

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Monday, January 14, 2019

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Vander Woude, Vice Chairman Amador, Representatives Anderson, Anderst, Horman, Moon, Scott, Ehardt, Armstrong, Furniss, Hartgen, Lickley, Raybould, Young, Smith, Chew, Ellis, Mason

**ABSENT/
EXCUSED:** None

GUESTS: John Tippets, Tiffany Floyd, Darin Pampaian, Natalie Creed, Michael McCurdy, Eric Traynor, DEQ; Lisa Carlson, DEQ, AG; Wendi Secrist, Trent Clark, WDC; Roger Hales, Water Board Attorney; Kelly Packer, Joan Cloonan, Dicsie Gullick, Rob McQuade, IBOL; Marv Patten, Milk Producers of ID

MOTION: **Chairman Vander Woude** called the meeting to order at 1:31 p.m.

Rep. Anderst made a motion to approve the agenda as presented for Monday, January 14, 2019. **Motion carried by voice vote.**

Chairman Vander Woude turned the gavel over to **Vice Chairman Amador**. Vice Chairman Amador mentioned there was an Administrative Rule that was assigned to the committee which will be run when the legislation for the rule passes this session.

DOCKET NO. 24-0501-1801: **Joan Cloonan**, Chairman, Idaho Drinking and Waste Water Board, presented **Docket No. 24-0501-1801**, stating the Rule changes were brought on behalf of the board. The Board is charged with public protection of drinking water in the state of Idaho.

Vice Chairman Amador put the Committee at ease at 1:37 p.m. and called the Committee back to order at 1:38 p.m.

Ms. Cloonan reviewed the changes in the Rule stating it clarifies definitions and streamlines the Waste Water Apprenticeship Training Programs and eliminates some obsolete language. She reviewed the changes in each section.

In response to Committee questions, **Ms. Cloonan**, said the programs were offered through water users and different cities throughout Idaho have agreed to offer the program. Many courses can be taken through community colleges. She also stated the approved standards come from the Department of Labor, but the Department is not running the program. Ms. Cloonan also noted in reference to the program, a calendar year is interpreted as a one-year period, no matter when the year is started.

Wendy Secrist, Development Workforce Council, said the Council supports the changes to this Administrative Rule. She said this will provide a tool to attract people to the field and creates a true partnership between industry and education. She said the program will provide a way for youth to stay in rural communities and will provide clarity on how to enter the profession. Ms. Secrist said this provides structure for the communities and on the job training. The Council is in strong support of this Rule change.

MOTION: **Rep. Anderst** made a motion to approve **Docket No. 24-0501-1801**. Speaking to the motion, Rep. Anderst stated this is a great idea for communities that have workforce development needs and asked the department to report back as this program is being implemented.

Speaking to the motion, **Rep. Scott** commended what the Board has done. She said there were discussions on how to fix the situation, they had a plan, and started implementing the plan. She said it is good to see government working in a good way.

VOTE ON THE MOTION: **Motion carried by voice vote.**

DOCKET NO. 58-0105-1801: **Michael McCurdy**, DEQ, Waste Water Manage Administrator, stated this Administrative Rule will incorporate by reference the standards for the Hazardous Waste Program. He said this is an annual update with the federal changes and allows DEQ to maintain primacy for the program. Mr. McCurdy gave an overview with a summary of the changes, and explained to the committee members what incorporation by reference is and how it effects DEQ. He said the state is adopting the same requirements as the federal requirements.

MOTION: **Rep. Horman** made a motion to approve **Docket No. 58-0105-1801**. **Motion carried by voice vote.**

DOCKET NO. 58-0124-1801: **Michael McCurdy** stated this is an update to the rules and associated guidance manual. They are included updated toxicity screening levels. Due to the changes DEQ has recalculated the screening levels, which includes the transfer of two tables from rule to the guidance document. Mr. McCurdy said screening levels are provided to give a starting point in determining if clean-up is required. He said the Department held negotiated rulemaking meetings, and there were no written comments from the public and no concerns.

In answering Committee questions, **Mr. McCurdy** explained the difference between guidance and rules, and within the rule reference in the guidance document, screening levels are not enforceable. He said guidelines are not typically regulatory standards, and it comes down to site specific conditions. In further answer to questions, Mr. McCurdy said regarding property that has already gone through a clean-up, if a site is closed and is acknowledged, unless there is a new release at the same facility, or if previous information was in error, the Department does not go back to closed sites.

MOTION: **Rep. Ellis** made a motion to approve **Docket No. 58-0124-1801**. **Motion carried by voice vote.**

DOCKET NO. 58-0101-1801: **Tiffany Floyd**, Air Quality Division Administrator, DEQ, said these Administrative Rule changes include updates to sections in the DEQ Air Quality Permitting Rules. She reviewed the changes to the rules and stated they are deleting outdated or redundant references and typographical errors.

MOTION: **Rep. Anderson** made a motion to approve **Docket No. 58-0101-1801**. **Motion carried by voice vote.**

DOCKET NO. 58-0101-1804: **Ms. Floyd** said this is the annual incorporation by reference of federal regulations to implement the Clean Air Act. These changes meet the minimum air quality standards and Idaho is consistent with the federal Clean Air Act. She said it is necessary to adopt these regulations, and Idaho's industry is required to comply with federal regulations whether the Rule is adopted or not. Ms. Floyd provided an overview of the changes relevant to Idaho, the changes in implementation to the ambient air quality standards, and highlighted the facilities who would be affected by those changes. She said the changes do not change the overall consistency of the rule, there was no negotiated rule making but the Department did have a public comment period and received no comments.

MOTION: **Rep. Smith** made a motion to approve **Docket No. 58-0101-1804. Motion carried by voice vote.**

Vice Chairman Amador returned the gavel to **Chairman Vander Woude**.

Chairman Vander Woude, said since the presenter of the next Rule Dockets was unavailable, the remaining Docket Numbers will be held to the next meeting on Wednesday, January 16, 2019.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:46 p.m.

Representative Amador
Chair

Susan Werlinger
Secretary