

AMENDED AGENDA #1
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Thursday, January 14, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	

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 Ehardt	Rep Armstrong
Vice Chairman Wisniewski	Rep Furniss
Rep Vander Woude	Rep Hartgen
Rep Horman	Rep Lickley
Rep Scott	Rep Young
Rep Amador	Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, January 14, 2021
TIME: 1:30 P.M.
PLACE: Room EW41
MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew (Toevs), Necochea, Nash
**ABSENT/
EXCUSED:** Representative Vander Woude, Adams, and Chew (Toevs)
GUESTS: None

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

Chairman Ehardt welcomed the committee and had the committee members introduce themselves, and also introduced the new page, **Austin Swing**.

Chairman Ehardt stated the committee will be changing to an electronic committee. The upcoming calendar was reviewed, and **Rep. Yamamoto** was assigned to be a proofreader for committee minutes. Chairman Ehardt will assign another proofreader before the next meeting.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:52 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Wednesday, January 20, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
58-0000-2000F	Promulgation of IDAPA 58 fee rule chapters adopted by the Board as temporary fee rules in February 2020 and proposed revisions	Jess Byrne, DEQ Director; Tiffany Floyd, Air Quality Division Administrator; Michael McCurdy, Waste Management & Remediation Division Administrator; Mary Anne Nelson, Surface and Wastewater Division Administrator; Jerry Henry Drinking Water Protection and Finance Division Administrator
58-0104-1901	Rules for Administration of Wastewater Treatment Facility Grants	Jerry Henry
58-0122-1901	Rules for Administration of Planning Grants for Drinking Water Facilities	Jerry Henry
58-0102-2001	Rules for Water Quality Standards	Mary Anne Nelson
58-0103-1901	Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks	Mary Anne Nelson

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 Ehardt	Rep Armstrong
Vice Chairman Wisniewski	Rep Furniss
Rep Vander Woude	Rep Hartgen
Rep Horman	Rep Lickley
Rep Scott	Rep Young
Rep Amador	Rep Adams

COMMITTEE SECRETARY

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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, January 20, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew (Fuller), Necochea, Nash

**ABSENT/
EXCUSED:** None

GUESTS: Jerri Henry, Mary Anne Nelson, Don Carpenter, Dean Ehlert, Natalie Creed, Tiffany Floyd, DEQ; Michael Reno, CDH; Shelley Roberts, IRWA; Benjamin Davenport, IMA

MOTION: **Chairman Ehardt** called the meeting to order at 1:30 p.m.

Rep. Necochea made a motion to approve the minutes of the January 14, 2021 meeting. **Motion carried by voice vote.**

Chairman Ehardt thanked **Rep. Necochea** for being a proofreader.

Chairman Ehardt turned the gavel over to **Vice Chairman Wisniewski.**

DOCKET NO. 58-0000-2000F: **Jess Byrne**, DEQ Director presented **Docket No. 58-0000-2000F**. Six fee rule chapters have not had any changes in them. Chapters 58.01.07 Rules Regulating Underground Storage Tank Systems, 58.01.08 Idaho Rules for Public Drinking Water Systems, 58.01.09 Rules Regulating Swine Facilities, 58.01.11 Ground Water Quality Rule, 58.01.14 Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services, and 58.01.18 Idaho Land Remediation Rules.

Tiffany Floyd, Air Quality Division Administrator for DEQ presented chapter 58.01.01, Rules for the Control of Air Pollution in Idaho. The chapter was revised to update federal regulations incorporated by reference with the July 1, 2020 Code of Federal Regulations (CFR) effective date.

Natalie Creed, Hazardous Waste Bureau Chief for DEQ, presented chapter 58.01.05 Rules and Standards for Hazardous Waste. Two rules were revised to update federal regulations incorporated by reference with the July 1, 2020 CFR effective date and minor non-substantive corrections were made.

In answer to committee questions, **Natalie Creed** explained Idaho is able to make comments on EPA proposed rules, but once a rule is made, it must be adopted. Idaho rules can be stricter, but not less strict than EPA rules. If DEQ fails to implement a rule the EPA can step in with higher penalties. Ms. Creed also explained the impact from this rule is minimal because it covers uncommon practices. It does not affect household waste, but includes some pharmaceuticals, health care and retail facilities. These new regulations are shared with facilities through fact sheets and workshops conducted by DEQ.

Dean Ehlert, Assessment and Compliance Bureau Chief for DEQ, presented chapter 59.01.06 Solid Waste Management Rules. Revisions were negotiated under **Docket No. 58-0106-1901** in response to **Executive Order No. 2019-02**, Red Tape Reduction Act, issued on January 21, 2019. Outdated and unnecessary rules were taken out.

Don Carpenter, Senior Mining Scientist, presented chapter 58.01.13, Rules for Ore Processing by Cyanidation. Revisions were negotiated under **Docket No. 58-0113-1901** in response to Idaho Mining Association's request for rule making. DEQ held 10 negotiated rule meetings including tribes, mining groups, conservation leagues, federal and state agencies. The rules were developed based on best available peer review science.

In answer to committee questions, **Don Carpenter** explained that many changes were a reorganization of rules with no substantive changes. The largest change was changing fees from prescriptive measures to performance limits.

Benjamin Davenport, Idaho Mining Association, expressed appreciation to DEQ. He was confident they can work with the department's new fee changes, and believed mines should pay for what is needed to get permits. In answer to committee questions, negotiations for rule changes took about 20 months, multiple drafts and about 10 meetings. Nevada was used as an example for rule making, but also Alaska, New Mexico, Arizona and others to build ground work for this rule.

Mary Anne Nelson, Surface and Wastewater Division Administrator of DEQ, presented chapter 58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program. Revisions were negotiated under **Docket No. 58-0125-2001** to update federal regulations incorporated by reference with the July 1, 2020 CFR effective date and to make clarifications in response to ambiguities identified during DEQ's administration of the IPDES program. No additional costs are anticipated from these changes. Some changes include notification processes and fee changes.

In response to committee questions, **Mary Anne Nelson** explained that DFM changed the wording in this rule. The committee expressed concerns that wording for the public changed from 'shall' to 'must', and the department's wording was less stringent. Ms. Nelson pointed out that DEQ did not expect the DFM changes, and DEQ will have the ability to readdress them next year. The committee worried the marked up pages will be gone next year, and won't be able to be addressed if the docket is accepted as is. Some on the committee believed the wording made major changes to how DEQ worked with citizens. Ms. Nelson also acknowledged the concern for impact fees and environmental requirements made on small communities and noted that DEQ tries to find grants and help to support the aging infrastructure and requirements placed on small towns.

MOTION: **Rep. Hartgen** made a motion to approve **Docket No. 58-0000-2000F**.

In opposition to the motion, **Rep. Scott** expressed concern with the language, and worried it will lead to excessive fines on the community. Expressing apprehension that federal regulations could possibly be stricter and extensive in the future, Rep. Scott believed accepting this code as written would place a heavy burden on the people.

SUBSTITUTE MOTION: **Rep. Scott** made a substitute motion to **HOLD Docket No. 58-0000-2000F** for time certain, February 8, 2021.

