

MINUTES

HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY COMMITTEE

- DATE:** Monday, January 30, 2012
- TIME:** 1:30 P.M.
- PLACE:** Room EW41
- MEMBERS:** Chairman Raybould, Vice Chairman Harwood, Representative(s) Anderson, Eskridge, Hartgen, Simpson, Schaefer, Vander Woude, Block, DeMordaunt, Gibbs, Nielsen, Thompson, Smith(30), Jaquet, Cronin
- ABSENT/
EXCUSED:** Rep. Nielsen
- GUESTS:** Shelly Roberts and Lynn Tominaga, Idaho Rural Water Association; Doug Amick, City of Greenleaf; Jerry Campbell, City of Fruitland; Mike Shepherd, City of Weiser; Kent Lauer, Idaho Farm Bureau; Bruce Evans, City of Emmett; Ken Harward, Association of Idaho Cities; John Lee and Roger Hales, Idaho Board of Drinking Water and Wastewater Professionals; Barry Burnell, Bruce Wicherski, and Orville Green, Department of Environmental Quality (DEQ); John J. Williams, Bonneville Power Association; Richard Dees, Tom Barry, and John Cabel, City of Meridian; Brent Orton, City of Caldwell; Dennis Stevenson, Rules Coordinator, and Ed Hawley, Administrative Rules; Michael Bache, Olympics Technical; Dar Olberding, Idaho Grain Producers Association; Suzanne Budge, SBS Associates, LLC
- Chairman Raybould** called the meeting to order at 1:36 p.m.
- MOTION:** **Rep. Harwood** made a motion to approve the minutes of the January 24, 2012 meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Smith (30)** made a motion to approve the minutes of the Rep. Harwood subcommittee meeting held on January 26, 2012. **Motion carried by voice vote of subcommittee members.**
- DOCKET NO. 24-0501-1101:** **Roger Hales**, Attorney at Law representing the Idaho Board of Drinking Water and Waste Water Professionals, presented **Docket No. 24-0501-1101**. He stated that the rule was an attempt to regulate the competency of the drinking and wastewater facilities operators with the priority being public safety. He explained that the Senate voted to approve **Docket No. 24-0501-1101** with the exception of **Section 375.02 (c)**. He indicated that the Idaho Board of Drinking Water and Waste Water Professionals would accept the Senate decision. However, he proposed the committee negotiate an additional change by reinstating the "strike out" of **Docket No. 24-0501-1101, Section 300.04**. Mr. Hales also explained that the Idaho Board of Occupational Licensing (IBOL) had simplified and consolidated the licensing dockets for operators to acquire their Class I, II, III and IV licenses. He noted that **Docket No. 24-0501-1101** streamlined licensing requirements for accessibility and comprehension.
- Shelly Roberts**, Idaho Rural Water Association, testified that on-site experience should be equal in value to university courses when licensing a drinking water and wastewater facilities operator. Ms. Roberts said that all operators have to function effectively at each level as well as study for and pass the Association of Boards of Classification exams for each level of administrative ability. She noted that many operators in rural communities hold multiple duties such as road maintenance and supervision of landfills.

In a response to questions by the committee, **Ms. Roberts** and **Lynn Tominaga**, Idaho Rural Water Association stated that Idaho Rural Water Association had input into the rulemaking process, but did not take part in the decision making nor did they have a member on IBOL.

Doug Amick, City of Greenleaf, **Jerry Campbell**, City of Fruitland; **Mike Shepherd**, City of Weiser; **Bruce Evans**, City of Emmett, and **Brent Orton**, City of Caldwell, testified that **Docket No. 24-0501-1101, Section 375.02 (c)**, posed a hardship on smaller communities. They explained the process of training by which wastewater facility operators obtained licenses. They noted that making college course-work mandatory for licensing resulted in small community managers being forced to fire their on-site experienced operators and to deplete their budgets. They said that engineers were more expensive to hire than Class IV experienced operators who had 12 to 13 years of on-site training. They stated that on-site experienced operators were no less conscious of public safety or of drinking water and wastewater site regulations than their college-educated colleagues. They also stated concern that municipalities' budget restraints, plus advanced educational requirements for operators, would cripple the industry.

