

House Environment, Energy & Technology Committee

Minutes
2009



MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: January 14, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: None

Chairman Raybould called the meeting to order at 1:30 p.m. He welcomed the new representatives asking all of the committee members to introduce themselves. He also introduced pages Danielle Schmidt and Travyn Mapes and secretary Peggy Heady.

Chairman Raybould announced the appointment of committee members to sub committees with **Representatives Eskridge and Harwood** acting as chairmen. The chairmen were asked to fix a date for the committee members to meet, discuss the rules and return to the full committee with recommendations. He emphasized the importance of members studying the rules before making recommendations.

Chairman Raybould announced the next meeting will be held January 20, 2009 at 1:30 in room 145.

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

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY
SUB COMMITTEE**

DATE: January 16, 2009

TIME: 11 a.m.

PLACE: Room 148

MEMBERS: Chairman, Eskridge, Representatives Hartgen, Simpson, Takasugi, Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Toni Hardesty, Director, DEQ - Orville Green, Martin Bauer, Administrators, DEQ - Paula Wilson, Natural Resources Division, - Kent Lauer, Idaho Farm Bureau

Chairman Eskridge called the meeting to order at 11 a.m.. and welcomed the committee members and guests.

**DOCKET NO.
58-0101-0703** **Mr. Martin Bauer** was introduced to present pending rule - **Docket No. 58-0101-0703** - Rules for the Control of Air Pollution in Idaho (Rulemaking to ensure that the purpose and applicability of Sections 725 through 729, as they relate to sulfur content of fuels, is clear)
Mr. Bauer explained the rule is presented to clarify the previous set of rules and make them more concise. There were public comments with no controversial issues. IACI presented comments during the rule making process regarding the impact it could make and indicated they may present requests on some future changes.

MOTION: **Representative Jaquet** moved to adopt **Docket No. 58-0101-0703.**
Motion carried by voice vote.

**DOCKET NO.
58-0101-0801** **Mr. Bauer** explained **Docket No. 58-0101-0801** - Rules for Control of Air Pollution in Idaho (Open burning of crop residue). Public comments were heard with no controversial issues. The rule does not overrule the Federal standards or have a fiscal impact. There is a back- up web site in place for the 12 hour requirement. The negotiations with the growers were affirmative.

MOTION: **Representative Jaquet** moved to adopt **Docket No. 58-0101-0801**
Motion carried by voice vote.

**DOCKET NO.
58-0101-0802** **Mr. Bauer** continued with **Docket No. 58-0101-0802** - Rules for the Control of Air Pollution in Idaho (Update of federal regulations incorporated by reference). Public comments were received with no controversial issues. The state rules are in compliance with the Federal standards.

MOTION: **Representative Takasugi** moved to adopt **Docket No. 58-0101-0802**.
Motion carried by voice vote.

DOCKET NO. 58-0101-0803 **Mr. Bauer** presented **Docket No. 58-0101-0803** - Rules for the Control of Air Pollution in Idaho (Rulemaking to include additional BMPs using Zeolites for controlling ammonia emissions at dairy farming operations) Mr. Bauer stated this rule establishes management for the best practices; it is non-imposed and not regulated by the Federal authorities and is presented as a tool for the farmer.

MOTION: **Representative Jaquet** moved to adopt **Docket No. 58-0101-0803**.
Motion carried by voice vote.

DOCKET NO. 58-0105-0801 **Mr. Orville Green** rose to present **Docket No. 58-0105-0801** - Rules and Standards for Hazardous Waste - (Update of federal regulations incorporated by reference). He described the rule as a routine annual adoption of the rule which is required. No public comments were received. This update makes the rule more consistent to Federal regulations. No public hearing was requested. No controversial issues were presented.

MOTION: **Representative Jaquet** moved to adopt **Docket No. 58-0105-0801**.
Motion carried by voice vote.

DOCKET NO. 58-0124-0801 **Mr. Green** proceeded, presenting **Docket No. 58-0124-0801** - Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites (New rule chapter). This rule is not more stringent than the Federal Rules. It develops a process to evaluate clean up of chemical and non chemical solvents and describes development and instrumentation of the process.

MOTION: **Representative Takasugi** moved to adopt **Docket No. 58-0124-0801**.
Motion carried by voice vote.

ADJOURN: There being no further business to come before the sub committee, meeting was adjourned at 11:55.

Representative George Eskridge
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, January 20, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Paul Kjellander, Office of Resources; Rob Hanson DEQ

Chairman Raybould called the meeting to order at 1:30 p.m. and asked the secretary to take a silent roll.

MOTION: **Representative Smith ((30))** moved to accept the minutes of January 14, 2009 with corrections. **Motion carried by voice vote.**

RS18204 **Mr. Kjellander** explained the purpose of **RS18204** is for the Public Utilities Commission to determine whether the construction of electric transmission facilities should be designated to receive priority processing by state agencies. The process seeking priority status will be initiated by a transmission developer. State agencies, at the direction of executive order from the Governor will develop the functional role related to priority status at the state level.

This designation does not impact the decision-making role of local units of government as it relates to their current responsibilities associated with transmission siting. This legislation recognizes the critical need for transmission infrastructure in Idaho as it relates to economic growth and sustainability, energy security, and the broader public interest. There is no fiscal impact.

MOTION: **Representative Anderson** moved to send **RS18204** to the floor with a **DO PASS**. **Motion carried by voice vote.**

RS18190

Mr. Rob Hanson, was recognized by Chairman Raybould to present **RS18190**. Mr. Hanson began explaining the RS refers to the Bunker Hill Cleanup Site, which at the time of adoption was known and understood to be a 21 square mile area in the Kellogg/Smelterville area known as the "Box." The statute provides authority and direction to the DEQ regarding property transferred to the State by the EPA as part of Superfund Remedial action. In 2002 EPA effectively expanded the geographic area of the Site to include what is called Operable Unit 3 which broadly includes areas outside the "Box" extending from Mullan to the Idaho/Washington State line. EPA will likely take ownership of properties as part of Superfund settlements or property transfers related to remedial activities. Under federal Superfund law EPA must transfer such land to the State of Idaho. Amending the statute to include any Operable Unit of the EPA Bunker Hill Superfund Site will clarify DEQ's authority concerning any properties within the Site but outside the "Box."

There is no negative fiscal impact. Managing, leasing, or disposing of property for the purpose of facilitating operation and maintenance (O&M) activities should reduce the State's O&M obligations at the Bunker Hill Superfund Site resulting in net positive fiscal impact. It is not possible to estimate the value of the positive impact at this time. Mr. Hanson discussed questions from committee members regarding certain locations regulations of excavation activities, delisting, historic problems and due diligence.

MOTION: **Representative Jaquet** moved to introduce **RS18190**. **Motion carried by voice vote.**

Sub Committee Chairman Eskridge asked his sub committee for approval of the minutes of January 14, 2009.

MOTION: **Representative Takasugi** moved to accept the minutes with changes. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee meeting was adjourned at 2:02 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY
SUB COMMITTEE**

DATE: January 20, 2009

TIME: 2:08 p.m.

PLACE: Room 145

MEMBERS: Chairman Harwood, Representatives Anderson, Kren, Hartgen, Smith (30),

**ABSENT/
EXCUSED:** None

GUESTS: Barry Burnell, Department of Environment Quality

Chairman Harwood called the meeting to order at 2:05 p.m. He announced that there would be no public testimony during the hearing. He introduced Mr. Barry Burnell to present Pending Rules.

**DOCKET NO.
58-0103-0801** **Mr. Burnell** explained **Docket No. 58-0103-0801** Individual/Subsurface Sewage Disposal Rules (Rulemaking to provide for a revised method to estimate wastewater flow from single-family dwellings). He stated the department had three all day meetings in seven locations regarding the rule. No public comments were offered. Information was emailed to all interested parties. Twenty members participated with support of the rule.

MOTION: **Representative Anderson** moved to recommend approval of **Docket No. 58-0103-0801**.

**SUBSTITUTE
MOTION:** **Representative Kren** made a substitute motion to **reject Docket No. 58-0103-0801**.

**VOTE:
SUBSTITUTE
MOTION:** **Chairman Harwood** called for a voice vote on the **substitute motion**. **Motion failed on a voice vote**.

**VOTE: ORIGINAL
MOTION:** **Chairman Harwood** called for a voice vote on the **original motion**. **Motion carried** and will be sent to the committee with an approval recommendation.

**DOCKET NO.
58-0111-0801** **Mr. Burnell** explained **Docket No. 58-0111-0801** - Ground Water Quality Rule (Rulemaking to clarify portions of the Ground Water Quality Rule to promote consistency in application of the rule to mining activities). Five video conferences were held with State and Federal Agencies. There were controversial issues brought forward and were discussed at some length.

MOTION: **Representative Anderson** moved to send **Docket No. 58-0111-0801** to the full committee for a public hearing. **Motion carried on a voice vote**

- DOCKET NO. 58-0116-0801** **Mr. Brunell** presented **Docket No. 58-0116-0801** - Wastewater Rules (Revision and clarification of facility and design standards). There was little public comment received. The rule adds clarification, revisions and makes minor changes .
- MOTION:** **Representative Smith** moved to send **Docket No. 58-0116-0801** to the full committee with an approval recommendation. **Motion carried on a voice vote.**
- DOCKET NO. 58-0108-0801** **Mr. Brunell** continued with **Docket No. 58-0108-0801** - Idaho Rules for Public Drinking Water Systems (Revision and clarification of facility and design standards). Three public sessions were held across the state. Information was published. Changes were made based on public comments. There were no controversial issues.
- MOTION:** **Representative Smith** moved to send **Docket No 58-0108-0801** to the full committee with an approval recommendation. **Motion carried on a voice vote.**
- DOCKET NO. 58-0108-0803** **Mr. Brunell** explained **Docket No. 58-0108-0803** - Idaho Rules for Public Drinking Water Systems (Incorporation by reference of National Primary Drinking Water Regulations for Lead and Copper). There are no changes. It is a standard Federal requirement to review and publish the rule.
- MOTION:** **Representative Smith** moved to send **Docket 58-0108-0803** to the full committee with an approval recommendation. **Motion carried on a voice vote.**
- DOCKET NO. 58-0108-0802** **Mr. Brunell** explained **Docket No. 58-0108-0802** - (Incorporation by reference of Federal Ground Water). There was no public comment.
- MOTION:** **Representative Hartgen** moved to send **Docket No. 58-0108-0802** to the full committee with an approval recommendation. **Motion carried on a voice vote.**
- DOCKET NO. 58-0112-0801** **Mr. Brunell** presented **Docket No. 58-0112-0801** - Rules for Administration of Water Pollution Control Loans (Rulemaking to provide flexibility for use of loan fees and to meet nonpoint source needs). This rule has a Federal counterpart. It is not more stringent than Federal Law. Negotiations gives the agency greater flexibility.
- MOTION:** **Representative Smith** moved to send **Docket No. 58-0112-0801** to the full committee with an approval recommendation. **Motion carried on a voice vote.**

ADJOURN:

There being no further business to come before the subcommittee,
meeting was adjourned at 4:12 p.m.

