

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Wednesday, January 12, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Organizational Meeting	

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](mailto:henv@house.idaho.gov)

MINUTES

# HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Wednesday, January 12, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

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

**ABSENT/  
EXCUSED:** Rep. Amador

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**Chairman Ehardt** welcomed and introduced the committee and the new Page, **Sydney Case**. Visiting stake holders introduced themselves.

**Chairman Ehardt** reminded the members that this will be a electronic committee. **Rep. Nash** and **Rep. Adams** will be the committees proofreaders. Chairman Ehardt reviewed committee procedures and plans for the session.

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

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Thursday, January 20, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS 29171</a>	Relating to the Invasive Species Fund	Rep. Okuniewicz

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:** Thursday, January 20, 2022

**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. Vander Woude, Amador, Furniss, Hartgen, Lickley

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**MOTION:** **Rep. Nash** made a motion to approve the minutes of the January 12, 2022, meeting. **Motion carried by voice vote.**

**RS 29171:** **Rep. Okuniewicz** presented **RS 29171**, which amends Idaho code by proportionately shifting the financial burden away from vessels that present the least amount of risk, and moving it toward those that present the greatest risk for the introduction of invasive species into Idaho waterways. He explained that some fees needed to be adjusted in the proposed legislation based on new information he had just received to keep changing revenue neutral.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 29171** with the following changes: Line 18 the fee would change from \$75 to \$85, and Line 23 the fee would change from \$50 to \$70.

In answer to committee questions, **Rep. Okuniewicz** stated that major stakeholders and specialists were consulted for this legislation.

**SUBSTITUTE MOTION:** **Rep. Chew** made a substitute motion to return **RS 29171** to the sponsor for edits.

In speaking against the substitute motion, **Rep. Scott** explained by making the changes in committee, the legislation is edited.

**Rep. Chew** expressed concerns that the proposed legislation might not be ready if mistakes in the fee calculations were just recently found.

**VOTE ON THE SUBSTITUTE MOTION:** **Chairman Ehardt** called for a vote on the substitute motion to return **RS 29171** to the sponsor. **Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:** **Chairman Ehardt** called for a vote on the original motion to introduce **RS 29171** with changes. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:50 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Wednesday, January 26, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
DOCKET NO.: <a href="#">58-0000-2100</a>	Notice of Omnibus Rulemaking - Proposed Rule	Kristin Ryan, Deputy Director of the Idaho Department of Environmental Quality
DOCKET NO.: <a href="#">58-0000-2100F</a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule	Kristin Ryan Tiffany Floyd, Air Quality Division Administrator Michael McCurdy, Waste Management & Remediation Division Administrator Dr. Mary Anne Nelson, Surface and Wastewater Division Administrator

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

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

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Wisniewski  
Rep Vander Woude  
Rep Horman  
Rep Scott  
Rep Amador

Rep Armstrong  
Rep Furniss  
Rep Hartgen  
Rep Lickley  
Rep Young  
Rep Adams

Rep Yamamoto  
Rep Chew  
Rep Necochea  
Rep Nash

COMMITTEE SECRETARY

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MINUTES

# HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Wednesday, January 26, 2022

**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, Nash

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

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

**DOCKET NO. 58-0000-2100:** **Kristan Ryan**, DEQ Deputy Director presented **Docket No. 58-0000-2100**. Seven rule chapters had no changes. Director Ryan presented the one changed chapter 58.01.23, Contested Case Rules and Rules for Protection and Disclosure of Records. The changes made to this chapter were to remove obsolete and outdated rules as per Executive Order No. 2020-01, Zero-Based Regulation. Chapter 58.01.21 was repealed, and any remaining sections were moved into chapter 58.01.23.

Committee expressed concerns that merging these rules to another chapter pulled it out of review for this committee and placed it into another committee.

**MOTION:** **Rep. Lickely** made a motion to approve **Docket No. 58-0000-2100**. **Motion carried by voice vote.**

**DOCKET NO. 58-0000-2100F:** **Kristan Ryan** presented **Docket No. 58-0000-2100F**. Seven fee rule chapters had no changes.

**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, 2021 Code of Federal Regulations (CFR). Ms. Floyd noted the most significant federal change was to municipal solid waste landfills, and impacted eight landfills in Idaho.

**Ms. Floyd**, confirmed that although high emissions in Cache Valley were impacted significantly by industries in Utah, Idaho was still able to make changes in the community to help lower emissions. She also clarified that landfills measured their own emissions and hired environmental consultants to help them meet the requirements.

**Michael McCurdy**, Waste Management and Remediation Division Administrator for DEQ, presented chapter 58.01.05, Rules and Standards for Hazardous Waste. The changes to this chapter were to reduce outdated information and to increase clarity. It was also revised to update federal regulations incorporated by reference. Mr. McCurdy explained that the state must meet federal regulations to maintain program primacy. This allows DEQ to implement the hazardous waste program in lieu of the Environmental Protection Agency (EPA).

In answer to committee questions, **Mr. McCurdy** explained this rule applied to only one private commercial facility. The facility receives waste from all over the world. Committee members were of the opinion that to name a company specifically in a rule seemed odd. Mr. McCurdy responded that because they have a specific process, they needed to be mentioned specifically.

**Michael McCurdy** presented chapter 58.01.18, Idaho Land Remediation Rules. The only changes made were to follow Zero-Based Regulation revisions. The majority of changes were to remove language that was already in the Land Remediation Act.

To clarify, **Mr. McCurdy** explained this section was a voluntary program the DEQ helps facilitate when individuals approach them for help with contamination. 'Perceived risk of harm' was added to this rule to broaden the ability of participants to receive help in clean-up if they suspect their land might have contamination.

**Dr. Mary Anne Nelson**, Surface and Wastewater Division Administrator for DEQ, presented chapter 58.01.09, Rules Regulating Swine Facilities. The only changes made were to follow Zero-Based Regulation revisions.