VOTE ON SUBSTITUTE MOTION: **Chairman Wisniewski** stated he was in doubt regarding the voice vote and asked for a show of hands. **By a show of hands, the substitute motion carried.**

MOTION: Rep. Scott made a motion to adjourn. Motion carried by voice vote.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:20 p.m.

Representative Wisniewski
Chair

Maggie Price
Secretary

AMENDED AGENDA #1
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Tuesday, January 26, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
58-0104-1901	Rules for Administration of Wastewater Treatment Facility Grants	Jerry Henry, Drinking Water Protection and Finance Division Administrator
58-0122-1901	Rules for Administration of Planning Grants for Drinking Water Facilities	Jerry Henry
58-0102-2001	Water Quality Standards Rules	Mary Anne Nelson, Surface and Wastewater Division Administrator

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

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 Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, January 26, 2021
TIME: 1:30 P.M.
PLACE: Room EW41
MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew (Hoy), Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Vander Woude, and Horman

GUESTS: Jess Byrne, Mary Anne Nelson, and Jerri Henry, Idaho DEQ; Marie Kellner and Jonathan Openheimer, Idaho Conservation League

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

Chairman Ehardt turned the gavel over to **Vice Chairman Wisniewski**.

DOCKET NO 58-0104-1901, 58-0122-1901: **Jerry Henry**, Drinking Water Protection and Finance Division Administrator presented **Docket No. 58-0104-1901** and **Docket No. 58-0122-1901**. These rules were negotiated in response to **Executive Order No. 2019-02**, Red Tape Reduction Act issued January 21, 2019. **Docket No. 58-0104-1901** was a chapter repeal. **Docket No. 58-0122-1901** was consolidated with IDAPA 58.01.04 and renamed "Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities."

DOCKET NO 58-0102-2001: **Mary Anne Nelson**, Surface and Wastewater Division Administrator, presented **Docket No. 58-0102-2001**. Revisions were negotiated to revise water quality criteria based on stakeholder comments from 2018 rule making and the 2019 Legislative Session regarding implementation of the bacteria criteria, and deleted obsolete rule language.

In answer to committee questions, **Ms. Nelson** explained the entity responsible for each public swimming beach takes samples and provides results to the Health District. There are times that DEQ also collects water samples. She also clarified the shareholders requesting the changes were the Association of Idaho Cities and the Idaho Ground Water Appropriators.

Marie Kellner, with Idaho Conservation League, testified in respect to all three of the dockets presented. Overall she was **in support** of the dockets, even though there were parts of the clean water rules that ICL did not agree with. Ms. Kellner wanted to stress the importance of these rules to pass in order for Idaho to continue to qualify for resources that come from the Federal Government and other entities.

MOTION: **Rep. Lickley** made a motion to approve **Docket No. 58-0104-1901**, **Docket No. 58-0122-1901**, and **Docket No. 58-0102-2001**. **Motion carried by voice vote.**

Vice Chairman Wisniewski returned the gavel to **Chairman Ehardt**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:00 p.m.

Representative Wisniewski
Chair

Maggie Price
Secretary

AMENDED AGENDA #1
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Tuesday, February 02, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Idaho Consumer-Owned Utilities	Will Hart, Executive Director, Idaho Consumer-Owned Utilities
	Public Utilities Budget	Rob Sepich, Budget and Policy Analyst for LSO

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 Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, February 02, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew (Colwell), Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Hartgen

GUESTS: Rob Sepich, Max Flom, LSO

Chairman Ehardt called the meeting to order at 1:31pm

MOTION: **Rep. Yamamoto** made a motion to approve the minutes of the January 20, 2021 and January 26, 2021 meeting. **Motion carried by voice vote.**

Will Hart, Executive Director for the Idaho Consumer-Owned Utilities Association (ICUA) gave an overview of ICUA. ICUA serves 137,000 customers in rural areas, and distributes utilities at cost. It represents 11 rural electric co-ops, 11 municipalities and 16% of the electric consumers in Idaho. Local city councils or board of directors are the rate regulators.

In answer to committee questions, **Mr. Hart** explained the Electric Supplier Stabilization Act set the territories and the parameters for utilities. He noted that hydro power is the main source for ICUA's. He answered that irrigation districts can negotiate a purchase agreement to sell power from their hydro power canals to private power company, but with ICUA's only the larger coops and municipalities have the ability to purchase that kind of power. Mr. Hart mentioned that most ICUA's have been around for 75-80 years, there haven't been new coops in several decades. He also clarified although changing utility companies is unusual, when a municipality wants a change it must be approved by the POC and not the Legislature.

Rob Sepich, Budget and Policy Analyst for LSO presented the budget for the Public Utilities Commission. 2021 Original Appropriation of \$6,217,600 was in the dedicated budget. For 2022, they removed a onetime expenditures of \$44,800, but added Benefit Costs, Replacement Items, Statewide Allocation Costs and Change in Employee Compensation for a total of \$6,512,200 being requested from the agency, and \$6,399,600 being recommended by the Governor.

A committee member asked for the cash balance being carried by the Public Utilities Commission. **Mr. Sepich**, did not have those numbers, but agreed to come back to the committee at a later date to present that information. Concerns were expressed in the committee that significant cash balances were being carried by state agencies. Mr. Sepich clarified that any caps on cash balances would be set by the Legislature in the administrative rules.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:13 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Thursday, February 04, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28312	Provides for Water Quality Innovation and Pollutant Trading	Rep. Vander Woude
24-0501-2000F	Rules of the Board of Drinking Water and Wastewater Professionals	Dawn Hall, Section Chief, Division of Occupational and Professional Licenses

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

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 Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, February 04, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew (Colwell), Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Horman, Adams

GUESTS: None

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

MOTION: **Rep. Yamamoto** made a motion to approve the minutes of the February 2, 2021 meeting. **Motion carried by voice vote.**

RS 28312: **Rep. Vander Woude** presented **RS 28312**. This legislation helps Idaho establish a pollutant trading program that provides benefits to the regulated community and Idaho's water resources. It authorizes a voluntary water quality innovation and pollutant trading program and provides for the Department of Environmental Quality to regulate the program.

Rep. Lickley made a motion to introduce **RS 28312**. **Motion carried by voice vote.**

DOCKET NO. 24-0501-2000F: **Dawn Hall**, Section Chief for the Division of Occupational and Professional Licenses presented **Docket No. 24-0501-2000F**. This is an existing rule that has been previously reviewed by the legislature with two small duplicative sections removed.

MOTION: **Rep. Furniss** made a motion to approve **Docket No. 24-0501-2000F**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:40 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AMENDED AGENDA #3
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Monday, February 08, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Follow-up on the Public Utilities Budget	Rob Sepich, Budget and Policy Analyst for LSO;
58-0000-2000F	Follow-up of Proposed Revisions	Jess Byrne, DEQ Director
RS28419	Water Quality	Roy Eiguren

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

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 Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Monday, February 08, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew (Colwell), Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Young

GUESTS: Mary Anne Nelson, Jerri Henry, Tiffany Floyd, Michael McCurdy, Jess Byrne, DEQ; Shelley Roberts, IRWA; Nick Veldhouse, IAHD

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

MOTION: **Rep. Necochea** made a motion to approve the minutes of the February 4, 2021 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Vander Woude** made a motion to **HOLD Docket No. 58-0000-2000F** for time certain, February 24, 2021.