Sub Committee Chairman
Harwood

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: January 22, 2009

TIME: 1:30 a.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** Representatives Eskridge, Kren, Takasugi

GUESTS: Barry Burnell, Department of Environmental Quality.

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

MOTION: **Representative Harwood** moved to accept the minutes of January 20 with one correction. **Motion passed by voice vote.**

DOCKET NOS. **Chairman Raybould** called upon **Subcommittee Chairman Harwood** for a report . Chairman Harwood reported the committee recommends approval of:

58-0112-0801
58-0108-0802
58-0108-0803
58-0108-0801
58-0116-0801

Docket No. 58-0112-0801
Docket No. 58-0108-0802
Docket No. 58-0108-0803
Docket No. 58-0108-0801
Docket No. 58-0116-0801

DOCKET NOS. The subcommittee **recommends** the following docket numbers **be returned** to the full committee for a public hearing.

58-0111-0801
58-0103-0801

Docket No. 58-0111-0801
Docket No. 58-0103-0801

Subcommittee Chairman Harwood also announced there is a replacement for page 57 in the committee members folders, to correct a misprint in the DEQ manual.

MOTION: **Subcommittee Chairman Harwood** moved to accept the subcommittee's recommendations as presented. **Motion carried by voice vote.**

DOCKET NOS.

58-0101-0703

58-0101-0801

58-0101-0802

58-0101-0803

58-0105-0801

58-0124-0801

Chairman Raybould called upon **Representative Jaquet** to report in the absence of subcommittee chairman Eskridge. Representative Jaquet reported the subcommittee recommends approval of:

Docket No. 58-0101-0703

Docket No. 58-0101-0801

Docket No. 58-0101-0802

Docket No. 58-0101-0803

Docket No. 58-0105-0801

Docket No. 58-0124-0801

MOTION:

Representative Jaquet moved to approve the above listed dockets.
Motion carried by voice vote.

Chairman Raybould announced the next meeting will be on Monday, January 26, room 145, 1:30 p.m. The agenda will include H006 and H007.

A meeting will be held on Wednesday, January 28, 2009, room 145 at **1 p.m.** The agenda will include **Docket No. 58-0103-0801** and **Docket No. 58-0111-0801.**

ADJOURN:

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

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: January 26, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** Representative Anderson

GUESTS: Paul Kjellander, Energy Resources; Rob Hanson, Department of Environmental Quality; Will Hart Idaho Consumer-Owned Utilities Association; Dan Olberding, Skip Smyser, Joie McGarvin, Lobbyists; Sarah D. Wire, Associated Press; Curt Fransen, Department of Environmental Quality; John J. Williams, Bonneville Power Association; Jim Kempton Commissioner, Public Utilities Commission; Ken Miller, Snake River Alliance; Ron Law, Idaho Public Utilities Commission; Kerry Ellen Elliott, Idaho Association of Counties.

Chairman Raybould called the meeting to order at 1:30 p.m requesting the secretary take a silent roll. He asked the committee members to review the minutes of January 22, 2009.

MOTION: **Representative Harwood** moved to approve of the minutes of January 22, 2009. **Motion carried on a voice vote.**

H 6 Chairman Raybould introduced **Mr. Rob Hanson** to present **H 6** Mr. Hanson explained the bill refers to the Bunker Hill Cleanup Site. The site is a 21 square mile area in the Kellogg/Smelterville area know as the "Box". The basis of the cleanup is to manage waste and create a healthy economy. The bill amends the statute to include any operable unit of the EPA Bunker Hill Superfund Site and will clarify DEQ's authority concerning any properties within the Site, but outside the "Box".

Discussion followed which included an example regarding transfer of land to the Eaglecrest resort and the economic impact this transfer made on the community. A comment was expressed that the transferring of land has made a positive economical impact on Silver Valley.

Mr. Hanson interjected that the transaction costs are being repaid and transfers are promoting economic progress in the areas in the "Box" as well as the properties within the Site but outside the "Box". An inquiry was presented asking if the majority of the cleanup areas were industrial or residential. Mr. Hanson described briefly what has been done adding that the cleanup has been mostly industrial. Some of the areas have been stabilized due to the geological attitude of the land.

MOTION: **Representative Harwood** moved to send **H 6** to the floor with a **DO**

PASS. Motion carried by voice vote. Representative Harwood will sponsor the bill on the floor.

H 7

Chairman Raybould introduced **Mr. Paul Kjellander** to present **H 7**. Mr. Kjellander described the bill as having no impact on the decision making role of local state and county units of government as it relates to their current responsibilities associated with transmission siting. The purpose of this bill is for the public utilities commission to determine whether the construction of electric transmission facilities should be designated to receive priority processing by state agencies. The process will be initiated by a transmission developer. The statute will provide open public records to be viewed and provide open, honest brokerage. The need for priority transmission facilities is the key in order to move the resources to the market in a timely manner. There is no fiscal impact.

Questions from the committee were discussed asking if this bill would help expedite requirements to meet the Federal stimulus package and would the bill assist in facilitating the application process in obtaining approval in a timely manner. Mr. Kjellander explained the importance of moving forward in expediting applications today regardless of what type of economic assistance is available. This bill will give authority to state agencies, at the direction of executive order from the governor, and will develop the functional role related to priority status at the state level.

Mr. Jim Kempton was called upon to offer information regarding the fiscal impact and if there would, in fact, be fiscal impact because of a need for more staffing to expedite the process. The process is typically already in place. It benefits Idaho customers and the Idaho economy; improves electric transmission capacity and reliability in Idaho and the region; and promotes the public interest. The legislation supplies a trigger mechanism for priority designation to go through the governor's office. Nothing in the legislation would preclude any agency in following current obligations.

Kerry Ellen Elliott, Idaho Association of Counties rose to indicate, unofficially, that the organization believes this bill could be helpful to counties and the Association has no problem with the bill.

MOTION: **Representative Eskridge** moved to send **H 7** to the floor with a **DO PASS. Motion carried by voice vote. Representative Eskridge** will sponsor the bill on the floor.

MOTION: **Subcommittee Chairman Harwood** requested his committee members review the minutes of the subcommittee meeting held on January 20 and requested approval of the minutes. **Representative Smith** moved to approve the minutes of January 20 with **amendments**. The amendments will be added by the secretary. **Motion carried by voice vote.**

Chairman Raybould announced the next meeting will be January 28, 2009 at **1 p.m.** room 145. The agenda will include **Docket Nos. 58-0111-0801** and **58-0103-0801**. He asked the members to note the

change in regular meeting time.

ADJOURN: There being no further business to come before the committee, meeting was adjourned at 2:45 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: January 28, 2009

TIME: 1 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

GUESTS: Toni Hardesty, Director, Barry Burnell, Administrator Water Quality, Department of Environmental Quality; Elizabeth Criner, Simplot; Sarah Wire, Associated Press; Allen Worst, R.D. Worst Company; John Corcoran, Remax; Todd Gordon, Property owner; Mary McMellon, Property owner; Danny Bosworth, Property owner; Bill Johnson, Johnson Custom Homes; Dale Peck Director Panhandle Health Districts; John Eaton, Government Affairs Director, Realtors; Miguel Legarrela, Public Policy Director, Realtors; David Loper, Director, SW District Health; Joe Kunz, Government Affairs Director, Building Contractors Association S.W. Idaho; Demar Burnett, Developer; Sean Gavin, Mt. View Construction; Justin Hayes, Program Director Idaho Conservation League, Benjamin Davenport, Legislative Advisor, Idaho Building Contractors Association; Beth Barkely, Idaho Council on Industry & Environment.

Chairman Raybould called the meeting to order at 1 p.m. and requested the secretary take a silent roll.

MOTION: **Representative Harwood** moved the minutes of January 26, 2009 be approved as written. **Motion carried on a voice vote.**

DOCKET NO. **58-0111-0801** **Mr Barry Burnell** explained the purpose of this rulemaking is to clarify portions of the Ground Water Quality Rule to promote consistency in application of the rule to mining activities. The proposed rule addresses the following issues:

1. Adds definitions necessary to improve statewide consistency with interpretation and implementation of mining provisions of the Ground Water Quality Rule;
2. Develops a procedure and process to follow for setting the points(s) of compliance for ground water quality related issues at mining areas;
3. Ground water monitoring at mining areas;
4. Applicability of rule changes; and
5. Imposes a fee on mine operators making an application with the Department of Environmental Quality (DEQ) to set the ground water quality points(s) of compliance.

Notice was published regarding the proposed rule. A public hearing will be held if requested by twenty-five persons, political subdivision, or an agency. After consideration of public comments, DEQ presented the final proposal to the DEQ Board at the October 2008 Board meeting for adoption as a pending rule. The proposed rule includes a requirement that applicants submit a \$2500 fee at the time the application is submitted to DEQ. The text of the proposed rule was drafted based on discussions held and concerns raised during negotiations conducted. Meetings were held on April 23, May 7, May 21, June 4, and June 30 2008. Several members of the public participated in this negotiated rulemaking process by attending the meetings and by submitting written comments. Following Mr. Burnell's presentation members of the committee discussed details of the rule with Mr. Burnell.