The committee expressed concerns this chapter was unnecessary when Idaho has no Swine Facilities that fall under these regulations. **Dr. Nelson** explained that Idaho Code 39-104A directed for these rules to be established. DEQ is exploring moving these rules and the authorizing statute to the Department of Agriculture. She also explained that moving draft permit proposal determination from 2 months to 6 months allows DEQ more time to have dialogue with facilities and aligns with time lines in other permitting programs.

**Dr. Mary Anne Nelson** presented chapter 58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program. Section 302.20 Water Quality Trading was removed based on concerns expressed by this committee last year.

**MOTION:** **Rep. Hartgen** made a motion to approve **Docket No. 58-0000-2100F. Motion carried by voice vote.**

**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 2:42 p.m.

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Representative Wisniewski  
Vice Chair

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Maggie Price  
Secretary

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Wednesday, February 02, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	ARPA Funds	Alex Adams, Budget and Regulatory Chief for the Governor Bobby-Jo Meuleman, Deputy Chief of Staff Jess Byrne, Director of the Department of Environmental Quality Eric Forsch, Broadband Development Manager

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 02, 2022

**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:** Representatives Vander Woude, Adams

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**MOTION:** **Rep. Yamamoto** made a motion to approve the minutes of the January 26, 2022 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Nash** made a motion to approve the minutes of the January 20, 2022 meeting. **Motion carried by voice vote.**

**Alex Adams**, Budget and Regulatory Chief for the Governor, presented the Governor's ARPA Recommendation. He explained to the committee the biggest variable driver of federal funding was unemployment rates, which is why Idaho's funds are lower than other states. The ARPA funds came in three ways, direct support to businesses and individuals, direct funds to state agencies, and discretionary funds to state and local governments. His presentation covered the discretionary funds to the state government, which was broken down into the State Fiscal Recovery Fund and the Capital Projects Fund.

**Mr. Adams** stated that Idaho has been slow to use the State Fiscal Recovery Fund wanting to see what strings were attached to the money, and to make best use of the funds. The Governor recommends the money be spent on local drinking and wastewater projects, and water quality remediation projects. One of the largest issues in using the money is being able to complete projects by the deadline of December 2026. Mr. Adams reported that demand is in excess of the funding available.

**Mr. Adams** also discussed the ARPA Capital Projects Fund which will cover Broadband and Community Telehealth, the bulk of the money going to Broadband. He recognized the Broadband Advisory board, made up of legislators, who are working to decide how funds are spent on Broadband.

In answer to committee questions, **Mr. Adams** explained the PPP loans businesses took from the federal government required those entities must now comply with OSHA for the duration of the loan. But he further explained that discretionary funds the state was using only required the state to acknowledge two executive orders encouraging people to not text and drive and to wear seatbelts. He also clarified for the committee that he believed the telehealth funds would be enough to cover up to twenty-three libraries adding telehealth to their services. Mr. Adams explained that locations would be chosen on an application basis and would be competitive.

**Mr. Adams**, as requested by the committee, explained the complications with how the funds are allocated over multiple years. He reported that the goal was to be as transparent as possible while working within the parameters of the ARPA guidelines and the states methods of appropriation.

**Jess Byrne**, Director of the Department of Environmental Quality, explained DEQ's role in working to help disburse the State Fiscal Recovery Fund. When asked by committee members about the history of DEQ's role in Idaho, he explained that the state has found an overall benefit to those they regulate and to the environment over all when state employees oversee state issues rather than federal agencies.

**Eric Forsch**, the Broadband Development Manager, discussed advantages of the formation of the Broadband Task Force. He explained that many improvements have already been made in rural areas of Idaho, where they are now getting better access to broadband. He reported that 24% of Idaho's citizens are without access to high speed broadband.

In answer to committee questions, **Mr. Forsch** explained how rural areas were prioritized based on their lack of high speed internet access, but he would have to get back to the committee if any other factors were included in the prioritizing of funds.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:08 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Tuesday, February 08, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	State Environmental Program Primacy Presentation	Jess Byrne, Director of the Department of Environmental Quality

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Wisniewski  
Rep Vander Woude  
Rep Horman  
Rep Scott  
Rep Amador

Rep Armstrong  
Rep Furniss  
Rep Hartgen  
Rep Lickley  
Rep Young  
Rep Adams

Rep Yamamoto  
Rep Chew  
Rep Necochea  
Rep Nash

COMMITTEE SECRETARY

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MINUTES

# HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Tuesday, February 08, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

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

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

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**MOTION:** **Rep. Yamamoto** made a motion to approve the minutes of the February 2, 2022, meeting. **Motion carried by voice vote.**

**Jess Byrne**, Director of the Department of Environmental Quality (DEQ) presented to the committee the roles of the DEQ and the Environmental Protection Agency (EPA). He shared some common themes found in federal environmental laws, including: the DEQ provides specifically for the state delegation, sets minimum standards, makes certain activities illegal, and includes 'citizen' suit provisions.

In answer to committee questions, **Director Byrne** explained that if the DEQ is doing their job correctly, many frivolous lawsuits should be prevented. He also clarified that the DEQ can never be less stringent than federal law, but because of Idaho statute can also rarely be more stringent than federal law. He pointed out that there are some measures in place that govern areas the EPA doesn't cover, at the request of the legislature.

**Director Byrne** stated that the DEQ can still make laws easier on Idaho citizens by allowing flexibility in how rules are implemented. He also explained that if the DEQ can prove they offer the same level of protection, they are allowed to make the rules less stringent. He pointed out that the DEQ focuses on compliance assistance before fines, while the EPA is limited to applying higher fines. Director Byrne emphasized the benefits of state level control with the DEQ which included: providing a local presence, more flexibility, quicker response times, more familiarity with Idaho issues and overall more effectiveness for Idaho.

