

IN THE SENATE

SENATE BILL NO. 1183

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY;
APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR
FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVA-
LENT POSITIONS; PROVIDING REMEDIATION PROJECT REPORTING REQUIREMENTS;
APPROPRIATING AND TRANSFERRING MONEYS FROM THE WATER POLLUTION CONTROL
FUND TO THE ENVIRONMENTAL REMEDIATION BASIN FUND FOR FISCAL YEAR 2024;
PROVIDING REQUIREMENTS FOR THE WATER POLLUTION CONTROL FUND; APPRO-
PRIATING AND TRANSFERRING MONEYS FROM THE DEPARTMENT OF ENVIRONMENTAL
QUALITY (GENERAL) FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES
FUND FOR FISCAL YEAR 2024; PROVIDING REAPPROPRIATION AUTHORITY FOR THE
ARPA STATE FISCAL RECOVERY FUND; PROVIDING REAPPROPRIATION AUTHORITY
FOR THE AMERICAN RESCUE PLAN FUND; PROVIDING REAPPROPRIATION AUTHORITY
FOR THE DEQ (GENERAL) FUND; PROVIDING REQUIREMENTS FOR THE USE OF THE
ARPA STATE FISCAL RECOVERY FUND; PROVIDING FOR ACCOUNTABILITY REPORTS;
APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL
QUALITY ADMINISTRATION AND SUPPORT SERVICES PROGRAM FOR FISCAL YEAR
2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMEN-
TAL QUALITY WASTE MANAGEMENT AND REMEDIATION PROGRAM FOR FISCAL YEAR
2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMEN-
TAL QUALITY AIR QUALITY PROGRAM FOR FISCAL YEAR 2023; AND DECLARING AN
EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Environ-
mental Quality the following amounts to be expended according to the desig-
nated programs and expense classes from the listed funds for the period July
1, 2023, through June 30, 2024:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$2,528,600	\$1,919,000	\$1,255,300		\$5,702,900
Air Quality Permitting					
Fund	214,100	90,700	63,100		367,900
Public Water System Supervision					
Fund	271,700	78,900	48,000		398,600

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
1					
2					
3					
4					
5	Environmental Remediation (Box)				
6	Fund	10,300			10,300
7	Environmental Remediation (Basin)				
8	Fund	14,600	14,400	12,600	41,600
9	Department of Environmental Quality (Receipts)				
10	Fund	240,400	117,100	75,500	433,000
11	Idaho Underground Storage Tank Program				
12	Fund	57,600	15,900	14,300	87,800
13	IPDES Program				
14	Fund	226,200	50,500	45,600	322,300
15	Bunker Hill Trust				
16	Fund	27,300	6,800	5,900	40,000
17	Department of Environmental Quality (Federal)				
18	Fund	1,420,700	1,263,200	966,500	3,650,400
19	ARPA State Fiscal Recovery				
20	Fund	<u>419,000</u>	<u>0</u>	<u>0</u>	<u>419,000</u>
21	TOTAL	\$5,430,500	\$3,556,500	\$2,486,800	\$11,473,800
22	II. AIR QUALITY:				
23	FROM:				
24	Department of Environmental Quality (General)				
25	Fund	\$4,645,800	\$213,600	\$4,000	\$4,863,400
26	Air Quality Permitting				
27	Fund	1,493,900	59,700	\$63,000	1,616,600
28	Department of Environmental Quality (Receipts)				
29	Fund	421,000	393,000	300,000	1,114,000
30	Department of Environmental Quality (Federal)				
31	Fund	<u>1,281,900</u>	<u>1,971,200</u>	<u>0</u>	<u>1,241,400</u>
32	TOTAL	\$7,842,600	\$2,637,500	\$4,000	\$1,604,400
33	III. WATER QUALITY:				
34	FROM:				
35	Department of Environmental Quality (General)				
36	Fund	\$9,138,100	\$1,788,100	\$967,500	\$11,893,700
37	Public Water System Supervision				
38	Fund	1,395,900	499,700		1,895,600