Mr. John Tippetts spoke regarding his company and pointed out that mining is a good economic industry in Idaho and brings significant revenue to the state. His company supports the local community with donations and participation. He encourages the committee to pass this rule.

Justin Hays explained the Conservation League has participated in rule making. He rose in objection to the rule because of the permanency and the fact that the DEQ does not have the financial facilities to clean up a ground water seepage now or in the future. Bonding was discussed as a solution to this problem and it is suggested the rule be perfected before it is approved.

Jack Lyman spoke in support of the rule asking the committee for their approval of the rule. The rule is consistent with good mining practices and is a workable rule.

MOTION: **Representative Simpson** moved to accept **Docket No. 58-0111-0801** as written. Roll call vote was requested. **Raybould, Harwood, Eskridge, Kren, Simpson, Takasugi, Hartgen voting AYE; Smith, Jaquet, Cronin voting NAY. Motion passed 7 - 3.**

DOCKET NO. 58-0103-0801 **Mr. Burnell** presented **Docket No. 58-0103-0801** stating the purpose of the rulemaking is to provide for a revised method to estimate wastewater flow from single family dwellings that is more consistent with domestic water usage statewide. The proposed revisions would provide for a more refined soil classification system which will allow more precise sizing of drainfields. The rule would also provide a definition of "bedroom" and "module" to assist understanding and applicability of the rule within the regulated community. Public comments were received and the proposed rule has been revised. DEQ recommends that the Board adopt the rule, as presented in the final proposal, as a pending rule with a final effective date of July 1, 2009. The rule is subject to review by the Legislature before becoming final and effective. Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin and a preliminary draft rule was made available for public review. Meetings were held on May 22, June 5, and June 19, 2008. Several members of the public participated in this negotiated rulemaking process by attending the meetings and by submitting written comments.

There are no additional costs to the agency. The health districts deliver the program under the current rule. DEQ's role should remain at the same level of effort. There will be potential higher costs for property owners when installing a septic tank and drainfield. These costs are offset by fewer septic system failures due to undersized septic tanks and drainfields

Questions from committee members addressed concerns regarding current rules and substandard systems, definition of "bonus" rooms, sleeping rooms, real estate practices, routine maintenance, public education, soil type, lake access set back and point of measurement for set back, grandfather clause, inspection, data available for failed systems, public health and safety, and DEQ's assistance in finding the right design for the correct system and issuance of permits.

Alan Wurst explained the need for elements that identifies failed drain fields. He offered his support to assist in developing a system to meet the problems. Chairman Raybould indicated the committee only has the power to reject or accept the rule and cannot change the rule as they are submitted to the committee.

John Corcoran rose in opposition to the rule stating the size of drainfield requirements can force homeowners to be unable to use the property. Data on the amount of failed systems is unknown.

Todd Gordon is concerned about the cost of alternative systems which may be required under this rule and the burden placed on the homeowner. He feels there is a large margin of error in the data which has been presented by DEQ. The rule takes away home owner's rights. Mr. Gordon opposes the rule.

Dale Peck rose in support of the rule citing the rule contributes to public health and safety of our citizens. The DEQ does all it can to offer permits to install due to a study which was done to gauge wastewater flow discharge for systems. The current septic systems do not address current flows. Criteria is based on soil type and flow. The rule allows consistency in installation of systems. The permits are issued for a minimum size and a homeowners can install a larger system if they chose.

Questions from committee members addressed local codes in place to identify inadequate systems, public notice of need for larger systems, separation of water source and septic systems, counties passing rules more strict than DEQ, final inspections, education for public on septic maintenance, existing systems and new construction.

John Eaton stated opposition to the rule. There is a long history of requests for data of failed systems which has not been issued. Data should be available to confirm the need to pass this rule. It infringes on property owner's rights and causes them to pay taxes on an unbuildable lots. These regulations are not properly vetted. There is a need to continue to find a change with the decision making.

David Crawford began asking "will we be allowed to even have septic systems in the future". If this rule is put into place many property owners

will have to sell their land. He stands in opposition to this rule.

DeMar Burnett explained the process of nutrients and pathogens in soil and how it affects water flow. The requirements in this rule creates additional expense for a developer as he engineers a new subdivision. He described a two tank system and how it works. He questions the criteria for determining failed systems as presented. He stands in opposition of this rule.

Toni Hardesty rose to respond to a representative of the Realtor's Association regarding participation in the negotiations of this rule. She stated the Realtor Association did not participate in negotiation's meetings. Terms of the rules were crafted during negotiation meetings. Written comments were not sent to the Board during negotiations. Written comments received stated the rule did not have the support of the Realtor's Association. Also written comments were received from the association requesting a meeting before negotiations began. In reply to the request it was noted that rule change meetings cannot be held before negotiations begin.

Mary McMillen, stood in opposition to the rule stating the rule may prevent her from building on her section of a long owned piece of family property.

MOTION: **Representative Kren** moved to reject **Docket No. 58-0103-0801**. Roll call was requested. **Harwood, Eskridge, Kren, Simpson, Takasugi, Hartgen, Raybould voting AYE; Smith, Jaquet, Cronin voting NAY. Motion carried 7 - 3.**

ADJOURN; There being no further business to come before the committee, meeting was adjourned at 5:01 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: February 4, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

ABSENT: None

EXCUSED:

GUESTS: Doug Amick, Public Services, City of Greenleaf; Brad Holton, Mayor, City of Greenleaf; Craig Lane, SuperIntendent of Public Works, City of Wilder; Bill Thompson, Chairman - Bob Hansen, Board Member - Roger Hales, Attorney, - Idaho Bureau Occupational Licensing; Lynn Tominaga, Lobbyist, Idaho Rural Water Association; Virgil Leedy, Executive Director Idaho Rural Water Association; Barry Burnell, Administrator, Water Quality Idaho Department of Environmental Quality.

Chairman Raybould called the meeting to order at 1:30 p.m. He requested the secretary take a silent roll.

MOTION: **Representative Takasugi** moved to accept the minutes of February 28, 2009 with corrections. **Motion carried by voice vote.**

DOCKET NO. 24-0501-0801 **Mr. Roger Hales** rose to explain the four proposed changes in **Docket No. 24-0501-0801**. The Board is adding a section to allow for termination of applications that have lacked activity for one year. Changes are being made to the requirements section to clarify the examination for backflow assembly testers. The Board is establishing the very small water system exam requirement as an option for operator in training. Changes to the education and experience subsection for very small water system operators will establish the hours of experience and courses required. These changes clarify requirements and streamline the process.

The Board has worked with the Idaho Rural Water Association group in an attempt to reduce requirements for very small water system operators and negotiate for a balanced proposal which makes certain they are licensing an operator who is qualified.

Questions from committee members included current licensed operators retaining their licenses, current wastewater operators still under the six month rule, what problems exist with the current rule, explanation of the opposition of the current proposed rule, definition of 'experienced', public health problems, requiring less training for a licensed operator for certain small water systems , contracting outside licensed operators and the expense it creates to small communities.

Doug Amick appeared in opposition to the rule. He described the many

jobs he holds working in the community of Greenleaf. As a manager of a small water system he would prefer to have an experienced employee rather than a person who is certified with no experience. Small communities will be forced to hire an outside licensed operator they cannot afford. He understands the importance of licensing, however the proposed rule diminishes local control due to the requirements.

Brad Holton rose in favor of licensing, however he explained the current requirements are causing small communities with small water systems to become financially strapped because they are required to hire an outside water supply licensed contractor. There needs to be a balance between rules and logic. Small communities may have a water system operator without a GED, but who is mechanically adept and very qualified to maintain a community water supply. The IBOL is going in the right direction but there is a need for more negotiations.

Craig Lane spoke with concern regarding replacing retiring licensed water systems operators, who like himself, has worked hard to obtain the required education to obtain a license. The changes in the rule, requiring hiring of licensed operators who meet those proposed requirements, will create a financial strain on the budgets of small communities. He is not in opposition to the changes in the rule, however would recommend a refined definition of 'experience'.

Bob Hanson began explaining the IBOL has attempted to make it as easy as possible for licensing. It is difficult to draw a line. They tried to make it simple and straight forward with some guarantee people working in the field are qualified.

Bill Thompson stated he supports the rule.

Lynn Tominaga explained his position in opposing the rule. The program is not encouraging potential water system operators to apply for licenses due to the stringency of the hours of study and experience required. Making it more difficult to obtain a license is an issue. Operators who have grandfathered licenses are disappearing. Replacements are not applying for licensing.

Virgil Leedy rose in opposition to the rule regarding the 1600 hour rule. Chairman Raybould explained the committee could only approve or reject rules and could not change them. Also, only the docket rule before the committee could be addressed at today's meeting.

Barry Burnell stood in support of the rule before the committee.

MOTION:

Representative Harwood moved to approve **Docket No. 0501-0801** and encourage the Idaho Bureau of Licensing to further refine the definition of "experience" and to define the ruling "two - six hour classes will be credited toward the one hundred hours" required by the rule.

