

IN THE SENATE

SENATE BILL NO. 1254, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO THE REGIONAL AIR QUALITY COUNCIL ACT; REPEALING SECTION 39-116B,
2 IDAHO CODE, RELATING TO A VEHICLE INSPECTION AND MAINTENANCE PROGRAM;
3 AMENDING THE HEADING FOR CHAPTER 67, TITLE 39, IDAHO CODE; AMENDING
4 SECTION 39-6701, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE TREA-
5 SURE VALLEY AIR QUALITY COUNCIL; REPEALING SECTION 39-6702, IDAHO CODE,
6 RELATING TO THE ESTABLISHMENT OF THE TREASURE VALLEY AIR QUALITY COUN-
7 CIL; AMENDING CHAPTER 67, TITLE 39, IDAHO CODE, BY THE ADDITION OF A
8 NEW SECTION 39-6702, IDAHO CODE, TO PROVIDE FOR AIR QUALITY REVIEW;
9 REPEALING SECTION 39-6703, IDAHO CODE, RELATING TO THE ESTABLISHMENT
10 OF A REGIONAL AIR QUALITY COUNCIL; AMENDING CHAPTER 67, TITLE 39, IDAHO
11 CODE, BY THE ADDITION OF A NEW SECTION 39-6703, IDAHO CODE, TO PROVIDE
12 FOR THE ESTABLISHMENT OF REGIONAL AIR QUALITY COUNCILS; AMENDING SEC-
13 TION 39-6705, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE TREASURE
14 VALLEY AIR QUALITY COUNCIL, TO DEFINE A TERM, AND TO MAKE TECHNICAL COR-
15 RECTIONS; AMENDING SECTION 39-6706, IDAHO CODE, TO REMOVE PROVISIONS
16 REGARDING THE TREASURE VALLEY AIR QUALITY COUNCIL AND TO MAKE TECHNICAL
17 CORRECTIONS; REPEALING SECTION 39-6707, IDAHO CODE, RELATING TO MEM-
18 BERSHIP OF THE TREASURE VALLEY AIR QUALITY COUNCIL; REPEALING SECTION
19 39-6709, IDAHO CODE, RELATING TO THE DUTIES OF THE TREASURE VALLEY AIR
20 QUALITY COUNCIL; AMENDING SECTION 39-6710, IDAHO CODE, TO REMOVE PRO-
21 VISIONS REGARDING THE TREASURE VALLEY AIR QUALITY COUNCIL AND TO MAKE A
22 TECHNICAL CORRECTION; REPEALING SECTION 39-6711, IDAHO CODE, RELATING
23 TO THE TREASURE VALLEY AIR QUALITY PLAN; REPEALING SECTION 39-6712,
24 IDAHO CODE, RELATING TO IMPLEMENTATION OF THE TREASURE VALLEY AIR QUAL-
25 ITY PLAN; REPEALING SECTION 39-6713, IDAHO CODE, RELATING TO THE TREA-
26 SURE VALLEY AIR QUALITY TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.
27

28 Be It Enacted by the Legislature of the State of Idaho:

29 SECTION 1. That Section [39-116B](#), Idaho Code, be, and the same is hereby
30 repealed.

31 SECTION 2. That the Heading for Chapter 67, Title 39, Idaho Code, be,
32 and the same is hereby amended to read as follows:

33 CHAPTER 67

34 ~~TREASURE VALLEY AND~~ REGIONAL AIR QUALITY COUNCIL ACT

35 SECTION 3. That Section 39-6701, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 39-6701. LEGISLATIVE STATEMENT OF FINDINGS AND INTENT. (1) The legis-
38 lature finds that the air quality in certain regions of the state is threat-
39 ened with deterioration. This deterioration may endanger the breathabil-
40 ity, economic potential, public health, natural beauty, recreational use

1 and livability in various regions of the state. It is the intent of the leg-
2 islature in establishing this chapter to preserve and protect the air qual-
3 ity of the entire state.

4 (2) The legislature declares that it is necessary to embark upon a
5 program of air quality protection for future generations of Idahoans. This
6 chapter ~~establishes a treasure valley air quality council and also~~ allows
7 for the creation of regional air quality councils as necessary to protect,
8 preserve and, where necessary, improve the quality of air in a specified
9 geographical area while accommodating private, public and commercial ac-
10 tivities. The plan developed by an air quality council as set forth in this
11 chapter shall require a working partnership of state and local agencies of
12 government as well as the private sector.

13 SECTION 4. That Section [39-6702](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 5. That Chapter 67, Title 39, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 39-6702, Idaho Code, and to read as follows:

18 39-6702. AIR QUALITY REVIEW. (1) The department of environmental
19 quality shall annually review and determine whether the three (3) year de-
20 sign value equal to or above eighty-five percent (85%) of a national ambient
21 air quality standard, as defined by the United States environmental protec-
22 tion agency, is met in certain regions of the state.

23 (2) If the three (3) year design value is equal to or above eighty-five
24 percent (85%) of a national ambient air quality standard, the department of
25 environmental quality shall evaluate potential further air quality deteri-
26 oration and determine whether to make a recommendation to the legislature
27 that a regional air quality advisory committee should be formed and devoted
28 to evaluating air pollution reduction actions.