In response to committee concerns regarding Waters of the US, **Director Byrne** stated that the DEQ is working with the Governor's office to explore what actions Idaho can take. In answer to questions, he also shared the cost for the DEQ to have primacy over Idaho's environmental quality.

**Director Byrne** also presented some ideas on ARPA funds. He reminded the committee of the Governor's recommendations. He envisioned funds being provided in the form of grants. A suggestion made was to use a tiered approach, prioritizing small systems that can't afford upgrades. He also expressed the hope that they would encourage those that can, to combine grants with other programs that are available. Director Byrne pointed out that readiness to proceed will likely be a final determining factor at some point because of the hard deadlines that must be met with ARPA funds.

Other suggestions **Director Byrne** had for the committee were: legislation could set a limit on what system size can be eligible, systems which do not receive 100% grants would still need to have debt authority ability, and the DEQ could consider existing loans with construction still occurring in the grant process. He shared with the committee that ARPA-only funded projects would not require a state environmental review process. The DEQ's goal would be to take all applications and identify how to mix and match funding sources to fulfill as many needs as possible. Director Byrne noted they had received 275 letters of interest requesting a total of \$1.48 billion dollars. He asked that the concurrent resolution provide direction and intent without limiting the flexibility the DEQ might need in this process.

**Director Byrne**, responding to committee questions, said while it wasn't too late to send in an application for a grant, because of tight ARPA deadlines, it might be complicated for entities to meet those deadlines at this point. He did indicate that the DEQ reached out to any known water systems. He clarified that nothing in ARPA dictates the selection requirements, which needs to be conveyed in the concurrent resolution.

**Chairman Ehardt** explained to the committee that there does need to be some 100% grants for communities that have limited or no bonding ability. She asked if the DEQ could provide a list of systems that have sent in a letter of interest for ARPA funds, and what dollar amounts they are requesting. She also went over all the criteria the committee needs to consider and asked the committee to come ready to discuss ARPA funding at the next meeting.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 3:00 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Thursday, February 10, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	DEQ and the ARPA State Fiscal Recover Fund	Jess Byrne, Director of the Department of Environmental Quality
	Broadband and ARPA Capital Projects Fund	Rep. Vander Woude Eric Forsch, Broadband Development Manager

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Wisniewski  
Rep Vander Woude  
Rep Horman  
Rep Scott  
Rep Amador

Rep Armstrong  
Rep Furniss  
Rep Hartgen  
Rep Lickley (Schutte)  
Rep Young  
Rep Adams

Rep Yamamoto  
Rep Chew  
Rep Necochea  
Rep Nash

COMMITTEE SECRETARY

Maggie Price  
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MINUTES

# HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Thursday, February 10, 2022

**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, Armstrong

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**Rep. Necochea** made a motion to approve the minutes of the February 8, 2022, meeting. **Motion carried by voice vote.**

**Jess Byrne**, Director of the Department of Environmental Quality, presented answers to committee members questions from a previous meeting. He reviewed the requests for drinking and wastewater infrastructure grants for 2022 from ARPA funds. He explained the different ways that the DEQ can evaluate each system and their needs, and shared ideas on how they could be prioritized.

In answer to committee questions, **Jerry Henry**, Drinking Water Protection and Finance Division Administrator for DEQ, explained that system requests for the drinking water facilities came from community water systems (ex: cities, hoa's etc) and non-profit non community systems (ex: schools). Wastewater requests usually came from municipal systems (ex: counties, cities, special service districts, governmental entities, non-profit corporations). The committee requested to have types of systems added to the information for committee review.

**Director Byrne** responding to questions, stated the DEQ would like intent or direction for funding criteria. He explained that previous criteria for grant funds would not be used in this instance, but the DEQ believes it should focus primarily on the population served, user rate and readiness to proceed. Director Byrne clarified that loan estimated repayments were figured into the criteria to help the DEQ see how unaffordable it would be for the system, and to see the highest needs for a grant. He stated that the goal would be to get the entire \$300 million in ARPA funds out in grants this year, but commented that the next cycle would bring in more grant applications where the money can be distributed if its still available. Dispersing funds next year is not desirable because of the concern about deadlines. He pointed out that there will be more funds available in the Infrastructure funding, and he believe a large part of that would be grant money as well.

**Chairman Ehardt** clarified that instead of concurrent legislation, a memo would be presented to the Joint Finance-Appropriations Committee (JFAC) with suggestions from the germane committee. She shared her apprehensions about shortages that could slow down projects and emphasized the need for projects to be funded quickly to allow them time to meet deadlines. She also expressed concern over smaller entities inability to get funding, and their extreme need for ARPA funds.

Committee members expressed concern that the committee would give too many parameters and limit the DEQ. Other committee members worried an un-elected body should not be over ARPA funds without oversight from the legislature.

**Director Byrne** made clear to committee concerns, the DEQ follows up through the entire planning process. The regional offices, primarily the engineering groups, work very closely with systems. Using experience from the CARES Act, there had been ways in the past to get extensions if the state can prove they did due diligence to get the funds out. It has been confirmed that the ARPA funds deadline will not be extended, so the DEQ is hesitant to assume that previous extensions will be allowed this time. Director Byrne further discussed that understanding the priorities of the committee would help the DEQ prioritize funds, but flexibility would be important to allow them to react to unexpected circumstances.

**MOTION:**

**Rep. Lickley** made a motion for the Environment, Energy and Technology Committee (EET) to recommend JFAC accept \$300 million dollars for wastewater and drinking water projects under the purview of DEQ under the suggested criteria of population, user rates, and readiness to proceed. Requesting that the DEQ will report back to the committee next year.

Some committee members agreed \$300 million dollars should go to wastewater and drinking water projects, but expressed concerns that a simple motion was not enough. They believed that more sideboards should be placed on decision making, and needed to be discussed further.