Roll Call vote was requested. **Chairman Raybould, Representatives**

Harwood, Eskridge, Anderson, Hartgen, Smith (30), Jaquet, Cronin
voting **AYE**. Representatives **Kren, Simpson, Takasugi** voting **NAY**.
Motion carried. 8 - 3

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

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

- DATE:** February 10, 2009
- TIME:** 1:30 p.m.
- PLACE:** Room 145
- MEMBERS:** Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin
- EXCUSED:** Kren
- GUESTS:** Steve Romano, CEO American Ecology Corp; Don Reading, PhD, V.P. & Consulting Economist, American Ecology Corp; Rich O'Hara, Director, American Ecology Corp; Sarah Wire, Journalist, Associated Press; Ken Miller, Snake River Alliance; Courtney Washburn, Director, Idaho Conservation League; Brian Monson - Orville Green, Administrator, Department of Environmental Quality.
- Chairman Raybould** called the meeting to order at 1:30 p.m. He requested the secretary take a silent roll.
- MOTION:** **Representative Smith** moved to approve the minutes of February 4, 2009 with corrections. **Motion carried with a voice vote.**
- RS 18513** **Representative Eskridge** explained his roll as co-chairman of the Interim committee. The Interim committee addresses energy, environment and technology issues. The committee also monitored the integrated state energy plan and reported back to the legislature. He stressed how the availability of energy and water in Idaho stands to benefit Idaho's economy. The committee needs this tool to accomplish this task. He asked for the support of the committee. Comments followed relating to work accomplished by the committee, support for the resolution and how the Federal stimulus package may effect Idaho's economy.
- MOTION:** **Representative Harwood** moved to introduce **RS18513**. **Motion carried with a voice vote.**
- PRESENTATION:** **Chairman Raybould** introduced **Roy Eiguren**. Mr. Eiguren stated his presentation would be followed by Steve Ramono, CEO of American Ecology Corporation and Dr. Don Reading, Consultant. He also thanked representatives from Department Environmental Quality, Orville Green and Brian Monson for attending the meeting as an informational support team.
- Mr. Eiguren stated the company feels it is important in the discharging of its duties to report to the committee regarding their operation. Information regarding the Idaho Hazardous Waste Statute was reviewed by Mr. Eiguren. He addressed the 1983 Hazardous Waste Management Act; the 2001 Policy Legislation - House Bill 192 - Idaho Rule 58-0110-0101; 2002 Fee Parity

Legislation - House Bill 735, and the 2004 Fee Parity Legislation - House Bill 611.

Steve Romano stood to present an update of the American Ecology Corporation and its activities. He described American Ecology as an Idaho-based company publicly traded on the NASDAQ exchange; (ECOL). The company has the most experienced hazardous and low-level radioactive waste services in the U.S. It maintains 252 employees in 10 states, 116 who work in Idaho. They purchased subsidiaries of U.S. Ecology Idaho in 2001.

He described the Grand View disposal facility, and the methods used for shipping and storing radioactive waste material to the facility from Kwuait. He explained that no water leaves the site. He also explained the process engineered to accomplish this. The Grandview disposal facility has a high topographic makeup and meets all Federal requirements. They have not had any violations. The company is financially sound with no debt and no lawsuits.

Dr. Don Reading presented an update of a study presented in 2003 - 2007 regarding revenue and steady growth of American Ecology. He described the company's annual contribution to the Idaho economy which includes higher employee salaries, full benefits, capital spending in the state and revenues created for the State of Idaho and Owyhee county. Tipping fees and sub contractor revenues were discussed. He added, sub contractor fees were not included in the figures listed in the study.

Mr. Romano stood again to discuss the Simco road transfer station and the road paving project. \$1.8 million was funded by American Ecology & Simplot Company to improve the road. C.J. Strike Reservoir users, Simco Road businesses, Owyhee County commuters and Mountain Home AFB benefit from the improvement of the road. Maintenance is borne by U.S. Ecology Idaho. Elmore county highway district lacks sufficient funds for necessary maintenance. U.S. Ecology spent \$200,000 for maintenance in 2008. More work will be needed in 2009.

Proposed legislation will bring no change to state revenues from U.S. Ecology fee payments. It will amend restrictions on 5% fees paid to Owyhee County. Owyhee county will be assigned responsibility for maintaining the county road in to the disposal site. There will be no other restrictions on Owyhee county's use of funds, including an unspent balance from prior years. For two years, 35% of the 5% paid to Owyhee County will be remitted to Elmore county to help maintain Simco Road. There will be a sunset provision for future needs assessment. Questions from

committee members included truck load limits, speed limits, type of vehicles using the road, emergency funds and success in working with the counties.

Chairman Raybould thanked the American Ecology representatives for their informative reports. He announced the next meeting will be Thursday, February 12 at 1:30 p.m.

ADJOURN:

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

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: February 12, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Rich Rayhill, Ridgeline Energy; Paul Kelly, BERRI; Ted Carpenter PhD, BERRI; Orville Green, Department of Environmental Quality; Lance Hebdon, Policy Coordinator, Idaho Fish and Game.

Chairman Raybould called the meeting to order at 11:30 p.m. He requested the secretary take a silent roll.

MOTION: **Representative Harwood** moved to accept the minutes of February 10, 2009 as written. **Motion carried on a voice vote.**

Chairman Raybould announced **HCR13** was misdirected to the Environment, Energy & Technology Committee and requested, without objection, to return **HCR13** to the Chief Clerk for re-referral.

RS18574 **Representative Harwood** was recognized to present **RS18574**. He explained the purpose of this legislation is to repeal Section 39-116B, Idaho Code relating to vehicle inspections and maintenance program. He added the science used in establishing the criteria for air quality emission testing was not accurate. He asked for support of this legislation.

Questions from the committee followed with inquiries regarding a meeting with Department of Environmental Quality and constituents in crafting a new bill; possibilities of non attainment if this repeal is approved; Environmental Protection Agency vs. Department of Environmental Quality administering air quality standards; and the need for more information regarding the numbers obtained from previous air quality tests.

MOTION: **Representative Kren** moved to **Send RS18574 to the floor with a Do Pass.**

SUBSTITUTE MOTION: **Representative Jaquet** moved to **Return RS 18574 To The Sponsor.**

VOTE ON Substitute Motion: **Roll Call vote** - Return To Sponsor. **Chairman**

SUBSTITUTE MOTION: **Raybould, Representatives Eskridge, Anderson, Smith, Jaquet, Cronin** voting **AYE**. **Representatives Harwood, Kren, Simpson, Takasugi, Hartgen** voting **NAY**. **Motion passed. 6 -5.**

PRESENTATION **Chairman Raybould** introduced **Rich Rayhill** to present a committee update regarding Ridgeline Energy's work. Mr. Rayhill described the continuing growth of new energy development which has taken place. He presented a review which included the construction of turbines; compared the power generation capabilities of wind powered turbines with other energy facilities; explained the thermo dynamics of wind power; and displayed an example of Idaho's wind sources stating Idaho has 3, 4, & 5 class winds in the Snake River Plain.

The economic advantage of wind turbine energy manufacturing was described as benefitting many aspects of Idaho's growth. This new source of energy leads to more jobs in Idaho. Colleges are now offering classes in "clean and green" technology training. The demand for trained technicians is increasing rapidly. Transmission of the power generated by the turbines was addressed. Mr. Rayhill concluded asking for support from the legislature for a renewable energy standards portfolio.

PRESENTATION **Paul Kelly** thanked the chairman and committee members for the opportunity to introduce the Bio Environmental Resources Recovery company's accomplishments. He introduced **Dr. Ted Carpenter** who presented a program describing the revolutionary perspective on municipal landfill materials using the BERR-MARS process. The process reduces air pollution, prevents ground water contamination, eliminates odors, destroys pathogens (human, animal, and plant), insect pests, and weed seed, reduces greenhouse gas emissions, recycles wood, paper, yard trimmings, food scraps, manure, creates "organic fertilizer", cleans up toxic sites, and restores the environment to a healthy state.

BERRI has proven not only that the MARS process works, it also produces highly enriched bio-soil amendments. The microbes have no way to damage living tissues. BERRI, LLC takes their stewardship to help cleanse the earth seriously. Yesterday's solutions are not sufficient to today's environmental problems. Through the innovative use of good science, BERRI safely and rapidly turns "waste" into valuable resources. Drawing upon knowledge in the areas of microbiology, chemistry, and bioengineering; BERRI develops microbial inoculants comprised of both fungal and bacterial organisms. BERRI's proprietary, trade secret inoculants produce a multitude of exo-digestive enzymes which rapidly liquefy and disassemble organic compounds. BERRI uses applied science and engineering to formulate windrows with resource-recovery materials that commonly have been called "wastes". BERRI's proprietary inoculants are inserted when assembling these windrows. The bio-processing method used by BERRI is described in a process-patent application. BERRI's combination of substrate-specific inoculants, controlled nutrient ratios, specific moisture levels, ensured oxygen concentrations, and planned mixing/aeration/turning schedule is called Microbially Accelerated Regeneration Science (MARS).

Orville Green submitted that the Department of Environmental Quality

observed the Rattlesnake Transfer Project in Bingham County and concurred that the information presented by Dr. Carpenter as being accurate.

Chairman Raybould thanked Mr. Rayhill, Mr. Kelly and Dr. Carpenter for their informative presentations.

ADJOURN: There being no more business to come before the committee, the meeting was adjourned at 2:58 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

- DATE:** February 16, 2009
- TIME:** 1:30 p.m.
- PLACE:** Room 145
- MEMBERS:** Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin
- ABSENT/
EXCUSED:** None
- GUESTS:** Senator Heinrich; Representative Rusche; Pat Barclay, Executive Director., Idaho Council on Industry & Environment; Norm Semanko, Executive Director, Idaho Water Users Association; Lyn Darrington, Legislative advisor, Stoller Corporation; Emily Anderson, Governor's office; Jack Lyman, Idaho Mining Association; Joan Cloonan, Idaho Council on Industry & Environment; Katie Killpach, Intern Division of Financial Management.
- Chairman Raybould** called the meeting to order at 1:30 and requested the secretary take a silent roll.
- MOTION:** **Representative Harwood** moved to **accept** the minutes of February 12, 2009 as written. **Motion passed by voice vote.**
- RS18604** **Representative Rusche** was introduced and explained **RS18604** as a tool in the form of a concurrent resolution stating legislative findings and supporting the planning and construction of new fiber optic communication facilities between the cities of Riggins and Grangeville, Idaho. The modern advanced broadband telecommunication services are critical to the needs of the citizens of Idaho. Representatives of numerous affected local communities, as well as the Governor of the state of Idaho, strongly support such an effort.
- Questions from committee members covered topics such as central Idaho being included in the text of the legislation; the carrier for the areas; and broadband limitations. Discussion followed and it was suggested changing the Statement of Purpose by removing "northern" and replacing it with "north central Idaho."
- MOTION:** **Representative Jaquet** moved to **introduce RS18604** and change the Statement of Purpose by removing "**northern**" and changing it to read "**north central Idaho**". **Motion carried by voice vote with Representatives Kren and Harwood voting Nay.**
- PRESENTATION:** **Chairman Raybould** introduced **Doug Halford** to describe S.M. Stoller Corporation and the activities of the company. The Stoller Corporation was established in 1959 to provide consulting services to commercial

nuclear utilities and industry group. The company is active in the public and private sectors across the United States. The core business of the company includes nuclear, radiological and environmental issues. It has worked in Idaho with nuclear disposal, semiconductor monitoring, engineering, technical support, ecological support, internship programs, national park service, environmental surveillance, education and research programs.