John Lee, Idaho Drinking Water and Wastewater Professionals, testified in support of the proposed rule change. He stated that he had started in the drinking water industry but had quit his job to go to college. He said the rule change was a reasonable requirement. **Barry Burnell**, DEQ, also supported IBOL's decision.

Richard Dees, City of Meridian, stated that mandating small communities to meet large city standards forced sizable water rate hikes and resulted in substantial fines from the federal Environmental Protection Agency. Mr. Dees recommended that the committee strike out **Section 375.02 (c)** of the mandatory post education requirement, keeping the current experience for education substitution in the existing rules. He also proposed removal of the "stair step" approach from the existing water and wastewater treatment licensure process.

ORIGINAL MOTION:

Rep. Anderson made a motion to approve **Docket No. 24-0501-1101** with the exception of **Section 375.02 (c)**.

SUBSTITUTE MOTION:

Rep. Jaquet made a substitute motion to **hold for a time certain Docket No. 24-0501-1101** asking that Mr. Hales meet with stakeholders and bring a settled compromise to the House Environment, Energy and Technology Committee on Thursday, February 02.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Chairman Raybould requested a roll call vote on the substitute motion. **The motion failed by a vote of 5 AYE and 8 NAY. Voting in favor of the motion: Reps. Simpson, Gibbs, Thompson, Smith(30), and Jaquet.** Voting in opposition to the motion: **Reps. Raybould, Harwood, Anderson, Eskridge, Vander Woude, Block, DeMordaunt, and Schaefer.** **Reps. Cronin, Hartgen, and Neilsen** were absent/excused.

VOTE ON ORIGINAL MOTION:

Chairman Raybould called for a vote on the original motion to approve **Docket No. 24-0501-1101** with the exception of **Section 375.02 (c)**. **Motion carried by voice vote.**

DOCKET NO. 58-0101-1001: MOTION:

Rep. Harwood presented **Docket No. 58-0101-1001**, which streamlined the burning permit process for propane flaming and small spot or broken baled burns. **Rep. Harwood** made a motion to approve **Docket No. 58-0101-1001. Motion carried by voice vote.**

DOCKET NO. 58-0101-1003:

Rep. Harwood presented **Docket No. 58-0101-1003**, which cancelled obsolete and confusing language existing in the Kraft Pulp Mill Sections of the rule and set forth requirements for the recovery boiler at the Clearwater facility in Lewiston, Idaho.

MOTION: Rep. Harwood made a motion to approve **Docket No. 58-0101-1003. Motion carried by voice vote.**

DOCKET NO. 58-0101-1101: Rep. Harwood presented **Docket No. 58-0101-1101**, which updated the DEQ rules to meet federal mandates.

MOTION: Rep. Harwood made a motion to approve **Docket No. 58-0101-1101. Motion carried by voice vote.**

DOCKET NO. 58-0101-1102: Rep. Harwood presented **Docket No. 58-0101-1102**, which would delete the prohibition of electric generating unit construction.

MOTION: Rep. Harwood made a motion to approve **Docket No. 58-0101-1102. Motion carried by voice vote.**

DOCKET NO. 58-0101-1103: Rep. Harwood presented **Docket No. 58-0101-1103**, which updated Idaho's Air Quality Program to maintain consistency with the federal regulations.

MOTION: Rep. Harwood made a motion to approve **Docket No. 58-0101-1103. Motion carried by voice vote.**

DOCKET NO. 58-0105-1101: Rep. Harwood presented **Docket No. 58-0105-1101**, which updated federal hazardous waste regulations.

MOTION: Rep. Harwood made a motion to approve **Docket No. 58-0105-1101. Motion carried by voice vote.**

DOCKET NO. 58-0110-1101: Rep. Harwood presented **Docket No. 58-0110-1101**, which brought the rules in compliance with **H 93**.

MOTION: Rep. Harwood made a motion to approve **Docket No. 58-0110-1101. Motion carried by voice vote.**

DOCKET NO. 58-0124-1101: Rep. Harwood presented **Docket No. 58-0124-1101**, which corrected chemical toxicity values, updated the Screening Level values for soil and ground water, added Screening Levels for soil vapor measurements and incorporated the use of soil vapor into the risk evaluation process.

MOTION: Rep. Harwood made a motion to approve **Docket No. 58-0124-1101. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:53 p.m.

Representative Raybould
Chair

Jean Vance
Secretary