**SUBSTITUTE MOTION:**

**Rep. Scott** made a substitute motion for the EET committee to request that JFAC fund \$300 million dollars for wastewater and drinking water projects, and a subcommittee provide guidelines for the DEQ.

**Rep. Hartgen** expressed **support** for the original motion. She believed JFAC has the final decision making authority. **Rep. Amador** believed the original motion gave the broad strokes that were needed for JFAC without being too prescriptive for the DEQ.

In answer to committee requests, **Director Byrne** stated he could provide intent language that DEQ had drawn up as a suggestion. He clarified to the committee, grants combined with funding sources from a federal source would have to go through a state environmental review process. Director Byrne stated that entities out of compliance with the Environmental Protection Agency (EPA) would be taken into consideration in the criteria process. He emphasized how dynamic the process of dispersing money to systems can be. He emphasized the DEQ works closely with lending entities to maximize the amount of money that systems can receive.

**Chairman Ehardt** put the committee at ease at 2:33 p.m.

**Chairman Ehardt** brought the committee back to order at 2:42 p.m.

**SUBSTITUTE MOTION WITHDRAWN:**

**Rep. Scott** asked unanimous consent request to withdraw her substitute motion for the EET committee to request that JFAC fund \$300 million dollars for wastewater and drinking water projects, and a subcommittee provide guidelines for the DEQ. There being no objection the request was granted.

**ORIGINAL MOTION WITHDRAWN:**

**Rep. Lickley** asked unanimous consent request to withdraw her motion for the EET Committee to recommend JFAC accept \$300 million dollars for wastewater and drinking water projects under the purview of DEQ under the suggested criteria of population, user rates, and readiness to proceed. Requesting that the DEQ will report back to the committee next year. There being no objection the request was granted.



**Chairman Ehardt** will prepare intent language based on the DEQ's suggestions and committee input to share with the committee for review at the next committee meeting.

**Rep. Vander Woude** gave an update on the Broadband Advisory Board and the work they had done this last year.

**Eric Forsch**, Broadband Development Manager, gave the committee a broadband update. The board has awarded \$10 million in Cares Act Grant funds. There is \$35 million available for state grants. And there are future funds available with \$125 million from the Capital Projects Fund and \$100+ million from the Infrastructure Bill for broadband infrastructure. In 2020, the state funded broadband for 33,000 households, awarding \$38 million in funds. Grants went to households, local governments and telehealth. In 2021, the state funded broadband for 4,000 households, and awarded \$10 million in funds.

**Chairman Ehardt** pointed out that the committee does not have the same directive with broadband funds as they do with the DEQ's funds, because of the existence of the Broadband Advisory Board.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 3:11 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Monday, February 14, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	DEQ and ARPA State Fiscal Recovery Fund	Jess Byrne, Director of the Department of Environmental Quality

COMMITTEE MEMBERS

Chairman Ehardt

Vice Chairman Wisniewski

Rep Vander Woude

Rep Horman

Rep Scott

Rep Amador

Rep Armstrong

Rep Furniss

Rep Hartgen

Rep Lickley

Rep Young

Rep Adams

Rep Yamamoto

Rep Chew

Rep Necochea

Rep Nash

COMMITTEE SECRETARY

Maggie Price

Room: EW16

Phone: 332-1128

Email: [henv@house.idaho.gov](mailto:henv@house.idaho.gov)

MINUTES

## HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Monday, February 14, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

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

**ABSENT/  
EXCUSED:** Rep. Nash

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**MOTION:** **Rep. Adams** made a motion to approve the minutes of the February 10, 2022, meeting. **Motion carried by voice vote.**

**Jess Byrne**, Director of the Department of Environmental Quality (DEQ), stood before the committee to answer questions about ARPA funds. He reviewed with the committee the different types of systems that have requested ARPA funds. Director Byrne also reviewed the systems that have expressed interest in funds for planning grants.

In answer to committee questions, **Director Byrne** stated the goal of the DEQ was to fund all planning project grant requests. He recommended against reserving money for the next fiscal year because of ARPA deadlines. He reminded the committee that the Infrastructure Investment and Jobs Act would provide additional money in the future. At least 49% of those funds are intended to be issued as grants. The DEQ expects to have a significant amount of money to help systems in the future.

**Director Byrne** discussed points that could be included in the committee's memo to the Joint Finance-Appropriations Committee.

Responding to committee questions, **Director Byrne** felt the only contingency for projects that don't meet ARPA deadlines is for the DEQ to do everything expected to choose projects that could meet ARPA deadlines. They plan on reserving funds for possible cost increases during the process. He noted that Infrastructure funds might also be needed to help finish some system's projects. The DEQ was also hoping they could give grant money to projects that met intended criteria, where costs were incurred after March, 2 2021. This would include funding projects that are currently under construction. Director Byrne explained this date was part of the rules for ARPA funding and allowed for funding of existing projects. He also made clear that he wanted to keep the committee informed, but hoped that reporting could coincide with other reporting deadlines of the DEQ's to lessen the burden.

**Alex Adams**, Administrator of the Idaho Division of Financial Management, emphasized the U.S. Treasury has confirmed the ARPA deadline will not be pushed forward. He confirmed that **Director Byrne** was correct in trying to allocate money to projects that can be finished by the deadline.

Some committee members worried that the committee was being too binding on the DEQ in the committees memo to JFAC. Others clarified that their intent was not to bind but to keep the committee informed. The committee made clear that DEQ's written report is to be informative, and not for the committee to make changes. Committee members worked on the wording for the memo being presented to JFAC.