Alana Jensen continued explaining how the company manages the Idaho National Laboratory Environmental Surveillance Educational Research program which reaches students of all ages. She described the different sections of the on-going education features of the program such as science camps, community forums, teacher outreach, support to local schools, 'Ask a Scientist', and classroom group presentations.

Stoller Corporation is a small business success story for southeastern Idaho.

PRESENTATION

Norm Semanko was called to introduce speakers covering different aspects of the Idaho Council on Industry and Environment. Mr. Semanko explained the Idaho Council Industry and Environment is a nonprofit, non-partisan group established in 1989 to focus the discussion of environmental policy onto science and facts. The mission of Idaho Council Industry and Environment is to facilitate the use of science and facts in shaping public policy on environmental issues. The membership includes individuals, associations, business and industry.

Mr. Semanko introduced **Roy Eiguren** who explained the Idaho Administrative Procedures Act "APA" which authorizes state agencies to develop (promulgate) rules that have the force and effect of law. APA provides the legislature with the authority to amend, modify or reject rules. Idaho is one of only three states in the nation that has such authority. A "rule" means the whole or part of an agency statement of general applicability that has been promulgated in compliance with the provisions of the APA and that has been promulgated in compliance with the provisions of the APA and that implements, interprets or prescribes law or policy or the procedure of practice requirements of an agency. Rules are recommended by agency directors to agency boards. The directors or agency head promulgate rules where there is no board. The APA allows persons to petition boards or agency heads to promulgate rules. Many rules are the result of negotiated rulemaking. The process provides for substantial public input through written comments, meetings and hearings. The Idaho Supreme Court in *Asarco v. Idaho Department of Environmental Quality* provided additional definition of a "Rule". The court also declared in *Mead v. Arnell* that the legislature's authority to reject rules does not violate the Constitutional doctrine of Separation of Power, provided that legislative rejections of rules are based upon a rule being "Contrary to Legislative Intent".

Jack Lyman stood to identify stringency as imposing rigorous standards of performance; severe; as indicated in the American Heritage Dictionary. For more than a quarter of a century Idaho environmental law has contained provisions that prevent the state's environmental

regulators from adopting rules that impose requirements that are more severe than those imposed by the federal government. These provisions assure that Idaho will comply with all requirements imposed by the federal government but will not exceed those requirements without direct involvement of the legislature. This prevents an unelected bureaucracy from usurping the authority of the legislature to set state environmental policy. The Department of Environmental Quality may not promulgate any rule that would impose conditions or requirements more stringent or broader in scope than the federal Resource Recovery and Conservation ACT (RCRA) and the RCRA regulations of the Environmental Protection Agency; the Toxic Substance Control Act (TSCA) or the Idaho Solid Waste Facilities Act. Mr. Lyman addressed specific statutory provisions in Idaho Code which related to stringency including hazardous waste management, toxic substance waste disposal, municipal solid waste, air quality, water quality and land remediation.

Dr. Joan Cloonan who is a board member of the Idaho Department of Environmental Quality, presented an overview of guidance and rulemaking at Idaho Department of Environmental Quality. She explained the Board promulgates rules. The rules originate from statutory requirement. A properly developed guidance document can be used to assist Idaho Department of Environmental Quality and the regulated public. A guidance document, however, does not have the force and effect of law. The distinction between rule and guidance is important. If an agency statement should be adopted as a rule, but is not adopted, it is void and the agency cannot enforce the agency position against others solely upon the basis of the written agency statement. Therefore, if Idaho Department of Environmental Quality takes an action in reliance upon a guidance document that should have been adopted as a rule and that agency action is challenged, the action may be invalidated because the guidance document is void and can not be used by the agency.

The agency should follow the 6-step process in developing guidance. Procedures for developing guidance follows:

1. Consult with the Attorney General's office.
2. Obtain the Director's approval.
3. Determine the appropriate amount of public input.
4. Based on #3, issue public notice to allow for participation.
5. Based on #3, issue the proposed guidance for public comment.
6. Incorporate public comments, as appropriate and finalize development of guidance. Legislatively approve rule or temporary rule has force and effect of law.

Dr. Cloonan addressed questions from the committee regarding their concerns and committee members requested she return to the board with their comments.

Chairman Raybould thanked the presenters for coming before the

committee with their informative and interesting comments.

ADJOURN:

There being no further business to come before the committee, meeting was adjourned at 3:10 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

- DATE:** February 18, 2009
- TIME:** 1:30 p.m.
- PLACE:** Room 145
- MEMBERS:** Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin
- ABSENT/
EXCUSED:** Representative Hartgen
- GUESTS:** Rakesh Mohan, Director, Office of Performance Evaluations; Russell Westerberg, owner, Westerberg & Associates
- Chairman Raybould** called the meeting to order at 1:30 p.m. and requested the secretary take a silent roll.
- MOTION:** **Representative Smith moved to accept** the minutes of February 16 with one correction. **Motion carried by voice vote.**
- HCR 16:** **Representative Eskridge** was called to address the committee regarding **HCR 16**. He summarized asking support from the committee for this bill which requests appointment of a committee to undertake and complete a study of Energy, Environment and Technology and to monitor the integrated state energy plan and other issues. In reply to a question regarding fiscal impact Representative Eskridge explained the travel expenses were covered by a fund from the House and Senate and not the General Fund.
- MOTION:** **Representative Anderson** moved to send **HCR 16** to the floor with a **DO PASS**.
- MOTION:** Chairman Raybould called for a vote on the motion. **Motion carried by voice vote.**
- PRESENTATION:** **Director Rakesh Mohan** explained the duties of the Office of Performance Evaluation as an independent agency which works for legislative purposes to promote confidence in government. He continued, reporting good government is not possible without an effective accountability system. Lawmakers can use performance information in making policy and budget decisions. Evaluators and auditors can use the information in assessing efficiency and effectiveness, and managers can use the information to monitor the program in a systematic way. Performance measurement can help clarify policy intent, goals and performance expectations. Incorporating performance measurement concepts into the policymaking process can help clarify legislative intent of a policy before implementation.

The 2004 report of the Office of Performance Evaluation concluded that

performance information reported by state agencies was generally not useful to the Legislature and was not meeting the intent of legislation passed in 1993. Based on the premise that easy access to accurate and meaningful performance information is fundamental to improving accountability in government, the Office of Performance Evaluation recommended revising the existing process of collecting and reporting performance information. In 2005 House Bill 300 was passed and requires state agencies to submit an agency profile, accurate information and present (orally) performance information to germane committees each year. This revised process provides a formal opportunity for policymakers and program officials to engage in an ongoing dialogue with each other to clarify policy intent, goals and performance expectations. Through this process, they can reach an agreement on program priorities, goals, and expectations, and regularly monitor program performance. Policy makers can also let program officials know whether the performance information is useful for accountability and policy making purposes.

Director Mohan concluded with tips for effective performance measurement and submitted a report on Department of Environmental Quality as an example. He also presented a graph indicating the state level performance measurement process with policymaker involvement and the sequence of requirements.

Chairman Raybould thanked Director Mohan for his informative report.

Travyn Mapes , committee page, is completing his assignment with the committee. Chairman Raybould thanked him for his excellent work and presented him with a letter of recommendation and a card from the committee.

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

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: February 24, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Representative Rusche; Christine Frei, Executive Director, Clearwater Economic Development Association, member North Central Idaho Telecommunication Consortium; Richard Jayo, General Manager, Frontier Communication.

Chairman Raybould called the meeting to order at 1:30 p.m. He requested the secretary take a silent roll. Chairman Raybould introduced the new page for our committee, **Spencer Powell**.

MOTION: **Representative Smith** moved to approved the minutes of February 24 as written. **Motion carried by voice vote.**

HCR 21 **Representative Rusche** rose to present **HCR 21**. He explained the purpose of the bill is to express the State of Idaho's recognition of the need for, and benefit of, improved communications facilities between north central Idaho and southern Idaho. He called upon **Christine Frei** to address the committee on behalf of Clearwater Economic Development Association and its affiliate, the North Central Idaho Telecommunication Consortium. She stressed that the bill validates the need and benefits of a fiber circuit between southern Idaho and north central Idaho and described the 2004 summit of business and community leaders who met and made an assessment and planning effort to urge planners to address telecom infrastructure deficiencies. The Grangeville-Riggins fiber circuit is identified in the 2006 North Central Idaho Telecom Assessment and Implementation Plan and then further detailed in the 2008 Schematic Wide Area Network Design & Deployment Plan.

A letter from **Jim Rehder, Commissioner, Idaho County** was read expressing the immediate need for communication lines between Grangeville and Riggins over White Bird and White Bird Hill separated by Qwest communication and Frontier communication. The new fiber line will also provide necessary redundancy in the event the phone line is cut. It also will save money, provide reliability and dramatically expand internet capacity to rural end users. The construction of this fiber communication will provide necessary services to rural Idaho with Idaho County being the largest and most rural county in Idaho.