Rob Sepich, Budget and Policy Analyst for LSO gave an overview of the Public Utilities Commission dedicated fund methodology to clarify previous committee questions. He explained the goal of PUC is to keep cash balances equal to half the revenue fund, to date the balance is three million dollars.

Mr. Sepich answered the 25% reduction in budget came from the Chinden campus move, which came under budget last fiscal year.

Maria Barratt-Riley, Executive Director of Idaho Public Utilities explained payments are made to PUC May 15 and Nov 15. The 6 month cash balance helps pay bills until the semi-annual payments are received. Committee members had concerns that other agencies carry much lower than 50% cash balances. Ms. Barratt-Riley pointed out that PUC has the rare exception of having no code to direct how much can be held. Once in the last 8 years a committee asked PUC to take a reduction as part of the assessment process to make up for a high cash balance. She responded to committee questions, when payments are delinquent the collection process begins with letters, then late fees are charged, and if necessary the attorney general sends letters, but it's never gone beyond that point to receive a payment. She reported that PUC safeguards rail waste with 2 inspectors that do on-site inspections and examine paperwork. In cases of derailments, PUC is notified and works closely with federal partners. Ms. Barratt-Riley clarified to the committee that deregulation of electric utilities would happen in statute.

RS 28419: **Roy Eiguren** presented **RS 28419**, water quality. This legislation creates a Big Payette Lake water quality council and Lake Cascade water quality council in Valley County. The primary responsibility of each council is to authorize scientific studies as well as collect scientific data on the respective lakes. Based on the information the council will make recommendations to appropriate local, state and federal agencies to improve water quality. The councils do not have regulatory authority of any type.

In answer to committee questions, **Mr. Eiguren** explained the water quality councils cannot tax citizens. He clarified that there is no other mechanism that provides authority to make recommendations to local, state and federal agencies. There is also not a mechanism to direct funds with state agencies, so the council raises private funds to provide money for studies. In explanation of why this legislation is necessary, Mr. Eiguren confirmed that DEQ is not able to bring multiple agencies together to discuss concerns. They worked closely with DEQ for this legislation. He clarified that the council did not seek out support from Idaho Conservation League and Trout Unlimited.

MOTION: **Rep.Necochea** made a motion to introduce **RS 28419**. **Motion carried by voice vote. Rep Scott** requested to be recorded as voting **NAY**.

There being no further business to come before the committee, the meeting adjourned at 2:16 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Wednesday, February 10, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<u>RS28494</u>	Broadband Advisory Board and Fund	Rep. Megan Blanksma
	Research and Innovation at Idaho National Laboratory	John Wagner, Director of Idaho National Laboratory

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 Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, February 10, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew (Colwell), Necochea, Nash

**ABSENT/
EXCUSED:** None

GUESTS: Lynn Tominaga, IGWA

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

MOTION: **Rep. Yamamoto** made a motion to approve the minutes of the February 8, 2021 meeting. **Motion carried by voice vote.**

RS 28494: **Rep. Blanksma** presented **RS 28494**. This legislation creates an Idaho Broadband Advisory Board and establishes the Idaho Broadband Fund.

MOTION: **Rep. Horman** made a motion to introduce **RS 28494**. **Motion carried by voice vote.**

John Wagner, Director of the Idaho National Laboratory presented research and innovation happening at the Laboratory. INL is one of 17 Department of Energy National Laboratories, it has 889 square miles, its own rail system, 7 substations, and 4 operating reactors. The increasing budget and legislation shows strong bipartisan support for nuclear energy. Mr. Wagner explained three types of reactors that INL works with, Existing Nuclear Reactors, Small Modular Reactors, and Microreactors. INL believes that the Microreactors will have high demand in the future. They are working to make nuclear plants work efficiently and more cost effective. Traditionally nuclear plants only provide electricity, but INL is working towards desalination and clean water, hydrogen hydrolysis and creating heat. INL is currently working on Hydrogen Hydrolysis which will be retrofitted to existing nuclear plants. Currently nuclear power is providing 20% of the nations electricity.

Mr. Wagner explained to the committee that companies decide where to do their nuclear projects based on: where the power needs are, the cost to do the project in that area, the infrastructure to support the project, the communities attitude towards the project, and if an environmental assessment has already been done in that area. Idaho benefits from INL's work because they are contributing to the future energy systems and the national security aspects of this nation. They are also the seventh largest employer in the state. In the global market INL's competition is Russia and China. There are more reactors being built in China than anywhere else. He shared that Poland, Czeck Republic, Middle East, Africa, Eastern Europe, and any areas around the globe that don't have natural resources for power are interested in nuclear reactors.

Mr. Wagner further clarified to the committee that when INL requests federal budget money they are going up against national security objectives, renewable and fossil energy, and environment management for DOE budget allocations. As a nation more money is being put into the Energy, Efficiency and Renewable Energy (EERE) budget than in nuclear budgets. He did emphasize that money spent in the U.S. provides more national security than when nuclear technology from other countries is deployed around the world. He also pointed out that when a reactor is sold to another country, it builds relationships that last the life of the reactor which is from 60-80 years. In answer to committee concerns, Mr. Wagner explained that the previous administration's policies forced Terra Power to disentangle with China. DOE picked Terra Power for the advanced reactor demonstration program, but INL did decide to team with them on their proposals to the DOE during a time when they were not entangled with China. Current conditions for federal funding require them to be U.S. owned and operated, and DOE screens them for national security reasons.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:36 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
Upon Adjournment
Room EW41
Friday, February 12, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28568	Vehicle inspection programs	Rep. Ben Adams

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 Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Friday, February 12, 2021

TIME: Upon Adjournment

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew (Colwell), Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Amador, Chew

GUESTS: none

Chairman Ehardt called the meeting to order at 11:45 p.m.

MOTION: **Rep. Yamamoto** made a motion to approve the minutes of the February 10, 2021 meeting. **Motion carried by voice vote.**

RS 28568: **Rep. Adams** presented **RS 28568**. This proposed legislation amends the current code to provide that certain counties may opt out of vehicle and maintenance programs under specified conditions.

In response to committee questions, **Rep. Adams**, clarified this legislation gives local counties control over emissions testing. It does not open the door for more counties to begin testing because it is opt-out legislation, with no provisions for opting in.

MOTION: **Rep. Scott** made a motion to introduce **RS 28568**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 11:52 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Thursday, February 18, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
H 99	Water Quality Trading	Rep. John Vander Woude
H 127	Broadband fund, board	Rep. Megan Blanksma
	Idaho Department of Commerce: Broadband Overview	Tom Kealey, Director of the Idaho Department of Commerce

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, February 18, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/
EXCUSED:** None

GUESTS: Benn Brocksome, Imagine Idaho; Mary Anne Nelson, DEQ; Dan Steenson, TVWVA, NMID; Tom Kealey, Jake Reynolds, Eric Forsch, Dept of Commerce; Douglas Jones, Clean Water Partners; Paul Arrington, IWVA; Braden Jensen, Idaho Farm Bureau; Doug Tyler, IAA; Del Chapel, Steven Keyser, Sarah Bettinger, Centurylink

Chairman Ehardt called the meeting to order at 1:34 p.m.

