

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 03, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Reps. Andrus, Boyle, Gibbs, Rubel,

GUESTS: Carolyn Watts, SWCC; Kristi Lowder, Idaho Department of Environmental Quality; Kari Kostka, Idaho Department of Environmental Quality; Jess Byrne, Idaho Department of Environmental Quality; Steven Backer, IASCD; Benjamin Kelly, IASCD; John Tippetts, Idaho Department of Environmental Quality; Suzanne Budge, SBS Assoc./IPMCSA; Andy Briner, IWVA; John Watts, Veritas Advisors

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

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 15, 2016, meeting. **Motion carried by voice vote.**

S 1224: **Kristi Lowder**, Underground Storage Team Management, Idaho Department of Environmental Quality (DEQ), presented **S 1224** stating that DEQ is seeking the ability to collect fees on underground storage tanks to support this program because federal funding has significantly decreased, with federal program cuts in 2013, 2015, 2016 and more cuts upcoming. In 2012, Idaho received primacy (full program authorization) to run the program in lieu of the EPA. October 2015, the EPA came out with additional underground storage tank regulations that will increase costs for DEQ. The program is currently funded by a federal grant and state matching funds, but the current reductions in federal funds have made it impossible to retain primacy. Benefits of the state run program are: reduced penalty amounts in enforcement, up to a 75% penalty reduction for the EPA program; flexibility in Idaho's rules; and DEQ provides training, outreach and technical assistance to tank owners. The rules are complex, and DEQ believes proper training, rather than enforcement is the best first step. A site-specific approach is used to implement the program, which means an owner is only trained on equipment it has, and the owner is given a management plan for their specific equipment telling them how to stay in compliance with that equipment. Compliance rates under DEQ have risen from approximately 45-50% to above 60% in the last 3 years. With the federal cuts made and more on the way, DEQ is struggling to maintain the inspections required. DEQ needs \$700,000 to run the program. Federal funds have been reduced by \$250,000, the state General Fund support is \$150,000 and **S 1224** would generate \$300,000 to maintain program primacy by authorizing DEQ to establish a fee collection program to assess annual fees to tank owners of \$100 per tank annually. Any year-end fee balance would off-set the following year's fees.

MOTION: **Rep. Erpelding** made a motion to send **S 1224** to the floor with a **DO PASS** recommendation.

In opposition to the motion, **Rep. Moyle** spoke regarding an experience he was participatory to where the DEQ required more to be done on an underground storage tank removal than the EPA regulations required, resulting in a higher cost to the storage tank owner. Rep. Moyle stated that he has no problem supporting state primacy, but he has a concern that the DEQ is going farther than they should, since as a state agency, they are mandated not to exceed EPA charges.

Rep. Vander Woude invoked Rule 38 stating a possible conflict of interest because he owns a convenience store with underground storage tanks.

Chairman Raybould invoked Rule 38 stating a possible conflict of interest because he has underground storage tanks on his property.

In support of the motion, **Chairman Raybould** said the assistance he received from DEQ with his underground storage tanks was very good.

Motion carried by voice vote. Rep. Erpelding will sponsor the bill on the floor.

**VOTE ON
MOTION:**

Chairman Raybould suggested **Rep. Moyle** provide the name of the underground storage tank owner who had the bad experience with DEQ to **Kristi Lowder**, and he directed, and Ms. Lowder agreed, to have DEQ inquire into the situation and report back if there was a problem DEQ needs to straighten out.

Teri Murrison, Administrator, Idaho Soil and Water Conservation Commission (ISWCC), presented a brief history and overview of the ISWCC. The ISWCC focuses on three core functions: 1) provide districts with technical and other support services; 2) offer non-regulatory and science-based programs to promote voluntary conservation; and 3) administration and operations. ISWCC supports 50 local conservation districts, providing specialized technical assistance such as planning, engineering, watershed assessments and other projects. ISWCC allocates General Fund, trustee and benefit dollars directly to districts; \$1.25 million was allocated in 2015. ISWCC is only able to provide half of the technical assistance that is requested by districts. They provide incentive-based and general conservation programs and services as assigned by the Legislature. Their Conservation Reserve Enhancement Program (CREP) helps to conserve water usage on marginal farm ground in the eastern Snake River Plain Aquifer. Participating landowners receive \$130 per acre from USDA Farm Service in exchange for not farming those lands. Last year 156 CREP contracts were signed in this region, enrolling 16,500 acres and saving more than 66,000 acre-feet of water. Another conservation program that they operate is the Nitrate Priority Area ground water program. Last year that program treated 40,000 acres, reducing nitrates by 138,000 pounds, phosphorous by 28,000 pounds and sediment by 144,000 pounds. ISWCC assists the DEQ in preparing Total Maximum Daily Load implementation plans that strategically reduce agriculturally generated pollutants in Idaho's impaired surface waters to meet requirements of the Clean Water Act.

Steve Beckam, Director, Idaho Association of Soil Conservation Districts, presented information on the Wildlife Restoration Group by stating in 2015, fires burned approximately 36% of the land with five conservation districts affected by fire. Local elected officials, state agencies, federal agencies and the tribes make up the membership of the Wildfire Restoration Group. They are developing the North-Central Idaho Wildfire Restoration Plan, including projects that impact: public health and safety, such as post-fire debris flow putting water systems at risk; natural resources, such as increased levels of sedimentation in water; transportation and infrastructure, such as trees falling into public roadways and erosion causing slides; and hazard fuels reduction, such as reforestation needs. A public meeting was held in the City of Peck where community protection projects were prioritized. Meetings

are scheduled in March to prioritize projects for the Clearwater Complex, Municipal, Slide/Washington, Woodrat/Noble and Teepee Springs fires.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:21 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary