

MINUTES

HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY COMMITTEE

DATE: Wednesday, February 08, 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:** None

GUESTS: Bob Pietras, Idaho Department of Lands; Dea Roth, Randy Lake and Mark Zaleski, Idaho Brotherhood of Electrical Workers (IBEW); Marty Durrand, IBEW and Building Trades Council; John Chatburn, Interim Director, and Sue Seifert, Idaho Office of Energy Resources; Will Hart, Executive Director, Idaho Consumer-Owned Utilities Association; Jeff Fitzluff, Underwriters Laboratories; Jeff Wheeler, Idaho Electric Board; Rich Hahn, Idaho Power; John J. Williams, Bonneville Power Authority; Max Greenlee, Risch Pisca; Courtney Washburn, Idaho Conservation League; Brenda Tominaga, Idaho Irrigation Pumpers Association; Clark Corbin, Post Register; Eldon Wallace, citizen; Admiral John Grossenbacher and Amy Lientz, Idaho National Laboratory; Caitlin Lavelle, Gallatin Public Affairs; Ken Miller, Snake River Alliance; Lynn Tominaga, Idaho Rural Water; Jack Lyman, Idaho Mining Association

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

MOTION: **Rep. Thompson** made a motion to approve the minutes of the February 2, 2012, and February 6, 2012, meetings. **Motion carried by voice vote.**

Admiral John Grossenbacher, Director, Idaho National Laboratory (INL), presented a report on Idaho's Leadership Role in Nuclear Energy. He reported that the INL's cleanup commitments were being met in compliance with the federal government, that transuranic, radioactive waste was being transported from the state, and that the aquifer was being protected. He stated his opinion that Yucca Mountain in Nevada was no longer an acceptable repository for nuclear waste but that until the federal law designates a different repository, all states must find alternative storage. He spoke to the burdens and benefits of nuclear technology for energy and defense.

In response to questions from the committee, **Admiral Grossenbacher**, said that modular reactors were a popular concept. He stated that, while there are some in use, it was costly and that there were too many uncertainties to know if they were truly reliable. He said that scientists were adept at storing nuclear waste safely and that early site permits had been approved for construction of nuclear reactors in Virginia, Mississippi, Illinois, and Georgia, with others under consideration in Ohio and Texas. He also said that while most states produced 60 to 70 thousand metric tons of nuclear waste, Idaho generated 300,000 metric tons of nuclear waste, annually, and that there were no geographical spots in Idaho suitable for a nuclear waste repository. Currently the Waste Isolation Pilot Plant in Calsbad, New Mexico, receives most of Idaho's transuranic, radioactive waste. He also said that the INL is an interim depository for some radioactive waste. In responding to additional questions regarding the aquifer, Admiral Grossenbacher remarked that the Department of Energy and other entities held responsibility for monitoring and testing the aquifer and that lawsuits were pending.

In response to further questions, **Admiral Grossenbacher**, said the cleanup of everything that was ever brought into the state containing an ounce of plutonium, was an unreasonable and unnecessary goal. He explained the causes of the November 8, 2011 event at the INL and the detoxification process for/of employees. He discussed his December 2011 visit to Japan regarding the Fukushima Reactor cleanup plus the future of nuclear power in Japan.

Admiral Grossenbacher reported the used fuel and high-level waste recommendations of the Blue Ribbon Commission which was formed in 2010. The Commission proposed a new, consent-based approach to sites for nuclear waste management facilities and a new organization solely dedicated to implementing the waste management program. They recommended accessing the funds nuclear utility ratepayers are providing for the development of one or more geologic disposal facility, plus one or more consolidated storage facilities. They also proposed efforts to prepare for large-scale transport of spent nuclear fuel and high-level waste; they supported continued U.S. innovation in nuclear energy technology; and they supported continued development of a highly-skilled, nuclear energy workforce. Active U.S. leadership in international efforts to address safety, waste management, nonproliferation, and security was also recommended by the Commission.

H 476:

Rep. Smith (24) requested to **HOLD H 476** in committee.

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Raybould requested unanimous consent to **HOLD H 476** in committee. There were no objections.

RS 21210:

Rep. Smith (24) presented **RS 21210** which added another exemption from state regulatory oversight, under Idaho Code 54-1016. He said that the law now appears to require this oversight on low voltage installation of telephones, speaker systems, computer systems, home theater systems, stereo systems, sprinkler controls, and antenna systems and similar systems. The legislation makes clear that the oversight of specified activities are exempt under Idaho Code 54-1016.

MOTION:

Rep. Gibbs made a motion to introduce **RS 21210**. **Motion carried by voice vote.**

RS 21132:

Rep. Eskridge, Interim Committee Co-chair, presented **RS 21132** which provides for a House Concurrent Resolution accepting the revision of the 2007 Idaho Energy Plan. He noted that the 2012 Plan was completed in the Summer of 2011 by the Interim Committee on Environment, Energy and Technology with Senator McKenzie, Co-chair. The Committee also worked in partnership with the Idaho Strategic Energy Alliance. He stated that the current plan was in compliance with **HCR 013**. In addition, he said the Plan recognized that Idaho imports 80 percent of its energy; and, the Plan recommended that Idaho pursue a robust, cost-effective, and efficient development of its energy resources.

MOTION:

Rep. Thompson made a motion to introduce **RS 21132** with changes of "council" to "council's" and "\$1455" to "\$1,455" made to the accompanying Statement of Purpose. **Motion carried by voice vote.**

RS 21131C1:

Rep. Harwood presented **RS 21131C1**, which would remove all authority given to the Environmental Protection Agency (EPA) by the State of Idaho. He said that the EPA was created by Executive Order which pertains to the executive branch of the government, not states, cities or private property. He argued that if Idaho repealed the ten sections from the Idaho Code which allowed the EPA to have authority in the State, all state environmental issues could be under the control of the Idaho Department of Environmental Quality. He stated that in response to his research for the resolution, he was encouraged to begin the dialogue and that other states would join with Idaho in this venture and that the court system would eventually become involved.

Rep. Simpson invoked Rule 38 stating a possible conflict of interest and that he would not be voting on the legislation since he is a Community Relations Plans Coordinator for the Superfund Cleanup Program for the Idaho National Laboratory.

In response to questions from the committee, **Rep. Harwood** stated that the State would be capable of administering for the health and safety of Idaho citizens and would be more responsive to local priorities than the EPA. He stated that the resolution was not in violation of federal law since the EPA was not legally set forth under Executive Order in the Constitution. He said if states repeal sections of law that allow the EPA to have jurisdiction within the State, the EPA would be disallowed.

ORIGINAL MOTION:

Rep. Nielsen made a motion to introduce **RS 21131C1**.

SUBSTITUTE MOTION:

Rep. Gibbs made a substitute motion to return **RS 21131C1** to the sponsor.

Reps. Hartgen, Shaefer, Nielsen and **Thompson** argued in favor of the original motion holding that the EPA had become a rogue agency with callous disregard for the economic impact on states or citizenry. They said dialogue should begin, and that the resolution would prompt other states to join with Idaho in repealing laws and disallowing authority of the EPA. They noted that the EPA's authority, since it's inception, had been inappropriately broadened by the Courts.

Rep. Anderson argued against the original motion stating that putting one's name on wrong legislation was not the right thing to do. He said he did not support all the federal regulations of the EPA, but at the very least, the resolution should go to the amending order. **Reps. Vander Woude** and **Jaquet** were not in support of the resolution. They reasoned that the Clean Water and Clean Air Act, created through an act of Congress, had to be administered. **Rep. Smith (30)** stated that the legislation was flawed.

Rep. Gibbs stated he did not support the EPA nor did he favor the proposals within the resolution. **Chairman Raybould** stated that the Fiscal Note was incorrect and needed to be refigured.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Roll call vote was requested on the substitute motion to return **RS 21131C1** to the sponsor. **Substitute motion carried by a vote of 9 AYE, 5 NAY, 1 absent/excused and 1 abstained.** **Voting in favor** of the substitute motion: **Reps. Anderson, Vander Woude, Block, DeMordaunt, Gibbs, Smith (30), Jaquet, Cronin** and **Raybould.** **Voting in opposition** to the substitute motion: **Reps. Harwood, Hartgen, Nielsen, Schaefer, and Thompson.** **Rep. Eskridge was absent/excused.** **Rep. Simpson abstained.**

HCR 32:

Chairman Raybould presented **HCR 32** regarding the deletion of **Docket No. 24-0501-1101, Section 375.02.c.** from the rule governing education requirements for wastewater professionals.

MOTION: **Rep. Simpson** made a motion to send **HCR 32** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep Jaquet** requested that she be recorded as voting **NAY.** **Chairman Raybould** will sponsor the bill on the floor.

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

Representative Raybould
Chair

Jean Vance
Secretary