017. Rep. Nate also opined that he has concerns asking for \$8 million in federal funding because he does not find anything in the Constitution allowing the federal government to give money to just one state, and he stated that money from the federal government comes back with a lot of strings attached.

In discussing a House or Joint Resolution without a request for funding, committee members stressed that \$20 million in federal funds are already authorized, and it is appropriate to request the funds from the U.S. Congress because funding recipients cross state lines, which is actionable federally as interstate commerce. Committee members discussed whether there was time and support for a Joint Resolution and the means of drafting and passing a Joint Resolution.

ORIGINAL MOTION:

Rep. Thompson made a motion for **Rep. Scott** to draft a Joint Resolution with the exact same language as in the draft letter to Idaho's U.S. Congressmen, including language requesting the appropriated \$8 million.

SUBSTITUTE MOTION:

Rep. Scott made a substitute motion that the Joint Resolution be drafted with almost the same language as that proposed in **Rep. Thompson's** motion.

After discussion, the committee decided a motion was not procedurally necessary.

ORIGINAL MOTION WITHDRAWN:

Rep. Thompson withdrew his motion for **Rep. Scott** to draft a Joint Resolution with the exact same language as in the draft letter to Idaho's U.S. Congressmen, including language requesting the appropriated \$8 million.

SUBSTITUTE MOTION WITHDRAWN:

Rep. Scott withdrew her substitute motion that the Joint Resolution be drafted with almost the same language as that proposed in **Rep. Thompson's** motion.

Chairman Raybould stated that since the motions were withdrawn, no voting was necessary. The committee decided that **Chairman Raybould** and **Rep. Scott** should share the responsibility of having a Joint Resolution drawn up with the same language and intent as the drafted letters to Idaho's U.S. Congressmen and have the Joint Resolution placed on the Second Reading Calendar.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 3:19 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 PM OR UPON ADJOURNMENT
Room EW41
Monday, March 20, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Pumped Hydro Storage Energy	Douglas R. Jones, Jones & Associates

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Monday, March 20, 2017

TIME: 1:30 PM OR UPON ADJOURNMENT

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan (Ringo), Rubel

**ABSENT/
EXCUSED:** Rep. Vander Woude, Rep. Trujillo, Rep. Chaney, and Rep. Malek.

GUESTS: John Cross; John Chatburn, Office of Energy and Mineral Resources.
Chairman Raybould called the meeting to order at 1:31 p.m.

MOTION: **Rep. Thompson** made a motion to approve the minutes of March 8, 2017. **Motion carried by voice vote.**

Doug Jones, Cat Creek Energy, presented information on pumped hydro storage and the Cat Creek Renewable Generation Station (CCRGs). The project is building a dry creek storage reservoir to be located 20 miles north of Mountain Home, Idaho, behind the Little Camas Reservoir to pump water up from Anderson Dam on 1,045 acres. The new reservoir will be lined and 50-75 feet deep, is being built on private land owned by John Faulkner, a rancher in Gooding, and funded with private funds for an estimated cost of \$1.5 billion. CCRGs' electrical generation profile is a firm renewable resource with 750 MW overall nameplate capacity consisting of 400 MW Pump Storage Hydro. The design is a high-lift design to pump up and bring back down 8,500 acre feet of water a day and can move more than that up and down. The Pump Storage Hydro system has multiple hydro generators with the ability to provide operating options and ancillary services without impacting on peak energy generations services and ramping requirements of the grid system. Windmills have been removed from the project, but PV axis solar panels remain a part of the project. Potential secondary uses and benefits of CCRGs are the provision of supplemental water to Elmore County and Mountain Home Air Force Base, and, since their power will be completely green power, it will add grid stability and be a recruiting tool for new business in Idaho. Solar generation is projected to be on line in 2018 with total project completion in 2020. Subscribers will be municipalities and others, and CCRGs is already negotiating with them.

In response to committee questions, **Mr. Jones** stated that the lined reservoir will not become stagnant because there will be no fish in it. The water will be moving up and down from day-to-day with hydro production and the water released into the lower Snake River will not be too warm because it will be drawn from the depths of the reservoir. He also responded that the project is too large to be a PURPA project, and no financing is sought but the taking of existing tax credits. Mr. Jones also replied to questions saying that CCRGs needs 40,000 acre feet of water for operation, and they can put out 75,000 acre feet which gives the possibility of water going to Mountain Home. Mountain Home would not be charged for the water but might be asked to pay the pumping bill to get the water there. He also replied to committee safety concerns by saying that the odds of the reservoir breaking would be very low. Mr. Jones stated 87% of the energy used to pump the water up would come back to them. The reservoir liner has a 40-year warranty and would also be protected by environmental bonds, and they have completed about 7,000 pages of an Environmental Impact Statement. Mr. Jones replied yes to committee questions

regarding whether water rights are needed, stating a single right application will be submitted in two categories, one to fill the reservoir and the second for off-stream storage. The water right probably won't be issued until 2018 and won't impact pre-existing rights. They will only have rights to surface water when available and for some of the water currently going down the river.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:17 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 PM or UPON ADJOURNMENT
Room EW41
Wednesday, March 22, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes	

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Mendive	Rep Malek
Vice Chairman Thompson	Rep Trujillo	Rep Moon
Rep Hartgen	Rep Chaney	Rep Smith
Rep Vander Woude	Rep Nate	Rep Scott
Rep Anderson	Rep Cheatham	Rep Jordan(Ringo)
Rep Anderst	Rep Horman	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, March 22, 2017

TIME: 1:30 PM or UPON ADJOURNMENT

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith, Scott, Jordan (Ringo), Rubel

**ABSENT/
EXCUSED:** Representative(s) Vander Woude, Hartgen, Anderst, Trujillo, and Rubel.

GUESTS: None

Chairman Raybould called the meeting to order at 2:00 p.m.

MOTION: **Rep. Thompson** made a motion to approve the minutes of the March 14, 2017, meeting. **Rep. Ringo** suggested that the minutes be corrected to reflect **Rep. Smith** being in attendance at the March 14, 2017, meeting. **Rep. Thompson** withdrew the motion.

MOTION: **Rep. Thompson** made a motion to approve the corrected March 14, 2017, meeting minutes showing **Rep. Smith's** attendance. **Motion carried by voice vote.**

MOTION: **Rep. Thompson** made a motion to approve the minutes of the March 20, 2017, meeting. **Motion carried by voice vote.**

Chairman Raybould thanked Committee Page, Noah Freedman, for his work during the session. He also thanked the Committee Secretary, **Lorrie Byerly** for her efforts on behalf of the committee. **Chairman Raybould** expressed his appreciation to the Committee members for their support of him as Chairman.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:05 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary