

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, January 16, 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: Lynn Tominaga, IGWA; Barry Burnell, Paula Wilson, Derek Ehart, DEQ; Alli Olson, ICL

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

MOTION: **Rep. Ellis** made a motion to approve the minutes of the January 8, 2019 meeting. **Motion carried by voice vote.**

Chairman Vander Woude turned the gavel over to **Vice Chairman Amador**.

RS 26533: **Chairman Vander Woude** presented **RS 26533**, regarding underground storage tanks. Chairman Vander Woude explained this proposed legislation is an implementation of the federal rules and regulations. He said with this the federal government's regulations on underground storage tanks will have an effective date of October 2021.

MOTION: **Rep. Anderst** made a motion to introduce **RS 26533**. **Motion carried by voice vote.**

Michael Morrison, The Pacific NorthWest Economic Region (PNWER), presented an overview of the organization. PNWER is a public/private non-profit created by statute in 1991 by the states of Alaska, Idaho, Oregon, Montana and Washington, the Canadian provinces and territories of British Columbia, Alberta, Saskatchewan, Northwest Territories and the Yukon. The presentation included four topics: Columbia River Treaty Taskforce; Legislative Energy Horizon Institute; Roadmap to Ultra-low Energy and Resilient Buildings and Aquatic Invasive Species Prevention.

Columbia River Treaty: A Symposium was held at the July 2018 PNWER Annual Summit in Spokane, WA. Chief negotiators from the US and Canada presented together and heard testimony from stakeholders on both sides of the border. During the Symposium, stakeholders had the opportunity to share the benefits and impacts of the Treaty, focusing on areas including ecosystems, tribal groups, utilities, tourism, agriculture, recreation and more. The next round of the Columbia River Treaty negotiation meetings will take place in February 2019 in Washington, D.C.

Legislative Energy Horizon Institute (LEHI): The Institute offers a 60-hour executive certificate program in energy policy designed specifically for state and provincial legislators that will provide intensive exposure to the North American energy systems. High turnover in legislatures decreases institutional knowledge of complex energy issues, and the Institute seeks to solve this issue by offering curriculum such as: operating energy systems and infrastructure, building and financing energy infrastructure and regulation and market impacts. Two sessions will occur in 2019: July 2019 in Richland, WA and October 2019 in Washington D.C.

Roadmap to Resilient, Ultra-Low Energy Buildings: The Roadmap will seek endorsement by legislators and private sector leaders in each of the 10 PNWER jurisdictions. The goal is to inform built-environment legislation to achieve the desired benefits and specific target for the year 2030. The benefits of "Resilient" Buildings include Affordability and Resource Management, Safety and Health and Functionality. The Roadmap is expected to be published in 2020 with the introduction of policy proposals in 2021.

Aquatic Invasive Species Prevention: Quagga/Zebra Mussels are highly invasive mussels devastating lakes and rivers across the US. They impact water intakes, agriculture, recreation, fisheries and more and are typically transported via watercraft or ballast water. While the Northwest is the last region in the US without mussels, a regional defense is needed to keep them out of the area. PNWER and partners advocate to get funds appropriated for mussel prevention efforts to protect the Columbia River Basin. Congress has appropriated \$6m to the four NW states (ID, MT, OR, WA) for 2019 watercraft inspection season as well as \$6m for the 2020 inspection season. PNWER will continue to advocate for continued federal funds and work to educate legislators and others on invasive mussels.

DOCKET NO. 58-0102-1703: **Barry Burnell**, Water Quality Division Administrator, DEQ, explained this Administrative Rule provides the designation of the domestic water supply as a beneficial use in 27 water bodies. This Rule also clarifies the domestic water supply use with designations added for the 27 water bodies. Mr. Burnell noted that general water quality and fish criteria apply to the domestic water supply. He reviewed the negotiated rule making and public comment period for this Rule, saying there were no issues, and these regulations were no more stringent than the federal regulations.

MOTION: **Rep. Horman** made a motion to approve **Docket No. 58-0102-1703. Motion carried by voice vote.**

DOCKET NO. 58-0102-1802: **Barry Burnell** stated the Administrative Rule adopts the criteria for aquatic life bacteria and provides for an alternate indicator bacteria. He said there is opposition to the fecal indicator sections of the Rule by the Idaho Cities Association. Mr. Burnell said the Department would like to withdraw the fecal indicator portion of the Rule and propose the Committee approve the Docket with the exception of that section. Mr. Burnell reviewed the other changes to the rule. He said public comment was provided, with two negotiated meetings, and DEQ provided a 30-day public comment period. In response to public comments, the Board did approve the changes with the fecal indicator bacteria removal being a result of the opposition by cities.

Lynn Tominaga, Idaho Ground Water Users, agreed with the rejection of the section regarding the fecal indicator bacteria.

MOTION: **Rep. Anderson** made a motion to approve **Docket No. 58-0102-1802** with exception to Subsection 251.02, which will be rejected. **Motion carried by voice vote.**

DOCKET NO. 58-0102-1803: **Barry Burnell** presented **Docket No. 58-0102-1803** which will allow point sources to heated water. He explained the changes will allow small amounts of heat to be added to surface waters, when it exceeds the benefit point source to discharge. Mr. Burnell said DEQ provided the normal negotiated rule making process with a public comment period, and these regulations were no more stringent than federal regulations.

MOTION: **Rep. Anderst** made a motion to approve **Docket No. 58-0102-1803. Motion carried by voice vote.**

**DOCKET NO.
58-0125-1801**

Barry Burnell, reviewed this Administrative Rule regarding Idaho pollutant discharge elimination, and stated there were corrects in two areas of the Rule. He said this Temporary Rule did not have negotiated rulemaking and corrects a minor transcription error. He also said the Rule eliminates a section for appeals, which no longer applies as the section is in another section of the appeals process. He said there was no public comment, but no controversy and the regulations are no more stringent than federal regulations.

MOTION:

Rep. Smith made a motion to approve **Docket No. 58-0125-1801**. **Motion carried by voice vote.**

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

Chairman Vander Woude said the committee will review one more rule which has been adopted, but is not in statute yet. He also announced the Committee will not meet on Friday, and the next meeting will be on Tuesday, January 22, 2019 with a presentation from INL

ADJOURN:

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

Representative Amador
Chair

Susan Werlinger
Secretary