**MOTION:** **Rep. Amador** made a motion for the Environment, Energy and Technology Committee (EET) to adopt the language as discussed and direct the chairman of EET to draft a memo in this language to JFAC.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Rep. Wisniewski** asked to reserve a right to change his vote on specific items that require a lot of ARPA funding.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:29 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary



**House of Representatives**  
**STATE OF IDAHO**  
CAPITOL BUILDING  
P.O. BOX 83720  
BOISE, ID 83720-0038

February 17, 2022

Memo to the Idaho Joint Finance-Appropriations Committee,

The House Environment, Energy and Technology Committee has reviewed the Governor's ARPA Recommendation for the State Fiscal Recovery Fund regarding local drinking and wastewater projects and recommends the following:

*USES OF DEQ ARPA FUND. It is the intent of the legislature to provide a total of \$300 million of American Rescue Plan Act (ARPA) funding to support construction of drinking water and wastewater projects. Moneys deposited in the Department of Environmental (DEQ) ARPA Fund shall be appropriated for this purpose. DEQ shall use ARPA to fund all eligible planning grant requests received consistent with existing processes. DEQ shall provide ARPA funding in the form of grants for construction of drinking water and wastewater projects using a tiered approach, that provides the highest level of grant funding to systems with the greatest level of need, but least ability to pay, as determined by factors including size of system (smaller systems rank higher), monthly user rates, median income, and readiness to proceed. DEQ may consider all projects meeting the intended criteria where costs were incurred after 3/3/21 and where construction will be completed prior to 12/31/2026. This includes funding cost overruns for existing state revolving loan funded projects currently under construction if it is due to factors such as increased labor and material costs. DEQ shall provide a written update of recipients to its germane legislative committees upon approval by the Board of Environmental Quality. DEQ shall file a report with the Governor and Legislature detailing progress and expenditures by January 6, 2023.*

Sincerely,

A handwritten signature in blue ink, appearing to read "Barbara Dee Ehardt", with a large, stylized flourish at the end.

Representative Barbara Dee Ehardt  
House Environment, Energy and Technology

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Wednesday, February 16, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	US Ecology Annual Update	Andy Marshall, Executive Vice President of Regulatory Compliance and Safety for US Ecology Terry Geis, Senior Vice President of the West Region Dan Church, West Region Director of Operations Erica Bartlett, General Manager at US Ecology Grand View, Idaho

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Wisniewski  
Rep Vander Woude  
Rep Horman  
Rep Scott  
Rep Amador

Rep Armstrong  
Rep Furniss  
Rep Hartgen  
Rep Lickley (Schutte)  
Rep Young  
Rep Adams

Rep Yamamoto  
Rep Chew  
Rep Necochea  
Rep Nash

COMMITTEE SECRETARY

Maggie Price  
Room: EW16  
Phone: 332-1128  
Email: [henv@house.idaho.gov](mailto:henv@house.idaho.gov)

MINUTES

# HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Wednesday, February 16, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

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

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

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**MOTION:** **Rep. Necochea** made a motion to approve the minutes of the February 14, 2022, meeting. **Motion carried by voice vote.**

**Sydney Case**, the Environment, Energy and Technology Committee's Page, stood before the committee to answer questions. The committee acknowledged her hard work and thanked her for her service.

**Roy Eiguren**, representing US Ecology, introduced the presenters for the annual committee update.

**Jeff Feeler**, Chairman and CEO of US Ecology, presented an overview of the company. US Ecology entered into an agreement last week to be bought by Republic Services. This will expand their geographic footprint, their capabilities, products and services, and will provide cross-selling opportunities. He discussed US Ecology's waste solutions segment and field services segment. They are a first responder in emergency and spill response, and in-plant maintenance and remediation. In 2020, they managed over 12,800 emergency responses.

**Terry Geis**, Senior Vice President of the West Region for US Ecology, presented a local overview of the company. He discussed the Mayfield Rail Transfer Facility, the Grandview facility and the Grandview Treatment and Disposal facility. Contributions US Ecology makes in Idaho include: significant infrastructure investment, employing Idahoans, and capital investments. Tipping fees are paid into the State General Fund, and a portion of the fees help go to the county to maintain Simco Road.

In answer to committee questions, **Mr. Geis**, explained US Ecology's remote location increases the costs of transportation and logistics. In clarifying why companies would choose to treat waste on-site or off-site, he stated the determining factor would be their ability to contain the contamination on-site safely. He pointed out the logistics and transportation are a determining factor also.

**Mr. Feeler**, clarified for the committee the benefits of merging US Ecology with Republic Services including: reducing vendors, cross selling opportunities, simplifying operations, and providing a holistic environmental solutions provider. He expressed the opinion that Republic Services did not invest in US Ecology to acquire a new dump site. Mr. Feeler clarified their customer base is very diverse with no customer over 5% of the companies revenues. Most customers on the waste side are concentrated in general manufacturing, steel mills and chemicals. Most of the materials coming from clean up customers are soil-based. Often times they are coming from early industrial area sites. The Idaho Department of Environmental Quality is US Ecology's primary regulator, and monitors their waste streams, they are also enforcing Environmental Protection Agency regulations. Mr. Feeler clarified that US Ecology is taking in waste streams that are inorganic and have no other alternative than to be contained. He did share information about the companies new investments in aerosol recycling technology, used to help on the retail side of their business.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:15 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary



AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**2:30 P.M.**  
**Room EW41**  
**Monday, February 28, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Idaho Geothermal Development Opportunities and Needs	Lisa Kuscu, Geologist and President of Blackrock Geoscience Dr. Roy Mink, President of Mink GeoHydro Wendolyn Holland, President of Holland Consulting

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Wisniewski  
Rep Vander Woude  
Rep Horman  
Rep Scott  
Rep Amador

Rep Armstrong  
Rep Furniss  
Rep Hartgen  
Rep Lickley  
Rep Young  
Rep Adams

Rep Yamamoto  
Rep Chew  
Rep Necochea  
Rep Nash

COMMITTEE SECRETARY

Maggie Price  
Room: EW16  
Phone: 332-1128  
Email: [henv@house.idaho.gov](mailto:henv@house.idaho.gov)

MINUTES

## HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Monday, February 28, 2022

**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. Vander Woude, Adams

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**MOTION:** **Rep. Yamamoto** made a motion to approve the minutes of the February 16, 2022, meeting. **Motion carried by voice vote.**

**Lisa Kuscu**, Geologist and President of Blackrock Geoscience introduced herself and her colleagues who would be presenting. **Dr. Roy Mink**, President of Mink GeoHydro and **Wendolyn Holland**, President of Holland Consulting introduced themselves and discussed their experiences.

