

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, January 15, 2019

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Martin, Vice Chairman Souza, Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Martin** called the meeting of the Senate Health and Welfare Committee to order at 3:00 p.m.

**PASSED THE GAVEL:** Chairman Martin turned the meeting over to Vice Chairman Souza.

**DOCKET NO. 58-0101-1801** **Tiffany Floyd**, Administrator, Air Quality Division, Idaho Department of Environmental Quality (DEQ), presented **Docket No. 58-0101-1801**, Air Quality Permitting Sections Update. The changes reflect clarification, deletion of inconsistencies and obsolete methods, and correction of typographical errors. Some of the changes align state and federal practices.

**MOTION:** **Senator Burtenshaw** moved to approve **Docket No. 58-0101-1801**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 58-0101-1803** **Ms. Floyd** presented **Docket No. 58-0101-1803**, Crop Residue Burn Fee Payment Schedule, Crop Residue Burn Fee Payment Schedule. Fees used to be due seven days prior to a planned burn date. This pending rule would allow payment for actual acreage burned, due at year-end. Payment will be due within thirty days of receipt of the year-end billing. The agency merged two citations for a better payment process using new software. The rule has companion legislation: the agency recognizes that running a rule and legislation during the same legislative session is unusual, so has included an emergency clause. **Chairman Martin** asked questions about fiscal impact and was assured that there is no fee increase, change in revenue, or any additional burden. It removes the need to attempt to credit if actual burns do not meet the estimated acreage. The annual amount typically paid out totals approximately \$61,000, at \$2.00 per 100 acres. **Senator Jordan** asked if this rule should be held until the companion legislation is through the Legislature. **Director Tippets**, DEQ, responded that it was all right to proceed with the rule because of the inclusion of the emergency clause. Legislation becomes law after signature; rules do not, until after legislation passes (if companion legislation does not pass, the rule can be rejected.)

**MOTION:** **Senator Burtenshaw** moved to approve **Docket No. 58-0101-1803**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 58-0101-1804** **Tiffany Floyd** presented **Docket No. 58-0101-1804**, Update Federal Regulations Incorporated by Reference, that addresses state implementation in lieu of the Environmental Protection Agency (EPA). Ms. Floyd highlighted the most relevant updates to permitting for pulp mills and phosphate fertilizer plants that included electronic reporting, with no changes to overall stringency in monitoring. Negotiated rulemaking was not conducted, but it was open to public comment and no comments were received. **Senator Jordan** asked if this body is passing rules that the public can access, or if that access is being impacted by the federal shutdown. **Ms. Floyd** explained that these pending rules were first made public in July of 2018, well before the shutdown.

**MOTION:** **Senator Harris** moved to approve **Docket No. 58-0101-1804**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 58-0105-1801** **Michael McCurdy**, Administrator for Waste Management and Remediation, DEQ, presented **Docket No. 58-0105-1801**, Update Federal Regulations Incorporated by Reference, addressing hazardous waste. No negotiated rulemaking was conducted, and no comments were received after posting the proposed rule in the bulletin. Four changes were made with little impact to Idaho facilities, with the exception of the electronic manifest system. The EPA began tracking the transport of hazardous waste effective nationwide on June 3, 2018. Idaho's Safety Clean Systems and U.S. Ecology are affected.

**MOTION:** **Senator Heider** moved to approve **Docket No. 58-0105-1801**. **Chairman Martin** seconded the motion. The motion carried by **voice vote**.

**DISCUSSION:** **Senator Burtenshaw** asked Director Tippetts, DEQ, if the EPA shutdown was affecting Idaho operations. **Director Tippetts** reported that the state was still required to comply with federal law, and funding could become a problem at some point. **Chairman Martin** asked Director Tippetts to explain primacy. **Director Tippetts** explained that the U.S. Congress envisioned a federal and state partnership. If all (federal) laws are in place and in compliance, a state is granted primacy by the EPA. **Chairman Martin** spoke in favor of Idaho's primacy and asked at what point would a lack of federal funds become an issue. **Director Tippetts** stated that his agency would be all right for a matter of weeks, but not months. **Vice Chairman Souza** asked how many states have primacy and **Director Tippetts** replied that 96% of states that can, do.

**ADJOURNED:** There being no further business at this time, **Vice Chairman Souza** adjourned the meeting at 4:32 p.m.

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Senator Martin  
Chair

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Margaret Major  
Secretary