29 SECTION 6. That Section [39-6703](#), Idaho Code, be, and the same is hereby
30 repealed.

31 SECTION 7. That Chapter 67, Title 39, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 39-6703, Idaho Code, and to read as follows:

34 39-6703. ESTABLISHMENT OF REGIONAL AIR QUALITY COUNCILS. (1) The leg-
35 islature, upon receipt of the air quality review and recommendation from the
36 department of environmental quality, may form regional air quality councils
37 as needed to evaluate air pollution reduction actions.

38 (2) Each regional air quality council shall be independently created
39 by the legislature pursuant to subsection (1) of this section and, upon cre-
40 ation, shall be located within the Idaho department of environmental qual-
41 ity.

42 (3) The governor shall appoint members to regional air quality councils
43 in accordance with the provisions of section 39-6708, Idaho Code.

44 (4) It shall be the responsibility of any council established under
45 this chapter to develop a plan and carry out the duties established by this

1 chapter. The council shall be assisted in its work by the department of envi-
2 ronmental quality and other appropriate state and local agencies as needed.

3 SECTION 8. That Section 39-6705, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 39-6705. DEFINITIONS. Whenever used in this chapter:

6 (1) "Air pollution" means air pollution as defined in section 39-103,
7 Idaho Code.

8 (2) "Air quality plan" means the comprehensive, air quality management
9 plan for a specified regional area as developed and modified by a regional
10 air quality council.

11 (3) "Citizens committee" means the committee consisting of members of
12 the public created pursuant to section 39-6704, Idaho Code, by an air quality
13 council established under the provisions of this chapter.

14 (4) "Council" means a regional air quality council established pur-
15 suant to this chapter.

16 (5) "Local governing agency" means a county or city government agency.

17 (6) "Specified regional area" means a county or counties, or a defined
18 geographical area, where air quality is threatened.

19 (7) "Study" means the comprehensive, ~~scientifically-based~~
20 scientifically based study of air quality in a specified regional area
21 including the study of air quality in the Treasure Valley.

22 (8) ~~"Treasure Valley" means the geographic boundaries encompassed by~~
23 ~~Ada and Canyon counties.~~

24 ~~(9) "Treasure Valley air quality council" means the regional air qual-~~
25 ~~ity council established in section 39-6702, Idaho Code.~~

26 ~~(10) "Treasure Valley air quality plan" means the comprehensive, air~~
27 ~~quality management plan for Ada and Canyon counties as developed and mod-~~
28 ~~ified by the Treasure Valley air quality council. "Three (3) year design~~
29 ~~value" or "design value" means the statistic that describes the air quality~~
30 ~~status of a given location relative to the level of the national ambient air~~
31 ~~quality standards. A three (3) year design value is the statistic calculated~~
32 ~~using three (3) years of ambient air quality data.~~

33 SECTION 9. That Section 39-6706, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 39-6706. DECLARATION OF POLICIES AND PURPOSES. ~~The Treasure Valley~~
36 ~~air quality council, and a~~Any regional air quality council established
37 pursuant to this chapter, shall develop and implement an air quality plan
38 in accordance with the environmental protection and health act, sections
39 39-101 through 39-130, Idaho Code, that includes:

40 (1) The compilation of all historical data on air quality studies in the
41 ~~Treasure Valley, or in a~~ specified regional area;

42 (2) An assessment of present and projected emissions ~~related to the~~
43 ~~Treasure Valley, or related to a~~ the specified regional area;

44 (3) The completion of a comprehensive, scientifically-based
45 scientifically based study of air quality in the ~~Treasure Valley, or in a~~
46 specified regional area;

1 (4) A description of actions to be taken by governmental agencies and
2 nongovernmental entities to protect, preserve and, when necessary, improve
3 the air quality in the ~~Treasure Valley, or in a~~ specified regional area; and

4 (5) The submittal of an air quality management plan to the legislature
5 ~~which that~~ may reject the plan in whole or in part pursuant to a concurrent
6 resolution. ~~The Treasure Valley air quality council, and a~~Any regional air
7 quality council established pursuant to this chapter, shall assist and coordi-
8 nate the implementation of the accepted plan with federal, state, and lo-
9 cal authorities for seven (7) years after acceptance, after which ~~the Treas-~~
10 ~~ure Valley air quality council, or any regional air quality council,~~ and its
11 committees shall disband.

12 SECTION 10. That Section [39-6707](#), Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 11. That Section [39-6709](#), Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 12. That Section 39-6710, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 39-6710. QUORUM -- PROCEDURES. (1) A majority of the members of ~~the~~
19 ~~Treasure Valley air quality council, or a regional council,~~ shall constitute
20 a quorum for the transaction of business. A majority vote of the members
21 present shall be required to take action with respect to any matter.

22 (2) ~~The Treasure Valley air quality council, or a~~ A regional council,
23 may adopt its own operating rules and procedures, which shall be made avail-
24 able to the public.

25 SECTION 13. That Section [39-6711](#), Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 14. That Section [39-6712](#), Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 15. That Section [39-6713](#), Idaho Code, be, and the same is hereby
30 repealed.

31 SECTION 16. This act shall be in full force and effect on and after July
32 1, 2023.