**Ms. Holland** discussed the purposes of the Idaho Geothermal Alliance. The focus of the alliance is to consolidate and update a geothermal database, and to help the development of geothermal energy in direct use electricity for municipalities, industries, agriculture and tribes. The alliance is also working to leverage creative financial and tax structures to support geothermal development.

**Dr. Mink** discussed the history of geothermal development in Idaho. He went over systems that use geothermal energy including: the City of Boise's District Heating System, Idaho Greenhouses and Aquaculture, the Raft River Power Plant, and the Cascade School District.

**Ms. Kuscu** explained why geothermal development is important to Idaho. The Snake River Plain is one of the largest heat flow anomalies in the United States. Geothermal development provides energy security, helps with power during drought conditions, and reduces dependence on fossil fuels. Currently geothermal accounts for less than 1% Idaho's net energy generation. Ms. Kuscu expressed concern the lack of financing is holding back a handful of active geothermal exploration projects. Grant opportunities are non-existent for exploratory methods in geothermal exploration. Ms. Kuscu explained the cost versus risk stages of geothermal development. She expressed the need for state funding to support resource development, and state help to update a geothermal database for Idaho.

In answer to committee questions. **Ms. Kuscu** talked about the best locations in Idaho for geothermal development. She described the process of development and what temperatures and conditions need to exist for geothermal development. In answer to questions, she confirmed a new market is developing to help data centers use the heat produced to harness geothermal energy for electricity. She confirmed private landowners work with investors in geothermal development. She clarified that one of her jobs is to do financial and technical feasibility studies to help in the development process.

Responding to committee questions, **Dr. Mink** clarified the Raft River plant does sell geothermal power to Idaho Power. He also confirmed technology has evolved to allow for lower heats to draw electricity. Dr. Mink went over the ways geothermal leases work in Idaho, and when they are categorized as water rights or mineral rights.

Committee members expressed concerns if the state isn't involved in mineral exploration, to be consistent, state government shouldn't be involved in geothermal exploration.

**Ms. Holland** discussed their hope for state government involvement. Developing Idaho's geothermal energy would help Idaho develop better energy independence.

In answer to concerns, **Ms. Holland** pointed out each project is different, and where appropriate, federal funding and grants are being used. She restated that support from state government could help propel geothermal development in Idaho.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 2:37 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

JOINT AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE  
AND  
HOUSE AGRICULTURAL AFFAIRS COMMITTEE**  
1:30 or Upon Adjournment  
Room WW02  
Wednesday, March 02, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww02/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	New privately developed Energy and Water projects in Southern Idaho	Douglas R. Jones , Government Affairs for Idaho Water Engineering Dr. Dave Tuthill, President of Idaho Water Engineering

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Wisniewski  
Rep Vander Woude  
Rep Horman  
Rep Scott  
Rep Amador

Rep Armstrong  
Rep Furniss  
Rep Hartgen  
Rep Lickley  
Rep Young  
Rep Adams

Rep Yamamoto  
Rep Chew  
Rep Necochea  
Rep Nash

COMMITTEE SECRETARY

Maggie Price  
Room: EW16  
Phone: 332-1128  
Email: [henv@house.idaho.gov](mailto:henv@house.idaho.gov)

MINUTES  
JOINT MEETING

**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE  
HOUSE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 02, 2022

**TIME:** 1:30 or Upon Adjournment

**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 Kauffman, Vice Chairman Andrus, Representatives Boyle, Kerby, Giddings, Marshall, Nichols, Hanks, Cannon, Moon, McCann, Toone, Ruchti, Mathias (Woodings)

**ABSENT/  
EXCUSED:** Rep. Horman, Scott, Amador, Young, Adams, Necochea, Nash

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**Douglas R. Jones**, Government Affairs for Idaho Water Engineering, presented information on the Cat Creek Energy Project. Cat Creek will create and store enough clean electricity to power 300,000 homes. It will be the state's largest electrical generator. The recycling hydro resource can be ready in seconds, available at full power just from its storage for up to 121 hours, and can restart the Western grid, if needed.

One value of the energy infrastructure is its water storage. The pumps in Anderson Ranch Reservoir will carry early runoff, which will otherwise be lost to the valley, to the new upper reservoir for later use by municipalities and irrigation districts, adding up to 80,000-acre feet of water storage for other uses. It is a privately financed project, which will create jobs and spur economic investments in Idaho, while paying fees and taxes to its public partners during its hundred-year lifecycle. It is estimated to create over \$1 billion in American clean energy and construction jobs during this phase. The project is anticipated to be online by late 2026 or early 2027.

**Mr. Jones** explained that a unique point in this project is solar panels that will be floating on the surface of the reservoir. This will increase power production, reduce evaporation off the reservoir and reduce heating to help aquatic life in the reservoir.

In answer to committee questions, **Mr. Jones** stated that agreements are already in place for water use with a few municipalities and irrigation companies. There is still some water available, but not a lot. He explained that water will be pumped into the reservoir when there is an energy surplus, and water will be brought down when there is a need for hydro power. He also mentioned that the facility is EMP hardened.