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
1					
2					
3					
4					
5	Department of Environmental Quality (Receipts)				
6	Fund	687,400	1,003,500	2,521,600	4,212,500
7	IPDES Program				
8	Fund	1,189,300	443,400	\$12,000	1,644,700
9	Department of Environmental Quality (Federal)				
10	Fund	6,131,800	13,440,000	2,333,200	21,905,000
11	ARPA State Fiscal Recovery				
12	Fund	<u>446,300</u>	<u>7,500</u>	<u>0</u>	<u>59,452,200</u>
13	TOTAL	\$18,988,800	\$17,182,200	\$12,000	\$65,274,500
14	IV. COEUR D'ALENE BASIN COMMISSION:				
15	FROM:				
16	Department of Environmental Quality (General)				
17	Fund	\$149,200	\$10,200		\$159,400
18	Environmental Remediation (Basin)				
19	Fund	79,500	15,500		95,000
20	Department of Environmental Quality (Federal)				
21	Fund	<u>16,100</u>	<u>0</u>	<u>\$50,000</u>	<u>66,100</u>
22	TOTAL	\$244,800	\$25,700	\$50,000	\$320,500
23	V. WASTE MANAGEMENT AND REMEDIATION:				
24	FROM:				
25	Department of Environmental Quality (General)				
26	Fund	\$3,134,100	\$152,700	\$94,600	\$3,381,400
27	Environmental Remediation (Box)				
28	Fund	277,900	76,600	150,500	505,000
29	Environmental Remediation (Basin)				
30	Fund	389,500	41,800	200,000	631,300
31	Department of Environmental Quality (Receipts)				
32	Fund	868,500	127,100	51,800	1,047,400
33	Idaho Underground Storage Tank Program				
34	Fund	274,700	25,000		299,700
35	Bunker Hill Trust				
36	Fund	110,500	2,957,000	300,000	3,367,500
37	Bunker Hill Central Treatment Plant				
38	Fund		555,000		555,000

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
5	Department of Environmental Quality (Federal)				
6	Fund	3,345,700	8,242,900	3,015,500	14,604,100
7	ARPA State Fiscal Recovery				
8	Fund	<u>1,021,800</u>	<u>8,432,800</u>	<u>4,000,000</u>	<u>13,454,600</u>
9	TOTAL	\$9,422,700	\$20,610,900	\$7,812,400	\$37,846,000
10	VI. IDAHO NATIONAL LABORATORY OVERSIGHT:				
11	FROM:				
12	Department of Environmental Quality (General)				
13	Fund	\$99,400	\$8,700		\$108,100
14	Department of Environmental Quality (Federal)				
15	Fund	<u>1,153,900</u>	<u>1,318,800</u>	<u>\$146,900</u>	<u>2,619,600</u>
16	TOTAL	\$1,253,300	\$1,327,500	\$146,900	\$2,727,700
17	GRAND TOTAL	\$43,182,700	\$45,340,300	\$2,502,800	\$74,888,200
				\$74,888,200	\$165,914,000

18 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
19 Idaho Code, the Department of Environmental Quality is authorized no more
20 than three hundred seventy-nine (379.00) full-time equivalent positions
21 at any point during the period July 1, 2023, through June 30, 2024, unless
22 specifically authorized by the Governor. The Joint Finance-Appropriations
23 Committee will be notified promptly of any increased positions so autho-
24 rized.

25 SECTION 3. REMEDIATION PROJECT REPORTING REQUIREMENTS. Moneys de-
26 posited into the Environmental Remediation (Basin) Fund shall be used for
27 remediation of the Coeur d'Alene Basin in accordance with the Superfund
28 contract with the Environmental Protection Agency. The Department of En-
29 vironmental Quality shall submit an annual report to the Governor, the
30 Legislature, and the Coeur d'Alene Basin Environmental Improvement Project
31 Commission on the remediation progress and the expenditures involved.

32 SECTION 4. CASH TRANSFER FOR WASTE REMEDIATION. There is hereby ap-
33 propriated to the Department of Environmental Quality and the Office of the
34 State Controller shall transfer \$1,500,000 from the Water Pollution Control
35 Fund to the Environmental Remediation (Basin) Fund on July 1, 2023, or as
36 soon thereafter as practicable for the period July 1, 2023, through June 30,
37 2024, to be used for Superfund cleanup projects in the Coeur d'Alene Basin.

38 SECTION 5. USES OF THE WATER POLLUTION CONTROL FUND. The appropriation
39 of moneys from the Water Pollution Control Fund in this act shall specifi-
40 cally supersede the provisions of Section 39-3630, Idaho Code.

1 SECTION 6. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES
2 FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY (GENERAL) FUND. There is hereby
3 appropriated to the Department of Environmental Quality and the Office of
4 the State Controller shall transfer \$279,000 from the Department of Environ-
5 mental Quality (General) Fund to the Agricultural Best Management Practices
6 (BMP) Fund on July 1, 2023, or as soon thereafter as practicable for the pe-
7 riod July 1, 2023, through June 30, 2024.

8 SECTION 7. REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOV-
9 ERY FUND. There is hereby reappropriated to the Department of Environmen-
10 tal Quality any unexpended and unencumbered balances appropriated to the De-
11 partment of Environmental Quality from the ARPA State Fiscal Recovery Fund
12 for water infrastructure and remediation projects for fiscal year 2023 from
13 the ARPA State Fiscal Recovery Fund, to be used for nonrecurring expendi-
14 tures related to water infrastructure and remediation projects for the pe-
15 riod July 1, 2023, through June 30, 2024. The Office of the State Controller
16 shall confirm the reappropriation amount, by fund, expense class, and pro-
17 gram, with the Legislative Services Office prior to processing the reappro-
18 priation authorized herein.