Richard Jayo stood to describe Frontier Communications company as a publicly traded company which has eighteen rural exchanges. He explained that Riggins-Grangeville area has the largest gap in the Local Access and Transport Area (LATA). Governor Otter and his staff support this bill as it will fill this glaring gap in the communications system and will make possible the plans for education in rural areas, public safety and economic development investment to move ahead. These plans cannot happen until this communication problem is a reality.

MOTION: **Representative Eskridge** moved to send **HCR 21** to the floor with a **DO PASS** recommendation.

VOTE: **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, meeting was adjourned at 1:56 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: February 26, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Robert W. Poyser, Vice President, Idaho Falls, AREVA; Senator Brent Hill; Beth Markley, Idaho Council on Industry and Environment; Courtney Washburn, Lobbyist, Idaho Conservation League.

Chairman Raybould called the meeting to order at 1:30 p.m. He requested the secretary take a silent roll.

MOTION: **Representative Harwood** moved to accept the minutes of February 24, 2009 as written. **Motion carried on a voice vote.**

PRESENTATION: **Chairman Raybould** introduced **Robert W. Poyser** to present an overview of AREVA. Mr. Poyser explained that AREVA is a U.S. company providing access to the world's leading nuclear-fuel-cycle technologies, from uranium mining, conversion and enrichment to nuclear used-fuel and waste-management services, including treatment, packaging, transportation and interim storage solutions. Idaho is ideal for proven safe and indispensable uranium enrichment. Nuclear power provides an important source of carbon dioxide-free energy for our country and generates nearly twenty percent of the electricity used in the United States.

The steps in nuclear power generation involves enriching the uranium used to make the fuel needed to run nuclear power plants. To provide this much-needed service to U.S. utilities, AREVA will build the new Eagle Rock uranium enrichment facility in Bonneville County, Idaho. Uranium enrichment is the fuel source for nuclear power plants. The uranium that comes out of the ground isn't concentrated enough to be effective. The process in converting this natural uranium into a gas which is enriched using a series of centrifuges. The uranium gas becomes more concentrated and at the end of the process the enriched gas is separated out for conversion back into a solid form, ready for shipment to a different facility for fuel fabrication.

The United States imports nearly ninety percent of the uranium enrichment services it needs. Fifty percent of the need is supplied through a treaty with Russia. That treaty expires in 2013. AREVA's planned facility will help guarantee a secure supply of enrichment services for nuclear power plants as they continue to contribute to

American energy independence. Idaho met the technical requirements at a higher level than any other sites. The region also offers a qualified workforce with a long history in nuclear energy, as well as strong community and political support. Centrifuge technology is more energy efficient, more environmentally friendly, and less expensive to operate than the other accepted uranium enrichment process called gaseous diffusion. AREVA's planned Bonneville facility will use less water and fifty times less electricity to operate than would a gaseous diffusion plant.

In conclusion, Mr. Poyser presented a DVD showing a facility in the South of France which is similar to the plant they have planned for the Eagle Rock site.

Questions from committee included the required licensing, public meetings, environmental impact, estimated construction dates, comparison of permitting times in the United States to China and Japan, safety in transportation of cylinders to other sites and use of the by-product (yellow powder).

Chairman Raybould thanked Mr. Poyser for his interesting and informative presentation.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:32 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: March 2, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Dennis Cunningham, Kelsey Nunez, Steve Benner, Leif Elgethun, U.S. Green Building Council, Idaho Chapter; Erin Armstrong, Risch Pisca; Jeff Burns.

Chairman Raybould called the meeting to order at 1:36 p.m. and requested the secretary take a silent roll.

MOTION: **Representative Takasugi** moved to accept the minutes of February 26, 2009 as written. **Motion carried on a voice vote.**

PRESENTATION: **Dennis Cunningham** began describing the U.S. Green Building Council as an organization of companies and individuals including architects, engineers, interior designers, landscape architects, government officials, developers, business owners, product manufacturers, attorneys, individuals, and students.

The mission of the organization is to accelerate the implementation of high performance building concepts, technologies, and practices through education and advocacy. Buildings are an essential element of the solution to the energy, jobs, economic, resource, and climate issues. High performance new construction and energy efficiency retrofits are two of the most effective strategies in accomplish this mission.

Two items currently at stake in Idaho are the American Recovery and Reinvestment Act (ARRA), aka the Stimulus Bill and Senate Bill 1120, School Building Design and Energy Efficiency. Idaho will get more than \$1 billion for state and local spending from the ARRA with a list of spending categories. The Senate bill provides a voluntary incentive program to school districts that build new schools using integrated design and fundamental commissioning. These two techniques provide the foundation for a high performance building, will have fast paybacks, produce a building that functions as was designed, and reduce operation costs for schools.

The Idaho Chapter of the U.S. Green Building Council strongly

recommends that investments in our building infrastructure be spent on building new buildings and retrofitting existing buildings for high performance. This will also create a need for skilled and semi-skilled workers to accomplish this work, and help put Idaho back to work.

Questions and comments from committee members included the gap between builders, designers, architects and consultants on understanding that the requirements for the LEEDS standards can be met cost effectively. Problems with the LEEDS program as it effects the economic impact on Idaho's forest industry in Idaho were discussed. It was suggested that issues with some of the requirements for lumber should be addressed. Mr. Cunningham stated the organization wants balance and realizes the need for sustainability and is sensitive to both sides of the questions. He will revisit the issue of FSE certified lumber with the Idaho chapter. He said he personally can't use it in his building/development because of cost, but meets LEEDS certification for his homes by obtaining credits in other areas of building.

Chairman Raybould thanked **Mr. Cunningham** for his informative presentation.

ADJOURN:

There being no further business to come before the committee, meeting was adjourned at 2:10 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: March 4, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Senator Joyce Broadsword; Benjamin Davenport, Risch/Pisca; Scott Turlington, Principle Strategic.

Chairman Raybould called the meeting to order at 1:30 p.m. He requested a silent roll.

MOTION: Representative Takasugi moved to approve the minutes of March 2, 2009 as written. **Motion carried on a voice vote.**

SCR 103 **Senator Joyce Broadsword**, substituting for **Senator Patti Ann Lodge**, presented **SCR 103**. The Senate Health and Welfare committee found that a certain rulemaking docket of the Department of Environmental Quality relating to Individual/Subsurface Sewage Disposal Rules is not consistent with legislative intent. That **IDAPA 58.01.03, Docket Number 58-0103-0801**, as a pending rule be rejected. The Senate committee asks the Environment, Energy & Technology to pass this legislation.

MOTION: **Representative Eskridge** moved to send **SCR 103** to the floor with a **DO PASS**. Roll Call vote - **Chairman Raybould, Representatives Harwood, Eskridge, Anderson, Kren, Simpson, Takasugi, Hartgen voting Aye; Representatives Smith (30), Jaquet and Cronin voting Nay. Motion passed 8 - 3.** Representative Eskridge will sponsor the bill.

Chairman Raybould asked that it be noted in these minutes that the Environment, Energy & Technology committee members heard this rule in committee in January, 2009 and concur with the Senate Health and Welfare committee that **IDAPA 58.01.03, Docket No. 58-0103-0801** pending rule be rejected.

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

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: March 10, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Dean Sangrey, Administrator, Idaho Parks & Recreation; Kevin Lewis, Director, Idaho Rivers United; Ron Moore, Retired; Todd Warella, Western White Water Association; Marcia Jedry, Board of Directors, Western Whitewater Association; Lynette Wardle, Secretary, Western White Water Association; Marlene Moore, Retired; Jerrold Piper, Operations Manager, Cambridge Telephone; Roger Batt, Lobbyist, Idaho Ground Water Association; Rick Ritter, CEO/President, Idaho TechConnect; Susan Drumheller, North Idaho Associate, Idaho Conservation League; Bas Hargrove, Policy Representative, Nature Conservancy; Dean Schlomer, Idaho Whitewater Association; Howard Miller, private boater; Ted Day, citizen; Benjamin Davenport, Lobbyist, Risch/Pisca; Scott Turlington, Lobbyist, Principle Strategic Advisor Northwest Whitewater Association; Lee Flinn, Lobbyist, Conservation Voters; Jane Wittmeyer, Lobbyist, Idaho Forest Association; Grant Simmons, Executive Director, Idaho Outfitters and Guides Association; Laura Johnson, Legislative liaison, Idaho Department of Agriculture.

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

MOTION: **Representative Harwood** moved to approve the minutes of March 4, 2009. **Motion carried on a voice vote.**

HCR 28 **Representative Jaquet** presented **HCR 28** explaining the purpose of the legislation is to recognize the critical communications needs of rural communities, and to support the provision of fiber and wireless communications in communities with inadequate or nonexistent communications facilities. This action will provide a vital and needed communication link in rural communities, especially in emergency medical assistance and will increase employment, housing, business and sales per capita growth. The broadband success story in school districts in math education with high speed dial up was described. **Mike Kennedy**, President of Intermax Solutions and a Coeur d' Alene City Councilman submitted a letter in support of the resolution regarding the economic benefits of rural broadband development.

Jerry Piper, President Idaho Telephone Alliance briefly addressed the

committee stating the need for further deployment of broadband in other areas of rural Idaho.

Rick Ritter, CEO TechConnect spoke in support of HCR 28 asking for more adequate capabilities of broadband communications and to advance and develop programs in schools and address redundancies and speed in this process.

MOTION: **Representative Smith** moved to send **HCR 28** to the floor with a **DO PASS. Motion carried by a voice vote. Representative Jaquet** will sponsor the bill on the floor.

HB 213 **Representative Anderson** was recognized to present **HB 213**. He directed the committee member's attention to a video demonstrating the threat of accidental introduction of various aquatic nuisance species, primarily quagga and zebra mussels in waterways. The impacts across the state will be extreme affecting the economic, social and recreational pursuits of all Idahoans who are influenced by hydropower and other dams, drinking water, agricultural diversions for irrigation, recreational pursuits such as boating, fishing, golf courses, hatcheries, and the aquaculture industry. The ecological impacts of introduction into waterways of these and other invasives are immeasurable and irreversible. This act amends Chapter 70, Title 67, Idaho code by the addition of a new section 67-7008A, Idaho Code, to provide for additional fees for specified vessels, to provide for certain stickers, to provide for collection and deposit of fees in the invasive species fund, to define a term and to provide exceptions; and declaring an emergency.