**Chairman Ehardt** turned the gavel over to **Chairman Kauffman**.

To answer committee inquiries, **Mr. Jones** explained in 2019, the Bureau of Reclamation granted a Preliminary Lease of Power Privilege giving exclusive rights to prove the project's viability and compatibility with other Reclamation purposes. He clarified water will only be pumped into the system during the heaviest water runoff, and it will not infringe on other water rights. He pointed out that although water will be sold outside of Idaho during shortages, there will be trading for extra power during peak energy supplies. He acknowledged that power will sometimes be going to other Western States. This project includes solar and wind power to help offset energy needs. Because the reservoir will be lined, it will be able to hold water for years when there is not excess water to pump into the system. He assured the committees that home power bills will not be changed because of this project.

**ADJOURN:** There being no further business to come before the joint committees, the House Environment, Energy and Technology Committee was excused at 2:24 pm.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

**AMENDED AGENDA #1**  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
**1:30 pm or Upon Adjournment**  
**Room EW41**  
**Tuesday, March 08, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1243</a>	BOARD OF ENVIRONMENTAL QUALITY - Amends existing law to revise provisions regarding composition of the board.	Jess Byrne, Director of the Department of Environmental Quality
<a href="#">S 1264</a>	LAND REMEDIATION - Amends existing law to revise legislative findings, to revise a definition, and to revise provisions regarding rescission.	Michael McCurdy, Waste & Remediation Division Administrator for DEQ

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register 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](mailto:henv@house.idaho.gov)

MINUTES

## HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Tuesday, March 08, 2022

**TIME:** 1:30 pm or 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, Necochea, Nash

**ABSENT/  
EXCUSED:** Rep. Horman, Yamamoto, Nash

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

**MOTION:** **Rep. Armstrong** made a motion to approve the minutes of the February 28 and March 2, 2022, meetings. **Motion carried by voice vote.**

**S 1243:** **Jess Byrne**, Director of the Department of Environmental Quality (DEQ) presented **S 1243** which amends existing law to revise provisions regarding the composition of the board. DEQ has been demonstrating compliance of the Clean Air Act through the use of executive orders. It was determined that it would be better to have Idaho code updated with current and historic practices instead of executive orders.

In answer to committee questions, **Director Byrne** explained the board only listens to air quality permits because that is required by the Clean Air Act. The Clean Water Act has a similar provision, but the board does not hear contested cases for Clean Water Act issues, cases go to a hearing officer.

**MOTION:** **Rep. Amador** made a motion to send **S 1243** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Amador** will sponsor the bill on the floor.

**S 1264:** **Michael McCurdy**, Waste and Remediation Division Administrator for DEQ presented **S 1264** which amends existing law to revise legislative findings, to revise a definition, and to revise provisions regarding rescission. Mr. McCurdy detailed the process DEQ offers to help contaminated properties with the Voluntary Cleanup Program (VCP). He emphasized that participants enter the program voluntarily, and when the project is finished receive a Certificate of Completion and a Covenant Not to Sue, which is attached to the property and recorded with the county clerk. He noted that DEQ has on average two sites a year enter the program. This legislation would broaden the program to help others have access to VCP.

In response to committee inquiries, **Mr. McCurdy** noted petroleum releases, former pole treating sites, dry cleaner sites, and mining impacted sites, are examples of sites that use the Voluntary Cleanup Program. Usually the process begins when a property is going up for sale and a lender is requesting documentation that the property has no contamination issues. The need to sell the property that has contamination concerns is the motivation to use this program. He described the processes in the program, and clarified that all work is paid for by the interested party and not the state or DEQ. Mr. McCurdy explained the current statute has disqualified participants that owned the property when contamination occurred. This legislation would allow them access to the program.



**Mr. McCurdy**, clarified for the committee, the exception to parties paying the bills falls under the Community Reinvestment Pilot Project. This project was funded to allow ten participants to be reimbursed by the state up to 70% of the cleanup costs, with a dollar limit of \$150,000 per site. This pilot program began in 2005, and still has two remaining sites that are finishing their cleanup. He projected completion of those projects and the pilot program would happen in the next 2-5 years. Mr. McCurdy explained that one of the unfinished projects was ground water contamination, which can take a long time to remediate. The other remaining project was having some difficulties with participants that DEQ has been trying to work through. When all ten sites have completed cleanup from this pilot program, DEQ will report to the legislature and give recommendations on the project.

Committee members expressed concerns the pilot program has lasted seventeen years, and still has more years to go before completion.

In answer to committee inquiries, **Mr. McCurdy** explained that this legislation also allowed for rescission of certificates if it is proven there was falsified information. He clarified the phrase 'community benefit' was referring to DEQ's goal to help abandoned properties that have perceived or real issues with contamination. He emphasized this program helps property owners, perspective purchasers or developers. He noted in the application process it is clearly spelled out that purchasers or developers must have permission from the property owner (usually in the form of a purchase agreement) to qualify for this program. He explained that a neighbor, or former employee that files a complaint triggers DEQ's existing authority to investigate. But this legislation does not cover that aspect.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 2:20 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
1:30 pm or Upon Adjournment  
Room EW41  
Thursday, March 10, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">S 1264</a>	LAND REMEDIATION - Amends existing law to revise legislative findings, to revise a definition, and to revise provisions regarding rescission.	Michael McCurdy, Waste & Remediation Division Administrator for DEQ

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

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

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Wisniewski  
Rep Vander Woude  
Rep Horman  
Rep Scott  
Rep Amador

Rep Armstrong  
Rep Furniss  
Rep Hartgen  
Rep Lickley  
Rep Young  
Rep Adams

Rep Yamamoto  
Rep Chew  
Rep Necochea  
Rep Nash

COMMITTEE SECRETARY

Maggie Price  
Room: EW16  
Phone: 332-1128  
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MINUTES

# HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Thursday, March 10, 2022

**TIME:** 1:30 pm or Upon Adjournment

**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. Lickley

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Ehardt** called the meeting to order at 1:35 p.m.