19 SECTION 8. REAPPROPRIATION AUTHORITY FOR AMERICAN RESCUE PLAN FUND.
20 There is hereby reappropriated to the Department of Environmental Quality
21 any unexpended and unencumbered balances appropriated to the Department of
22 Environmental Quality in the Air Quality Program from the American Rescue
23 Plan Fund for air quality monitors for fiscal year 2023 in an amount not to
24 exceed \$195,900 from the American Rescue Plan Fund, to be used for nonre-
25 curring expenditures related to air quality monitors for the period July 1,
26 2023, through June 30, 2024. The Office of the State Controller shall con-
27 firm the reappropriation amount, by fund, expense class, and program, with
28 the Legislative Services Office prior to processing the reappropriation
29 authorized herein.

30 SECTION 9. REAPPROPRIATION AUTHORITY DEQ (GENERAL) FUND. There is
31 hereby reappropriated to the Department of Environmental Quality any
32 unexpended and unencumbered balances appropriated to the Department of En-
33 vironmental Quality in the Administration and Support Services Program from
34 the DEQ (General) Fund for the electronic data management system for fiscal
35 year 2023 in an amount not to exceed \$3,000,000 from the DEQ (General) Fund,
36 to be used for nonrecurring expenditures related to the electronic data man-
37 agement system for the period July 1, 2023, through June 30, 2024. The Office
38 of the State Controller shall confirm the reappropriation amount, by fund,
39 expense class, and program, with the Legislative Services Office prior to
40 processing the reappropriation authorized herein.

41 SECTION 10. USES OF ARPA STATE FISCAL RECOVERY FUND. It is the intent of
42 the Legislature to provide no more than \$325,000,000 of the American Res-
43 cue Plan Act (ARPA) funding to support construction of drinking water and
44 wastewater projects. Moneys shall be appropriated from the ARPA State Fis-
45 cal Recovery Fund for this purpose. The Department of Environmental Quality
46 (DEQ) may use the ARPA State Fiscal Recovery Fund to fund all eligible plan-

1 ning grant requests received consistent with existing processes. DEQ shall
2 provide ARPA funding in the form of grants for construction of drinking water
3 and wastewater projects using a tiered approach that provides the highest
4 level of grant funding to systems with the greatest level of need but least
5 ability to pay, as determined by factors including size of system (smaller
6 systems rank higher), monthly user rates, median income, and readiness to
7 proceed. DEQ may consider all projects meeting the intended criteria where
8 costs were incurred after March 3, 2021, and where construction will be com-
9 pleted prior to December 31, 2026. This includes funding cost overruns for
10 existing state revolving loan-funded projects currently under construction
11 if they are due to factors such as increased labor and material costs. DEQ
12 shall provide a written update of recipients to germane legislative commit-
13 tees upon approval by the Board of Environmental Quality. DEQ shall submit
14 a report to the Governor and the Legislature detailing progress and expendi-
15 tures by January 6, 2024.

16 SECTION 11. ACCOUNTABILITY REPORTS. Funds specifically identified in
17 statute or in an appropriation act as intended for a certain purpose may be
18 used only for that purpose. All funds provided in this act shall be subject
19 to accountability reports and management reviews in accordance with Section
20 67-702, Idaho Code.

21 SECTION 12. In addition to the appropriation made in Section 1, Chap-
22 ter 189, Laws of 2022, and any other appropriation provided by law, there
23 is hereby appropriated to the Department of Environmental Quality for the
24 Administration and Support Services Program \$3,000,000 from the General
25 Fund to be expended for operating expenditures for the period July 1, 2022,
26 through June 30, 2023, for the purpose of an electronic data management sys-
27 tem.

28 SECTION 13. In addition to the appropriation made in Section 1, Chap-
29 ter 189, Laws of 2022, and any other appropriation provided by law, there
30 is hereby appropriated to the Department of Environmental Quality for the
31 Waste Management and Remediation Program \$555,000 from the Bunker Hill Cen-
32 tral Treatment Plant Fund to be expended for operating expenditures for the
33 period July 1, 2022, through June 30, 2023, for services affected by infla-
34 tion.

35 SECTION 14. In addition to the appropriation made in Section 1, Chap-
36 ter 189, Laws of 2022, and any other appropriation provided by law, there is
37 hereby appropriated to the Department of Environmental Quality for the Air
38 Quality Program \$195,900 from the American Rescue Plan Fund to be expended
39 for capital outlay for the period July 1, 2022, through June 30, 2023, for air
40 quality monitoring equipment.

41 SECTION 15. An emergency existing therefor, which emergency is hereby
42 declared to exist, Sections 12, 13, and 14 of this act shall be in full force
43 and effect on and after passage and approval, and Sections 1, 2, 3, 4, 5, 6, 7,
44 8, 9, 10, and 11 of this act shall be in full force and effect on and after July
45 1, 2023.