Representative Anderson summarized by explaining the fee structure presented in the bill asking for support from the committee in preventing this invasion of our waterways in Idaho by being proactive.

Responding to questions from the committee, Representative Anderson discussed neighboring states and their solutions to the problem, methods of controlling the spread of infestation in other states, the process by which the sticker permits will be issued, the process of agencies who will administrate the rules, educating the public, and including fisherman, float planes and fire fighting equipment in the fee structure.

Dean Sangrey, Parks and Recreation, commented deferring to questions from testifiers and committee members in a technical advisory capacity.

Kevin Lewis, Idaho Rivers United, spoke in support of the legislation with regard to the issue of preventing the introduction of Zebra and Quagga Mussels into Idaho aquatic ecosystem. However, the organization disagrees with the legislation in the funding mechanism. Their desire is an equitable and reliable method of funding as a pro-active effort to keep these mussels out of Idaho. He continued by describing the concerns of the Idaho Rivers United members.

Ron Moore, retired police officer and guide, supports the legislation stating he had dealt with the invasive milfoil weed in Idaho's waterways and encourages proactive legislation to prevent an infestation of any invasive species, especially the quagga and zebra mussels . He

commented that a user fee is a small price to pay.

Susan Drumheller, Idaho Conservation League and Sandpoint Advisory Task Force, addressed the committee in support of the legislation realizing the extent of the threat of the mussels entering Idaho's waters. She recognizes there is a need for the funding and asks for reasonable and common sense support.

Bas Hargrove, Idaho Nature Conservancy, rose in support of the legislation. He explained the economic impact of doing nothing or taking immediate steps in prevention of the invasive species situation cannot be ignored. The speed by which this species grows requires immediate attention. The Nature Conservancy has been active and committed to keeping Idaho's environment pristine for many years.

Dean Schlomer, Idaho Whitewater Association, supports the legislation due to the need to be proactive in the threat to Idaho's waters, however the association disagrees with the funding methodology. They suggest that the legislation is not clear as to how the funds will be spent and there is a need to clarify the funding mechanism. He addressed compliance of the rule, an equitable and fair tax system, and scientific data of Idaho's recreational users of Idaho lakes and streams and education of the public.

Scott Turlington, Northwest Whitewater Association supports the legislation as drafted. The organization concurred with House Bill 213 after review of the legislation and believes the fee structure is equitable. Their organization has a strong sense of responsibility to be proactive in preventing the infestation of lakes, streams and all waterways of Idaho and other states.

Grant Simmons, Idaho Outfitters Guide Association, supports the legislation but disagrees on the fee structure. The group has ideas on moving forward with different plans and believe there can be a less intrusive fee tax. The organization has had some interaction with drafters of this legislation and is willing to assist in educating the public on this projected problem for Idaho's waters.

Jane Whittmeyer, Idaho Forest Association, briefly stated; this is a good bill and asks the committee to vote Do Pass. Answering a question about the Forest Association's interest in H 213 she responded; they are users of water and the forest and the environmental and economic impact of this invasive species will be substantial to all who work and live in Idaho.

Howard Miller, Board member of The Whitewater Association, rose in opposition of H 213. He explained certain user groups have been targeted in the process of establishing user fees for non motorized vessels. He is willing to pay a fair share of the burden of prevention but believes there are too many errors in the data used in the drafting of this bill. He realizes the need to be proactive in assessing the threat of the invasive species to Idaho water ways and supports the idea. However, he offered an option of assessed fees coming from an increase in gasoline tax.

Dean Sangrey addressed the committee describing the process of establishing compliance, education and wash stations according to the IDAPA rules and the Invasive Species Act. Parks and Recreation has made a significant effort to develop this criteria and are ready to move forward as soon as possible.

Representative Anderson concluded by thanking the committee members and the testifiers for their input stressing the need to move now on this problem. He summarized by explaining this bill is about “risk reduction” in order to protect what we now have in Idaho and throughout the United States.

MOTION: **Representative Eskridge** move to send **H 213** to the floor with a **DO Pass. Motion carried by voice vote. Representative Kren** voted **Nay. Representative Anderson** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, meeting was adjourned at 3:52 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: March 12, 2009

TIME: 1:30 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** Representatives Takasugi, Kren

GUESTS: Jack Lyman, Idaho Mining Association; Pat Barclay, Idaho Council on Industry and Environment; Suzanne Budge, SBS Associates.

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

MOTION: **Representative Eskridge** moved to approve the minutes of March 10, 2009. **Motion carried on a voice vote.**

PRESENTATION: **Jack Lyman**, Idaho Mining Association began with a video describing the economic impact on mining in Idaho during the down turn in the national and global economy. The video explained the impact of the Thompson Creek mine near Challis, Idaho. Mining of molybdenum and mineral processing continue to play an important role in Idaho's economic outlook. The company participates in supporting community projects, internships, and is committed to safety in all aspects of operation of their industry. Mr. Lyman's report described the value of mineral production and the wages, taxes and royalties paid by Idaho's mining industry.

Mr. Lyman explained employment in Idaho's mining and mineral processing industry gained more than four hundred jobs in 2007. Employment and production in the state's mining industry are highly influenced by mineral prices which, in turn, will be a function of world-wide economic activity.

Idaho's mining industry can only remain healthy if mining companies make profits. While significant progress has been made in reducing mining costs, many factors influencing profitability are beyond the industry's control. Mineral prices are set on world markets and are linked to demand. Gold, Silver and molybdenum prices have fallen substantially from previous highs. Phosphate prices are closely tied to broader economic health in the country and to the agricultural component of the national economy.

Mr. Lyman responded to questions from the committee regarding the speculating of gold mines, gas and oil explorations, FDA rules and other mining details in Idaho.

Chairman Raybould thanked Mr. Lyman for his informative update on the Idaho Mining Association's current progress.

ADJOURN:

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

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: March 24, 2009

TIME: 2:25 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** None

GUESTS: Toni Hardesty, Director, Department of Environmental Quality; Martin Bauer, Department of Environmental Quality; Dan Olberding, lobbyist, Climate Solutions; David Naccaratto, McKinstry, Co; John Stancliffe, Commissioning, Hill International; Lee Flinn, Conservation Voters of Idaho; Bruce Poe, Architect, Modus Architecture; Roger Quarles, Superintendent, Caldwell School District; Leif Elgethan, Engineer, U.S Green Building Council; Kathleen Fahey, citizen; Suzanne Budge, Legislative Advisor, SB Associates LLC; Ken Baker, Association Idaho Cities; Roy Eiguren, Attorney; Steve Benner, Architect, U.S. Green Building Council; Kelsey Nunez, Attorney, U.S. Green Building Council; Rakesh Mohan, Office of Performance Evaluations; Senator Werk.

Chairman Raybould called the meeting to order at 2:25 p.m. and requested the secretary take a silent roll.

MOTION: **Representative Smith** moved to approve the minutes of March 12, 2009. **Motion carried by voice vote.**

Martin Bauer was recognized to present an updated overview of DEQ's vehicle emissions testing. He explained the monitoring procedure used in the Treasure Valley's air shed and results of the studies. Committee members viewed a power point presentation indicating where the study is and where it is going for the Treasure Valley air shed as well as the Coeur d'Alene air shed. This report included the emissions inventory that is currently being updated. Maps of installed monitors were displayed and discussion held regarding the air shed boundaries, the requirements of an I/M program as required by Idaho Code 39-116B, precursor studies done last summer and the need to refine emission inventories and the need to perform contribution modeling. Treasure Valley is currently the priority area because of the larger population.

Questions from the committee included: Non attainment which would result in the Environmental Protection Agency taking control of the State of Idaho's air quality control program; placement of the monitors in high pollution areas; plans to address reduction in carbon emissions from gas stations, paint companies, companies using volatile compounds; changing of the State vehicles to hybrids; grants from the Idaho Transportation Department; and why vehicle emission testing is still in

operation.

Chairman Raybould thanked **Director Hardesty** and **Mr. Bauer** for their informative presentation.

S1132

Representative Eskridge rose to explain **S1132** using a power point presentation. The legislation creates a fully voluntary incentive to school districts to build energy efficient buildings using the processes of integrated design and fundamental commissioning. It provides an incentive to schools at no added cost to the state general fund. It forgives the school districts a portion of required maintenance matching funds. The legislation draws down the level of the incentive over a five year period to avoid a sudden demand for a district to set aside a large amount of maintenance money and also to maintain a steady flow of maintenance funding for the building. It requires an annual mechanical system optimization to qualify for the incentive funds after the first year. It requires the Division of Building safety to promulgate rules to define the minimum requirements for integrated design, fundamental commissioning, and the annual optimization. It also requires the Division of Building safety to provide technical and educational support to school districts to implement the building processes including maintaining a list of qualified third-party commissioning agents. It adds certainty to school districts by allowing the incentive to restart, when it was suspended, if the state suspends the maintenance match requirement during bad financial times. It provides a ten year sunset provision and a report from the State Department of Education on school district response to the program, to allow the legislature to evaluate the results of the incentive.

It does not require any additional money. It does not mandate anything; the incentive is completely voluntary. It does not dictate to school districts what building professionals or contractors to use. It does not require the use of any added energy efficiency technology or devices. It does not require any energy efficiency target to qualify for the incentive. It does not add additional cost to the building since integrated design does not require additional funds and fundamental commissioning is more than paid for by the incentive. This legislation is for new buildings only.