MOTION: **Rep. Necochea** made a motion to approve the minutes of the February 12, 2021 meeting. **Motion carried by voice vote.**

H 99: **Rep. Vander Woude** turned the time over to **Dan Steenson**, with Sawtooth Law, to present **H 99**. This legislation authorizes a water quality innovation and pollutant trading program in Idaho and provides the Department of Environmental Quality authority to regulate the program. Water Quality Trading is beneficial for Idaho because it allows funding sources for impaired water bodies that do not meet water quality standards.

In answer to committee questions, **Mr. Steenson** explained that municipalities have mandatory permit discharge requirements, and agricultural producers do not. While cities are able to get grants to offset investment to meet requirements, funding is not enough. Trading water credits with ag producers is a cost effective way for cities to meet these requirements. Mr. Steenson clarified that DEQ and water shed advisory groups collaborate to set the rate requirements. Each water body has different requirements based on its needs. The EPA does not set the requirements, but mandates that a total maximum daily load (TMDL) is set by the states. The committee expressed concerns that there is not enough detail in the bill. Mr. Steenson responded that DEQ has the framework in place and he did not believe that it needed to be in statute. The intent is that trading only occur between two sources whose discharge impact the same water body, but acknowledged this bill does not specifically confirm that statement. Mr. Steenson described some ways that water bodies are cleaned up including Activated Wetlands, and using materials that bond to phosphorous, and then extracting them after the bond. Water quality standards would not be changed in this legislation.

Mary Anne Nelson, from DEQ explained the need for legislation on water quality trading since both the EPA and the Water Quality Act don't specifically cover the practice. DEQ has been working to further the water quality trading concept for years. This bill gives DEQ authority to put trading in place without being overly prescriptive.

In answer to concerns that cities weren't taking responsibility for their own water quality discharge, **Ms. Nelson** explained that the primary and secondary treatments are usually a cost the cities can afford. Those treatments clean up the water significantly, but sometimes are a couple percentage points short of meeting their requirements. By adding a tertiary treatment, the cost jumps significantly higher, and becomes very hard to meet. Buying credits allows the cities to help ag producers clean up their water, and meet the requirements to clean the same body of water that the city isn't able to meet without much higher costs.

Douglas Jones, with Clean Water Partners, testified that his company had a pilot project in Parma with data to show that trading is viable. This legislation allows not only farmers to improve their land, but business to invest in water cleanup for trading.

MOTION: **Rep. Lickley** made a motion to send **H 99** to the floor with a **DO PASS** recommendation.

Marie Callaway Kellner, Idaho Conservation League; **Dan Steensen**, TVWVA, NMID; **Johanna Bell**, Environmental Policy Analyst for the Association of Idaho Cities, testified **in support** of **H 99**. They support efforts that strive to incentivize reductions in non-point source pollution so long as they incorporate a net environmental benefit to the relevant water body. They believe this bill is in the best interest of the cities and is a good cost approach to improving water quality.

In support of the motion, **Rep. Necochea** liked that market forces would be used to remediate and keep water bodies clean. **Chairman Ehardt** expressed her concern over the enormous costs of waste water plants for cities, and the need for trading as a solution.

In opposition to the motion, **Rep. Adams** expressed concerns that cities are able to implement alternative water clean up by building their own activated wetlands, and trading might be unnecessary government growth. **Rep. Wisniewski**, expressed the desire to have smaller scale testing to see the viability of this legislation. **Rep. Scott** liked the approach, but wondered what unintended consequences could come from it.

SUBSTITUTE MOTION: **Rep. Scott** made a substitute motion to send **H 99** to General Orders.

In support of the substitute motion, **Rep. Wisniewski** stated that clean water facilities were already being built without this legislation, and because of reservations on this bill preferred the sunset clause.

In opposition to the substitute motion, **Rep. Lickley** believed that this bill had been fully vetted, and liked that it gave land owners and small businesses some options. **Rep. Vander Woude** was concerned that putting a sunset into this bill would scare investors away. **Rep. Young** wanted to give this bill a chance, but with reservation that it might increase regulation. **Chairman Ehardt** expressed concerns that Idaho is growing fast, and it needs to help the cities. She didn't want the sunset clause to keep this legislation from moving forward.

ROLL CALL VOTE ON THE SUBSTITUTE MOTION: A roll call was requested. **Substitute motion failed by a vote of 4 AYE and 11 NAY.** **Voting in favor** of the motion: **Reps. Wisniewski, Scott, Armstrong, Adams.** **Voting in opposition** to the motion: **Reps. Vander Woude, Amador, Furniss, Hartgen, Lickley, Young, Yamamoto, Chew, Necochea, Nash, Ehardt.** **Rep. Horman was absent/excused.**

**ROLL CALL
VOTE ON
ORIGINAL
MOTION:**

A roll call was requested. **Original motion carried by a vote of 13 AYE and 2 NAY. Voting in favor** of the motion: **Reps. Vander Woude, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Yamamoto, Chew, Necochea, Nash, Ehardt. Voting in opposition** to the motion: **Reps. Wisniewski, Adams. Rep. Horman was absent/excused. Rep. Vander Woude** will sponsor the bill on the floor.

Chairman Ehardt let committee members and presenters know that the remainder of the agenda would be put on another calendar day. Then she recognized **Austin Swing** for all the work he has done for the committee as a page.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 3:39 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Monday, February 22, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Idaho National Laboratory: Cybersecurity	Scott Cramer, Director, Cybercore Integration Center; Eleanor Taylor, Cybercore Program Manager, University Partnerships
	North Idaho College: Cybersecurity	Rick MacLennan, President of NIC
	College of Southern Idaho: Cybersecurity	Dean Fisher, President of CSI
	College of Western Idaho: Cybersecurity	Mark Browning , Vice President of CWI
	College of Eastern Idaho: Cybersecurity	Rick Aman, President of CEI
	Western Governors University: Cybersecurity	Lynn White, Director of External Affairs for WGU

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Monday, February 22, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Adams, Nash

GUESTS: J Munk Browning, CWI

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

MOTION: **Rep. Yamamoto** made a motion to approve the minutes of the February 18, 2021 meeting. **Motion carried by voice vote.**

Scott Cramer, the Director of Cybercore Integration Center discussed one of our biggest national security challenges, Industrial Control Systems Cybersecurity. In 2014, Russia caused power outages in the Ukraine sending messages of their abilities to the United States. The realities of cyberspace are that existing security efforts are insufficient, and a determined, well-resourced and patient adversary will succeed in penetrating and exploiting infrastructure. Some requirements to help keep our nation safe, expensive R&D systems in place, advances in science and engineering, and adequate technical expertise.

Eleanor Taylor, Cybercore Program Manager and University Partnerships with INL shared strategies INL is using to engage with community colleges. Some include: building the Cybercore Integration Center, providing critical infrastructure, providing speakers, adjunct faculty, internships, STEM Education and Outreach. INL's cybersecurity vision is to enhance cybersecurity ecosystems across Idaho, to protect digital assets by attracting students, giving access to subject matter experts, mentors and research advisors, and leveraging resources, capabilities, facilities and equipment.