**MOTION:** **Rep. Necochea** made a motion to approve the minutes of the March 8, 2022, meeting. **Motion carried by voice vote.**

**S 1264:** **Michael McCurdy**, Waste and Remediation Division Administrator for the Department of Environmental Quality (DEQ), recapped **S 1264**.

**Alex LaBeau**, President of the Idaho Association of Commerce and Industry stood before the committee for questions. He noted how cost prohibitive it can be to develop contaminated properties. He explained that cities find themselves building into rural areas rather than redeveloping city areas that have contamination. He believes that the Certificate of Completion and the Covenant Not to Sue were incentives to develop contaminated sites. Mr. LaBeau felt that this bill helped developers and environmental regulators work together to redevelop property and protect public health. He emphasized that this legislation would help downtown revitalization. He indicated the Idaho Association of Commerce and Industry was pleased that DEQ is expanding this legislation to encourage more participants.

In answer to committee questions, **Mr. McCurdy** explained some sites have the perception of contamination solely based on the types of businesses that have been on the property. This program would help them get samples for testing, and then determine if they need to move forward with cleanup. Mr. McCurdy emphasized this program is voluntary, and outside parties complaints are not addressed in this legislation. Property owners must give permission if a non-property owner wants to participate in this program. He noted that this legislation was also broadened to include residential properties. He also clarified there are no federal funds involved in this program and the state does not pay for cleanup or reviews.

In response to committee concerns, **Jess Byrne**, the Director of the DEQ explained that the definition of who could participate was purposely broadened because it used to exclude property owners who owned the land when contamination occurred.

Committee members expressed concern in the word 'perceived'. They felt it could be leveraged with those that have nefarious intent. Some committee members recognized how important it was for cities to encourage clean up on contaminated properties. Others noted that the fiscal note was misleading since the cleanups are participant funded and not self-funded through DEQ. They worried the definition of 'participant' was much too vague, and did not protect owner property rights.

In answer to committee questions, **Mr. McCurdy** made clear that a property owner can do all the cleanup without this program. But if a lender requires paperwork, all DEQ can give is a Closure Letter, which shows a lower level of confidence, and only confirms the DEQ believes the property is cleaned up based on paperwork, but was not directly involved and cannot corroborate findings. It doesn't carry the same weight with lenders as DEQ's Certificate of Completion and the Covenant Not to Sue which are attached to the title of the property. Mr. McCurdy noted that no work can be done by a non-owner without an owners permission, but recognized that it was not clearly spelled out in this legislation, only in the application process.

**MOTION:**

**Rep. Hartgen** made a motion to send **S 1264** to the floor with a **DO PASS** recommendation.

**Rep. Young** spoke **in opposition** to the motion. She did not like that the intent of the program had been changed.

**Rep. Necochea** and **Rep. Chew** spoke **in support** of the motion. It was emphasized that property rights are already protected in state law, and felt this was good legislation.

**SUBSTITUTE MOTION:**

**Rep. Armstrong** made a substitute motion to **HOLD S 1264** in committee.

**Rep. Scott, Wisniewski and Vander Woude** spoke **in support** of the substitute motion. There were worries that environmental groups would be considered participants under this legislation. They noted that the wording was too vague to protect property owners.

**AMENDED SUBSTITUTE MOTION:**

**Rep. Furniss** made an amended substitute motion to send **S 1264** to the floor **WITHOUT RECOMMENDATION**.

In answer to committee questions, **Director Byrne** noted that DEQ could continue under existing rules until this proposed legislation can be improved with committee suggestions.

**ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION:**

Roll call vote was requested. **Amended substitute motion failed by a vote of 5 AYE, 8 NAY and 3 Absent/Excused. Voting in favor** of the motion: **Reps. Furniss, Hartgen, Chew, Necochea, and Nash. Voting in opposition** to the motion: **Reps. Wisniewski, Vander Woude, Horman, Scott, Armstrong, Young, Yamamoto, and Chairman Ehardt. Reps. Amador, Lickley and Adams** were absent/excused.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:**

Roll call vote was requested. **Substitute motion carried by a vote of 8 AYE, 5 NAY and 3 Absent/Excused. Voting in favor** of the motion: **Reps. Wisniewski, Vander Woude, Horman, Scott, Armstrong, Young, Yamamoto, and Chairman Ehardt. Voting in opposition** to the motion: **Reps. Furniss, Hartgen, Chew, Necochea, and Nash. Reps. Amador, Lickley and Adams** were absent/excused.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 2:48 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary

AGENDA  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
1:30 P.M. or Upon Adjournment  
Room EW41  
Thursday, March 24, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew41/>

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SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes	

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COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Wisniewski  
Rep Vander Woude  
Rep Horman  
Rep Scott  
Rep Amador

Rep Armstrong  
Rep Furniss  
Rep Hartgen  
Rep Lickley  
Rep Young  
Rep Adams

Rep Yamamoto  
Rep Chew  
Rep Necochea  
Rep Nash

COMMITTEE SECRETARY

Maggie Price  
Room: EW16  
Phone: 332-1128  
Email: [henv@house.idaho.gov](mailto:henv@house.idaho.gov)

MINUTES

## HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Thursday, March 24, 2022

**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. Vander Woude, Horman, Scott, Furniss,

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Ehardt** called the meeting to order at 1:44 p.m.

**MOTION:** **Rep. Armstrong** made a motion to approve the minutes of the March 10, 2022, meeting. **Motion carried by voice vote.**

**Chairman Ehardt** thanked Committee Page, **Samuel Wakefield** for his work during the session. She also thanked the Secretary and Committee members for their support of the Committee.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 1:53 p.m.

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Representative Ehardt  
Chair

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Maggie Price  
Secretary