David Naccaratto, McKinstry Company, stood in support of S1132 stating integrated design of a building looks at the job as making certain that buildings live in good health, purifying air, circulating air and water, and regulating temperature - all at the optimum efficiency. Integrated design not only protects the life of a building, but the life in it. Early on the focus is to control the total cost and energy management of the building process and to draw out performance values. It is about good money sense. It is easier to change paper than bricks and concrete. Every high performance building using integrated design optimizes incentive programs by looking at long term costs. Standardizing blueprints is difficult due to many different locales, temperatures and geographic areas. Licensed commissioning agents are important in this program.

John Stancliffe, Hill International, spoke in support of **S1132** adding the approach to the development of a commissioning plan starts with a strong

understanding of the owner's requirements, the project design intent, systems installed, and desired outcome. A developed plan that will include a detailed understanding of what the project entails, how commissioning communications will be processed, a complete outline of testing to be performed with the acceptance criteria and documentation required. Commissioning is not only a validation of equipment system installation, operation and performance; it is also a form of quality assurance. In many cases, this requires the commissioning authority to investigate problems or issues and go back to the team with solutions or options to resolve specific problems. Commissioning works for everyone involved in the project and the desired outcome is meeting or exceeding the owner's expectations. Mr. Stancliffe discussed various steps used in commissioning with committee members.

Bruce Poe, Modus Architecture, rose in support of S1132 explaining the use of integrated design will change behavior of all involved in the building process by bringing the architect into the team management along with all who are involved in both constructing and using a integrated designed building. The term "cop on site" can be used as the criteria in successfully constructing an integrated designed building by using a commissioning agent.

Roger Quarles, Superintendent Caldwell School District, stood in support of S1132 stating the Caldwell school district passed a \$3 million school bond for replacement of old school buildings and retrofit existing schools. They have used integrated design commissioning and it works. There will be projected savings of \$300,000 per year for twenty years in utilities. This plan will give kids a "common sense learning environment". Mr. Quarles discussed questions regarding the incentive and the 2% required by statute to set aside the value of each building in a maintenance fund. The savings in operating a building will save funds and can put the 2% back in the budget for students.

Ken Baker, Association of Idaho Cities, supports S1132 agreeing with previous speakers regarding the integrated design program. Mr. Baker chairs the Governor's Task Force On Energy Efficiency committee.

Steve Benner, U. S. Green Building Council, supports S1132. He explained the council's mission is to accelerate high performance buildings and think toward the future. The council believes commissioning is vital for the future. Mr. Benner discussed questions regarding architects and the fees involved in Integrated designed contracts, adding the state has a qualification system whereby a fair and reasonable negotiation with school districts is required.

Senator Werk, S1132 sponsor, thanked the committee and all who appeared in support of the bill.

MOTION: **Representative Anderson** moved to send **S1132** to the floor with a **Do Pass** recommendation.

DISCUSSION: Chairman Raybould introduced **Rakeksh Mohan, Office of Performance Evaluations**, who explained his roll in assisting the Idaho legislature. He asked committee members to submit ideas for projects his office can

review and would be of benefit to the legislators in their endeavor to do their jobs efficiently. The biggest challenge of his office is to find service projects that will have success because of a good topic. Suggestions he asked were: 1. Does the question tell how the information is going to be used. 2. Can the legislature act on the information. The Office of Performance Evaluation has the duty to objectively give you information that can be used effectively. The Joint Legislative Oversight Committee has asked the Office of Performance Evaluation to communicate with legislative committees for topics that can help improve the office's service to community investigations. He needs collective requests from the committee for projects. The office wants to be responsive to the legislators needs. A three day period of investigation can be reviewed immediately. More complicated projects will need to be sent through the Joint Legislative Oversight Committee.

Chairman Raybould indicated he will have the committee meet and discuss topics of interest and respond to the request of the Joint Legislative Oversight Committee and Mr. Mohan's request.

ADJOURN:

There being no further business to come before the committee the meeting was adjourned at 5:00 P.M.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: March 26, 2009

TIME: 2:45 p.m.

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** Representatives Anderson, Kren, Cronin, Jaquet, Simpson

GUESTS: John Williams, Bonnaville Power Administration; Darwin Olberding, Wind Bugs; Rich Hahn, Idaho Power

Chairman Raybould called the meeting to order at 2:45 p.m. He requested the secretary take a silent roll.

MOTION: **Representative Smith** moved to **approve the minutes of** March 24, 2009. **Motion passed by voice vote.**

Celeste Becia, Idaho Power Conservation Program Manager, was introduced. She presented a program describing a brief history of Energy Efficiency at Idaho Power. Demand-side management programs consist of the planning, implementing, and monitoring activities of electric utilities which are designed to encourage consumers to modify their level and pattern of electricity usage. This program addresses demand response, energy efficiency or conservation and rate mechanisms.

Commercial and Industrial Irrigation Peak Rewards, Irrigation Efficiency, Building Efficiency, Easy Upgrades and Custom Efficiency are current programs active in the Idaho Power system. The Irrigation Efficiency program began in May 2004. It provides an incentive of up to 75 percent for energy efficient improvements to an existing pump system, or up to 10 percent when installing a new one. Irrigation peak rewards program began in May 2005 and provides a demand response program that pays a demand credit to customers who allow Idaho Power timers to switch off pump systems accounting to a pre-defined schedule.

The Residential programs offers air conditioner credits, weatherization assistance, rebate advantage, ENERGY STAR homes and lighting, home products, energy house calls, heating and cooling efficiency, energy education for residential home owners, refrigerator recycling and home improvement, and a holiday light program.

Idaho Power's Business Program offers commercial energy education upgrades. Components include financial incentives offered up to \$100,000 per project. Six categories of the Easy Upgrade program include lighting and lighting controls, HVAC and HVAC controls, motors/motor controls, building shells, plug loads and grocery

refrigeration.

Green Power Program offers qualified residential, commercial, and industrial customers, funds to purchase energy generated from renewable resources such as wind and solar. The funds are from customer contributions. A portion of the fund is used for the Solar 4R Schools program which installs solar demonstration projects in local schools.

The Custom Efficiency Program works with qualified large and midsize industrial and commercial electric customers offering technical assistance, walk-through audits to assess energy-saving opportunities, training on refrigeration compressed air, motors and other topics. Financial incentives offered are customized incentive equal to \$.12/kWh for expected annual electric energy savings. Other services available are metering and monitoring possibilities upon request for a limited number of projects and projects demonstrating new technologies.

Ms. Bacia discussed questions with committee members. Chairman Raybould thanked her for the informative program.

ADJOURN:

There being no further business to come before the committee the meeting was adjourned at 3:46 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: March 30, 2009

TIME: 1:35

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith(30), Jaquet, Cronin

**ABSENT/
EXCUSED:** Representatives Anderson, Cronin

GUESTS: Paul Kjellander, Administrator of Idaho Energy Resources

Chairman Raybould called the meeting to order at 1:30 p.m. He requested the secretary take a silent roll.

MOTION: **Representative Smith** moved to approve the minutes of March 26, 2009. **Motion carried by a voice vote.**

PRESENTATION: **Paul Kjellander, Administrator of Idaho Energy Resources** explained the Office of Energy Resources and the programs the office is charged to direct. The Office of Energy Resources has the responsibility for energy planning, policy, and coordination in the State of Idaho recognizing the role that long-term energy supplies play in maintaining the current and future well-being of our state. The goal was to communicate Idaho's energy policies to our stakeholders, feature our efforts as a state to make them a reality, and provide the public with the information they need to help us meet our state's future energy needs.

Transmission lines were referred to citing the high cost of new transmission lines. The cost ranges from \$1.6 million to \$2.6 million per mile. He explained that investment in power grid expansion will require ratepayers get used to paying more, using less and dealing with an energy infrastructure that runs through both public and private lands. Committee members discussed the fact that private citizens and the Federal government both need to address the problems of transmission lines and power poles and towers in their yard. Mr. Kjellander explained the five significant transmission projects slated to either run across or touch Idaho. It is the largest expansion of the state's power grid in more than thirty years. The 2,800 mile long Gateway West project is a joint Idaho Power-PacifiCorp line connecting coal resources in Wyoming to load centers in northern California and the Pacific Northwest. The project spans the entire southern portion of Idaho, with its first phase of construction expected to be complete in 2012. Another major project is the Mountain States Inter line, a 950 mile long Northwestern Energy line connecting coal and wind resources in Montana to Gateway West through the Midpoint substation in south-central Idaho.

Eminent domain and working with the BLM is addressed by the Office of

Energy Resources. Proposed projects in Payette and Parma were discussed. The need for protection of the Sage Grouse and other species was addressed.

In conclusion Mr. Kjellander presented information on the Federal Stimulus package and discussed integrated design for schools and energy savings, grants, solar projects for schools and how funds would be disbursed among cities and counties in Idaho, stressing oversight by the Office of Energy Resources and how the funds will be monitored.

He thanked the committee for moving legislation through committee and complimented them on their good work.

Chairman Raybould thanked Mr. Kjellander for coming before the committee with his informal discussion.

He thanked the committee and the secretary for their commitment and announced this is the last meeting of the session.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:35 p.m.

Representative Dell Raybould
Chairman

Peggy Heady
Secretary

MINUTES

HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY

DATE: April 2, 2009

TIME: 1:30 P.M. or upon adjournment of House

PLACE: Room 145

MEMBERS: Chairman Raybould, Vice Chairman Harwood, Representatives Anderson, Eskridge, Kren, Hartgen, Simpson, Takasugi, Smith (30), Jaquet, Cronin

**ABSENT/
EXCUSED:** Representatives Anderson, Eskridge

Meeting was called to order at 1:50 P.M. by **Chairman Raybould**. A silent roll call was taken.

MOTION: **Representative Harwood** moved to approve the minutes of March 30, 2009 as written with the following correction: Page 2, paragraph 1, strike EPA and replace with BLM. **Motion carried on a voice vote.**

ADJOURN: **Chairman Raybould** announced this will be the last meeting of the legislative year for the committee. Any future meetings will be at the call of the Chair. There being no further business to come before the committee, the meeting was adjourned at 1:55 p.m.

Representative Dell Raybould
Chairman

Shirley Scott
Secretary