In answer to committee concerns, **Ms. Taylor** explained while some duplication needs to happen to meet skill requirements, using the expertise of each university offers diverse learning for Idaho college students. **Mr. Cramer** assured committee members that security is taken seriously, facilities are isolated, and full access is not given to students in secure areas.

Dr. Rick Aman, President of the College of Eastern Idaho explained cybersecurity options at the community college level. In cybersecurity, the college's goals are to provide transfer degrees to a University, provide an Associate of Applied Science, and produce workforce. The colleges are working to get the Secure Operations Centers (SOCs) with real time access to experts and learning in cybersecurity up and running. All four community colleges are working towards a certification from the National Center of Academic Excellence in Cybersecurity. The colleges are also involved in STEM outreach K-12 to bring students into the cybersecurity workforce. They are also working on Cyber Applied Baccalaureate, to help technicians with a background in cybersecurity get management training using their background as credits towards a baccalaureate. There are three things they are hoping students graduate with: an academic degree that is accredited by the

Northwest Commission, a relationship with business and industry, and industry recognized certification.

Dr. Dean Fisher, with the College of Southern Idaho, shared some unique parts of CSI's program. CSI offers a 9 credit hour basic technical certificate through IDLA to get high school students to start thinking about cybersecurity as a college study. It is not intended to get them into the workforce, but to interest them in furthering their education.

Mark Browning, the Vice President of the College of Western Idaho, explained how CWI is working to be more aggressive and robust in cybersecurity. CWI is very heavily invested in dual credit, and sees cybersecurity as a great opportunity for high school students. CWI is currently not a member of IRON. In order to participate in the planned cyber exercises with the other institutions, CWI is researching the requirements to join IRON.

Dr. Rick MacLennan, the President of North Idaho College, shared that in 2017 NIC achieved the designation of the National Center for Academic Excellence in Cybersecurity from the NSA and the Dept. of Homeland Security. This designation takes two rigorous years to achieve. Because of the designation, NIC received a \$185,000 grant which has allowed them to expand their cybersecurity program. The colleges are developing an agreement so that students can access courses from any of the four Idaho community colleges to meet their cybersecurity requirements.

Lynn White, the director of External Affairs for Western Governors University explained how WGU gives credit for life experience to go towards a 4 year degree. 100% of their classes are online, with 60+ degrees offered, serving non-traditional students. WGU's College of IT has nine Bachelor Degree programs, four Master's Degrees and one credential, and is certified by Department of Homeland Security and NSA. There are 14 industry relevant certifications in their program. In 2020 at the Cyber-fast Track Competition, 127 of the 541 semi-finalists were WGU students. Nine of the 24 students with perfect scores came from WGU. WGU offers generous transfer privileges for CEI, CWI, and NIC, normally their students graduate within 18 months.

Dr. Aman explained that Idaho Online will allow the colleges to reach out to students in rural areas. And emphasized that it can't be understated how strong the collaboration with community colleges and INL is. **Dr. MacLennan** clarified that although graduates in cybersecurity from community colleges have entry level jobs, the career growth, education possibilities and wages accelerate very quickly.

ADJOURN:

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

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Wednesday, February 24, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<u>H 127</u>	Broadband Advisory Board and Fund	Rep. Megan Blanksma
	Idaho Department of Commerce: Broadband Overview	Tom Kealey, Director of the Idaho Department of Commerce
<u>S 1015</u>	Domestic Water Protection, Repeal	Jerri Henry, Drinking Water Protection and Finance Division Administrator
<u>58-0000-2000F</u>	Promulgation of IDAPA 58 Rule Chapters adopted by the Board as a Temporary Fee and Proposed Revisions	Jess Byrne , DEQ Director

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, February 24, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Amador

GUESTS: Benn Brocksome, Imagine Idaho; Rosa Martinez; Jerri Henry, Mary Anne Nelson, Michael McCurdy, Tiffany Floyd, Jess Byrne, DEQ; Jake Reynolds, Tom Kealey, Eric Forsch, Commerce; Sarah Bettwieser, Centurylink

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

H 127: **Rep. Blanksma** presented **H 127**. This legislation creates a Broadband Advisory Board and establishes the Idaho Broadband Fund. The Advisory Board would consist of nine members and be tasked to developing, implementing and maintaining a statewide broadband board.

MOTION: **Rep. Vander Woude** made a motion to send **H 127** to the floor with a **DO PASS** recommendation.

Bobbi-Jo Meuleman, the Governor's Deputy Chief of Staff and **Benn Brocksome** with Imagine Idaho spoke **in support** of **H 127**.

VOTE ON MOTION: **Chairman Ehardt** called for a vote on the motion to send **H 127** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

Tom Kealey, Director of the Idaho Department of Commerce gave a Broadband Overview. The Cares ACT paid out \$38.3 million for Idaho Broadband Grants. From this, 83 grants were funded, 30,000 "rural" households now have broadband connectivity in 125 communities, and 90 new public Wi-Fi Hotspots were set up, including libraries to ensure citizens have access to broadband for distance learning, telehealth, and remote work. They are proposing \$35 million future broadband support that would mostly go towards rural households, with a small portion towards strategic planning, federal grant matching, telehealth, statewide mapping and administration.

Eric Forsch, Broadband Development Manager for the Idaho Department of Commerce explained the issues with broadband connectivity including cost, connectivity and devices available. He shared examples of broadband connectivity the state was able to fund with these grants.

In answer to committee questions, **Director Kealey** explained that future plans for funding would move to match dollars with the private sector in public/private partnerships.

S 1015: **Jerri Henry**, Drinking Water Protection and Finance Division Administrator from the DEQ presented **S 1015**. This bill repeals statutes that were developed in 1913 and have not been used in regulation and in guidance for many years.

Rosa Martinez spoke in opposition of **S 1015**. Ms. Martinez expressed concerns that removing this section was taking out the requirement to give three days notification when domestic and other water was contaminated.

MOTION:

Rep. Lickley made a motion to send **S 1015** to the floor with a **DO PASS** recommendation.

Ms. Henry answered committee concerns on notification of contaminated water. The statute being removed only addresses E. coli and nitrates, which are already addressed in another area of the rules under Tier 1 notifications. Tier 1 notifications occur when acute contaminations are found, and the public must be notified within 24 hours after the lab results are received. Tier 2 addresses chronic contaminants such as arsenic, inorganic or organic contaminants, and must happen within 30 days. Chronic contaminants take many years of exposure before people become ill, which is why the notifications aren't as urgent. The public is usually notified depending on the size of the system, by a news release, and sometimes hand delivered door hangers. Ms. Henry clarified that nothing is being removed that is not already covered in other areas of the code. The committee requested that she come back to clarify what was being removed and what remained in code.

SUBSTITUTE MOTION:

Rep. Yamamoto made a substitute motion to **HOLD S 1015** for time certain, March 2, 2021. **Motion carried by voice vote.**

Chairman Ehardt turned the gavel over to **Vice Chairman Wisniewski**.

DOCKET NO. 58-0000-2000F:

Jess Byrne, the Director of DEQ, presented **Docket No. 58-0000-2000F**. This rule docket includes twelve rule chapters, many of which are necessary for the department to maintain state authorization or primacy for federal acts including air quality rules, hazardous waste rules, drinking water rules and pollutant discharge elimination system rules.

MOTION:

Rep. Lickley made a motion to approve **Docket No. 58-0000-2000F**.

In answer to committee concerns about the 'shall' and 'will' changes in this rule, **Director Byrne** pointed out that those changes were not unique to DEQ rules. This is something that will occur moving forward as part of the Zero-Based Regulation Executive Order issued by the Governor. The Division of Financial Management made these changes after negotiated rule making trying to make rules more consistent. Copies of the draft rule with those changes were sent to all participants in the negotiated rule making and DEQ received no concerns or responses. DEQ does not believe that the intent was changed in the process of changing verbiage. Director Byrne clarified this rule if approved will not be approving **S 1015** that is repealing a part of this rule.

SUBSTITUTE MOTION:

Rep. Vander Woude made a substitute motion to approve **Docket No. 58-0000-2000F** with the exception of IDAPA 58.01.25.302.20. This section is regarding water quality trading and was put into rules without a statute being in place.

Rep. Young expressed concern that DEQ had been operating with rules that did not align with statute. It's important to keep our processes straight, that changes are made in statute first and then reflected in the rules. Multiple committee members expressed concerns that the changes hadn't been shown clear enough. **Rep. Adams** expressed concerns about how emissions were addressed in the rules.

AMENDED SUBSTITUTE MOTION:

Rep. Adams made an amended substitute motion to reject **Docket No. 58-0000-2000F**

Vice Chairman Wisniewski put the committee at ease.

Due to time constraints **Docket No. 58-0000-2000F** will be carried over to another meeting.

Vice Chairman Wisniewski turned the gavel over to **Chairman Ehardt**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:53 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Tuesday, March 02, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
S 1015	Domestic Water Protection , Repeal	Jerri Henry, Drinking Water Protection and Finance Division Administrator

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, March 02, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Horman, Adams

GUESTS: Jerri Henry, Mary Anne Nelson, Jess Byrne, DEQ; Rosa Martinez, Janice Can, John Nunoz

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

Chairman Ehardt returned **S 1015** to the committee for consideration, which was held for time certain from the meeting of Wednesday, February 24, 2021.

S 1015: **Jerri Henry**, Drinking Water Protection and Finance Division Administrator from the DEQ returned to answer committee questions on **S 1015**. Ms. Henry explained that the statute being removed is in conflict with other parts of the rule. Once removed, the remaining parts cover in more detail what contaminants are being tested and when notifications must occur.

MOTION: **Rep. Lickley** made a motion to send **S 1015** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nash** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:38 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Thursday, March 04, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
58-0000-2000F	Promulgation of IDAPA 58 Rule Chapters adopted by the Board as a Temporary Fee and Proposed Revisions	Jess Byrne, DEQ Director
S 1079	Agriculture Best Management Practices Fund	Mary Anne Nelson, DEQ Surface and Wastewater Division Administrator

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
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MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, March 04, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Armstrong, Adams

GUESTS: Jerri Henry, Tiffany Floyd, Michael McCurdy, Kristin Ryan, Mary Anne Nelson, Jess Byrne, DEQ; Paul Arrington, IWUA; Ben Davenport, IMA

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

MOTION: **Rep. Necochea** made a motion to approve the minutes of the February 22, February 24, and March 2, 2021 meetings. **Motion carried by voice vote.**

DOCKET NO. 58-0000-2000F: **Jess Byrne**, DEQ Director returned to bring **Docket No. 58-0000-2000F** before the committee for review. This omnibus rule has been before the committee previously. Director Byrne gave a quick review of the rules. These rules are necessary for DEQ to continue being the implementing agency for environmental protection law in Idaho. DEQ strongly believes it's in Idaho's best interest to have DEQ play this role instead of the EPA.

Director Byrne explained that prior to DEQ having authority over the Idaho Pollutant Discharge Elimination System Program, the EPA issued permits and regulated activities in Idaho. The EPA did their work in Idaho from Boise and from a Seattle office. The EPA was not able to keep up with the case load, and were not keeping up with the permits.

MOTION: **Rep. Vander Woude** made a motion to approve **Docket No. 58-0000-2000F** with the exception of IDAPA 58.01.25.302.20. This section is regarding water quality trading and was put in the rules without a statute being in place. **Motion carried by voice vote.**

S 1079: **Mary Anne Nelson**, DEQ Surface and Wastewater Division Administrator presented **S 1079**. This legislation establishes a dedicated account where state general funds may be appropriated to support the Agriculture Best Management Practices program. This is a recurring general fund appropriation in DEQ's base budget that has been ongoing since the 2017 Legislative session. These monies are passed through DEQ and awarded to agricultural entities (farmers, ranchers, irrigation districts, soil/water conservation districts, and others) to implement best management practices that reduce pollution to the state's waters. These projects may take more than a single fiscal year to implement, and in the past DEQ has had to guess at the dollar amount of re-appropriation they needed to request each year to handle this situation. DFM and LSO worked with DEQ to come up with the dedicated account as a solution. These funds have covered a total of 21 projects across the state. Over the last four fiscal years, a total of \$2.07 million has been appropriated and distributed. Since there is a match requirement for all projects (either of in-kind services or other matching funds), the total value of the projects implemented is \$3.89 million, or an 88% return on the general fund monies appropriated.

Ms. Nelson clarified that it is possible, but has not happened, that an entity could use improvements made by the State grants for water quality trading. Grants from the federal level have strict rules that would not allow entities to use the grants to create a profit. Ms. Nelson stated that \$279,000 is in the ongoing appropriation to go through this fund, and would be continuously appropriated each year. If this bill is not passed, DEQ will be trying to re-appropriate funds next year. This is not a budget expense increase to the State.

MOTION: **Rep. Lickley** made a motion to send **S 1079** to the floor with a **DO PASS** recommendation.

Paul Arrington, IWUA, spoke in support to **S 1079**.

In support of the motion, **Rep. Lickley** asked the committee to look broadly at water quality and working with the agricultural community to serve in the best mechanism they can. Anytime the legislature can partner with an agency to help offset the costs of clean water, it is in the State's best interest. **Rep. Vander Woude** supports this bill, but hoped that DEQ would not use these grants for water quality trading. **Rep. Horman** spoke in favor of the bill, but warned while this situation seems to answer the problem, she warned a continuously appropriated fund is legislated only once as the money is put in, and there is no oversight afterwards.

VOTE ON MOTION: **Chairman Ehardt** called for a vote to send **S 1079** to the floor with a **DO PASS**. **Motion carried by voice vote.** **Rep. Scott** requested to be recorded as voting **NAY**. **Rep. Vander Woude** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:30 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Thursday, March 18, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	IT Modernization & Cybersecurity	Jeff Weak, Administrator, Office of Information Technology Services

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Ehardt Rep Armstrong
Vice Chairman Wisniewski Rep Furniss
Rep Vander Woude Rep Hartgen
Rep Horman Rep Lickley
Rep Scott Rep Young
Rep Amador Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, March 18, 2021
TIME: 1:30 P.M.
PLACE: Room EW41
MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto (Yamamoto), Chew, Necochea, Nash
ABSENT/EXCUSED: Rep. Hartgen, Necochea, Nash
GUESTS: None

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

Jeff Weak, Idaho Technology Services Administrator, presented on IT Modernization, with a brief update on cybersecurity in the state. Previously, 68 different state agencies were handling IT separately. With the IT Modernization plan, agencies were able to merge and improve services, simplify procedures, save money, and improve purchasing power. Phase III has stalled this year. It's taken time to hire during a global pandemic. Transitioning the states workforce to work from home, put planned projects on hold.

In answer to concerns, **Mr. Weak** explained that Information Technology Services (ITS) houses data for all ITS customers. It is only open to state personnel, and only data owners have access to the data base. Currently ITS uses a few artificial intelligence security processes, such as machine learning, but big data analytics artificial intelligence has not been used yet. AI will be used more in the future.

Covid-19 brought offices to homes, and extended security perimeters from a core network to houses. During this same time there was an increase in phishing scams for Covid-19. Almost half a million zoom accounts were sold on the dark web. SolarWinds, which is used to monitor networks, was compromised, and led to a hack in the network. ITS had to back out of all usage of that product. And recently, Microsoft Products had a zero-day attack. ITS spent a long weekend putting patches in to fix the exposed parts of the software. If it wasn't for the current IT modernization, agencies would not have had the resources to prevent, protect or solve the recent cyber-security threats.

In answer to committee questions, **Mr. Weak** shared how ITS has had discussions on developing talent to provide for future employees. They are working with multiple colleges and strategizing how to develop programs and certificates that would meet these goals. There will be a Cyber-security task force working with the colleges soon.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:07 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AMENDED JOINT AGENDA #1
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE
1:00 P.M.
WW02
Monday, April 12, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Move Oregon's Border for a Greater Idaho	Mike McCarter, President of Move Oregon's Border and Citizens for Greater Idaho; Mark Simmons, Union County, Oregon Rancher and former Oregon Speaker of the House of Representatives

No public testimony will be taken.

COMMITTEE MEMBERS

Chairman Ehardt	Rep Armstrong
Vice Chairman Wisniewski	Rep Furniss
Rep Vander Woude	Rep Hartgen
Rep Horman	Rep Lickley
Rep Scott	Rep Young
Rep Amador	Rep Adams

COMMITTEE SECRETARY

Maggie Price
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MINUTES
JOINT MEETING

**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE**

DATE: Monday, April 12, 2021

TIME: 1:00 P.M.

PLACE: WW02

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss (Blanchard), Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

Chairman Vick, Vice Chairman Johnson, Senators Bair, Heider, Patrick, Guthrie, Burtenshaw, Stennett, Rabe

**ABSENT/
EXCUSED:** None

GUESTS: Tyler Wagstaff, Malheur County Potato Growers; Paul Skeen, Malheur County Onion Growers; Ron Jacobs, Malheur County; Keith Ridlar, AP; Mark Simmons, Mike McCarter, Del Chapel, Andrea Blades, Braden Jensen, Idaho Farm Bureau; Dave Grabarczyk

Chairman Vick called the meeting to order at 1:02 p.m.

Mike McCarter, President of Move Oregon's Border and Citizens for Greater Idaho presented the idea of moving Oregon's border into Idaho. Mike shared that Move Oregon's Border is not about politics or political parties, but about people battling to preserve their traditional values of faith, family, freedom, independence and to provide for their families. They have voted in four counties as of November 2020, and will be voting in five counties in May. Six additional counties have active petitions running for future elections. Idaho's population would increase by 50% if the suggested borders of Oregon are accepted and would be the 3rd largest geographical state in the United States.

Mark Simmons, Oregon Rancher and former Oregon Speaker of the House of Representatives shared the positive benefits of changing Idaho borders. This is a long shot, and there is a legal process that is well defined. It has passed in two counties and five more counties will be voting on it soon. This issue has come up because the vision of the legislature in Oregon does not include rural Oregon. He pointed out that state boundaries have been moved before. Oregon adjusted its state boundary with Washington in 1958, and West Virginia has taken in counties from Virginia. He explained for this to happen with Oregon counties, it would take the people in Idaho to authorize their state government to negotiate an interstate compact with another state. And there would need to be a constitutional amendment in Idaho. Once that is done, it has to be ratified by the United States Congress.

In answer to committee questions, **Mr. Simmons** explained that the purpose of the ballot is to find out how interested counties are in making this change. He agreed that issues like minimum wage difference, public employee retirement, criminal justice systems, and a lot of other details would have to be worked out. But before the discussion can get that in depth, it first has to be determined if the counties have the will and the desire to go through the process and begin these discussions.

Mr. McCarter noted that businesses would boom in Oregon with Idaho's policies. It would result in more people working, and more taxes coming in to Idaho. If these counties' resources were managed better under Idaho policies, it would strengthen Idaho. The counties interested make a path to the Oregon coast, which would give Idaho their own port for transporting goods. Mr. McCarter explained that the movement started in December, 2019. It was launched in January 2020, and was shut down by COVID. They had one rally and four hundred people showed up before the shut down. Even during COVID they have been able to get enough signatures to get on nine counties' ballots.

This discussion has been going on since the 1860's, with friction between Portland and Eastern Oregon stemming that far back. Mr. McCarter was not able to answer how much federal land would be in these counties, or how many correctional institutions are in the Greater Idaho areas, but said that he could get those answers. He pointed out that a lot of questions will need to be addressed, and admitted that nothing this large in a change between state boundaries has been proposed in the United States to date. He did point out that rural economies in Oregon and Idaho are very similar.

Mr. McCarter explained that currently there has been no conversation with Oregon's legislature or governor. He believes that they are sitting on the sidelines watching to see if this is a legitimate movement. The votes coming up in May will show the seriousness of the discussion. Not every county has to vote positive. The purpose is to send a message that this needs to be addressed. The goal is eighteen full counties and three partial counties. Fifteen counties have or already had petitions going. There are counties that have refused to accept the petition. Mr. McCarter noted that twenty three counties in Illinois have voted to leave. Counties in North Carolina are talking about leaving. A county in Colorado is talking about leaving. This issue is occurring when big cities are controlling the votes in states and are not aware of rural concerns.

Committee members shared concerns that there needs to be a broader conversation reminding urban areas where they get their food from. Our agriculture industry feeds this entire nation, and members hope that this dialogue would emphasize how valuable rural communities are to urban cities.

Chairman Ehardt expressed appreciation for starting this conversation in Idaho, and hopes that legislators would reach out to Citizen's for Greater Idaho if they had more questions. **Chairman Vick** thanked presenters for starting to answer questions on how this would help Idaho. **Mr. Simmons** thanked the committees for lending credibility to the concerns and the movement.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:55 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
1:30 P.M.
Room EW41
Wednesday, April 14, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
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Approval of Minutes

COMMITTEE MEMBERS

Chairman Ehardt	Rep Armstrong
Vice Chairman Wisniewski	Rep Furniss(Blanchard)
Rep Vander Woude	Rep Hartgen
Rep Horman	Rep Lickley
Rep Scott	Rep Young
Rep Amador	Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, April 14, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representative(s) Vander Woude, Horman, Scott, Amador, Armstrong, Furniss (Blanchard), Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/
EXCUSED:** Representative(s) Vander Woude, Scott, Chew, Nash

GUESTS:

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

MOTION: **Rep. Necochea** made a motion to approve the minutes of the March 4, 2021, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Adams** made a motion to approve the minutes of the March 18, 2021, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Yamamoto** made a motion to approve the minutes of the April 12, 2021, meeting. **Motion carried by voice vote.**

Chairman Ehardt recognized the Secretary, **Maggie Price**, for the work she had done in the committee.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:37 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
 AND
 HOUSE LOCAL GOVERNMENT**
 1:30 P.M.
 Room WW02
 Monday, April 26, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	DEQ Water and Infrastructure Ratings	Jerri Henry, Drinking Water Protection and Finance Division Administrator; MaryAnna Peavey, DEQ Grants and Loans Bureau Chief

COMMITTEE MEMBERS

Chairman Ehardt	Rep Armstrong	Rep Yamamoto
Vice Chairman Wisniewski	Rep Furniss	Rep Chew
Rep Vander Woude	Rep Hartgen	Rep Necochea
Rep Horman	Rep Lickley	Rep Nash
Rep Scott	Rep Young	
Rep Amador	Rep Adams	

COMMITTEE SECRETARY

Maggie Price
 Room: EW16
 Phone: 332-1128
 email: henv@house.idaho.gov

Local Government

COMMITTEE MEMBERS

Chairman Mendive	Rep Galloway
Vice Chairman Kingsley	Rep Nate
Rep Barbieri	Rep Skaug
Rep Clow	Rep Weber
Rep Christensen	Rep Berch
Rep Bundy	Rep Green(Morales)
Rep Erickson	Rep Davis(Burns)

COMMITTEE SECRETARY

Emma Wall
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MINUTES
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
AND
HOUSE LOCAL GOVERNMENT COMMITTEE**

DATE: Monday, April 26, 2021

TIME: 1:30 P.M.

PLACE: Room WW02

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

Chairman Mendive, Vice Chairman Kingsley, Representatives Barbieri, Clow, Christensen, Bundy, Erickson, Galloway, Nate, Skaug, Weber, Berch, Green (Morales), Davis (Burns)

**ABSENT/
EXCUSED:** Rep. Horman, Young, Nash, Kingsley, Barbieri, Christensen, Erickson, Skaug, and Green

GUESTS: MaryAnna Peavey, Jerri Henry, DEQ; Stuart Hurley, Tim Farrell, Mountain Waterworks

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

Chairman Ehardt explained the meetings purpose was to collect data and information on sewer and water concerns and to help the interim committee make informed decisions with American Rescue Plan Act of 2021 Coronavirus State Fiscal Recovery Fund.

Jerri Henry, Drinking Water Protection and Finance Division Administrator, presented the Department of Environmental Quality's Water Grant and Loan Program. DEQ has statutory authority to set federal grants and to administer the grant loan programs. Ms. Henry reminded committee members that federal requirements are tied to federal grants. Currently, both the Davis-Bacon and the American Iron and Steel (AIS) requirements have to be met with federally funded projects. It is unknown what the requirements will be with the ARPA funds. DEQ's loan application covers technical, financial, and managerial review. It helps project technical information, the ability for an entity to incur debt, audited financial statements, financial controls, board governance, risk management, and public participation information.

Concerns or questions the DEQ has regarding ARPA funds include: 1) Does the term "cost incurred" by December 31, 2024 mean obligated or spent? 2) There are two funds for water, sewer and broadband, a state fund and a local fund, how will they work together? 3) What will the requirements be? 4) Will this be similar to the American Recovery and Reinvestment Act (2009)? 5) Will there be state matching requirements? 6) Will there be reporting requirements? 7) Will there be administrative cost allowances? Ms. Henry also expressed concern with the volatility of supply availability, cost increases and their impact on projects.

MaryAnna Peavey, DEQ Grants and Loans Bureau Chief, presented how the funding process works. She explained that when there is limited funds, DEQ relies heavily on the ranking process to help them decide which projects can be funded. Ms. Peavey reviewed the Clean Water Loan Letter of Interest, which must include: plans evaluated by an engineer, projects readiness to proceed, and environmental information documentation. Public health emergencies and entities that have regulatory compliance issues receive a higher priority.

Ms. Peavey clarified, within the past if any portion of a project is funded with federal monies, the entire project is subject to the requirements or restrictions that come with the funds. Ms. Peavey reported that DEQ has record of anyone who received a planning grant, or who has submitted a letter of interest in the last 5 years, and said she would share that with the committee.

In answer to committee requests, **Ms. Henry** said she could provide an inventory of how many waste water treatment and drinking water systems are regulated by the DEQ. She also shared only one entity has gone into long term default. Ms. Henry explained the massive requests for 2022 are a result of higher costs and increased population growth. She also clarified that loan forgiveness rates are set by the Environmental Protection Agency capitalization grants.

Tyrel Stevenson, Legislative Director for the Coeur d'Alene Tribe, shared the significant concerns with smaller, low income communities struggling to get loans and grants to improve their water and sewer systems.

Tim Farrell, Consulting Firm Mountain Water Works, emphasized the tremendous need for investment in rural community water and sewer infrastructure. Only 10% of aging water and sewer infrastructure in Idaho has been addressed. Affordability is a big issue. The current model has served the state well, but it is outdated for the current needs of small communities with limited resources. He suggested that one solution would be to reduce soft costs such as administrative, regulatory, engineering, and planning costs. Mr. Farrell stressed a large portion of federal money is going to soft costs.

Committee members shared their concern regarding the struggle to fund infrastructure needs. Small communities continue to be just outside of the DEQ's ranking list to receive grants or loans.

Chairman Ehardt reminded committee members that the \$1.2 billion from ARPA will be for broadband, water and sewer. She expressed a need for the committee to communicate during the interim.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:41 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary

AGENDA
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE
Upon Recess of the House
Room EW41
Tuesday, May 04, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes	

COMMITTEE MEMBERS

Chairman Ehardt	Rep Armstrong
Vice Chairman Wisniewski	Rep Furniss
Rep Vander Woude	Rep Hartgen
Rep Horman	Rep Lickley
Rep Scott	Rep Young
Rep Amador	Rep Adams

COMMITTEE SECRETARY

Maggie Price
Room: EW16
Phone: 332-1128
email: henv@house.idaho.gov

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, May 04, 2021

TIME: Upon Recess of the House

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representative(s) Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/
EXCUSED:** Representative(s) Vander Woude, Horman, Young, Chew, Necochea, Nash

GUESTS: None

MOTION: **Chairman Ehardt** called the meeting to order at 12:56 pm.

Rep. Yamamoto made a motion to approve the minutes of the April 26, 2021 meeting. **Motion carried by voice vote.**

Chairman Ehardt thanked the committee for their work this Session.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 12:59 pm.

Representative Ehardt
Chair

Tracey McDonnell
Secretary