

## MINUTES

# HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY COMMITTEE

- DATE:** Tuesday, January 22, 2013
- TIME:** 1:30 P.M.
- PLACE:** Room EW41
- MEMBERS:** Chairman Raybould, Vice Chairman Eskridge, Representatives Anderson(1), Hartgen, Vander Woude, DeMordaunt, Nielsen, Thompson, Anderson(31), Anderst, Mendive, Monks, Morse, Trujillo, Smith, Rusche, Woodings
- ABSENT/  
EXCUSED:** None.
- GUESTS:** Director Curt Frandsen, Paula Wilson, Orville Green, Mike Simon, Tiffany Floyd, and Dean Ehlert, Idaho Department of Environmental Quality (IDEQ); Brenda Tominaga, Idaho Ground Water Appropriators; Clive Strong, Harriet Hensley and Lisa Carlson, Idaho Attorney General's Office; Brad Hunt, Office of Autism Research Coordination; John J. Williams, Bonneville Power Administration; Raeleen Welton, Westerberg & Associates; Jack Lyman, Idaho Mining Association.
- Chairman Raybould** called the meeting to order at 1:29 p.m.
- MOTION:** **Rep. Smith** made a motion to approve the minutes of the January 16, 2013 meeting. **Motion carried by voice vote.**
- RS 21787:** **Rep. Raybould** presented **RS 21787**, the Concurrent Resolution to commemorate the 100th Anniversary of the creation of Madison County.
- MOTION:** **Rep. Nielsen** made a motion to introduce **RS 21787**. **Motion carried by voice vote.**
- RS 21694:** **Clive Strong**, Deputy Attorney General, presented **RS 21694** to the committee. He explained that the legislation would grant approval of the Comprehensive Idaho State Water Plan which had been in review for the past six years and had not been given legislative approval since the 1997 Legislative Session. He said there had been changes in water practices that needed to be reflected in an updated plan.
- In response to questions from the committee regarding water rights adjudication, **Mr. Strong** said that adjudication proceedings throughout the newly formed Salmon/Clearwater Basin were nearly completed and that the manifested use had not changed. He also said the new basin was in conformity to the re-adjudication process which has been ongoing throughout the state.
- To questions from the committee concerning interstate aquifers and shared water management, **Mr. Strong** stated that Idaho followed the Supreme Court decisions and the agreements made in interstate compacts. In addition, he stated that the State of Idaho was extremely vigilant in guarding its water.
- MOTION:** **Rep. Woodings** made a motion to introduce **RS 21694**. **Motion carried by voice vote.**
- Chairman Raybould** turned the gavel over to **Vice Chairman Eskridge**.
- RS 21609:** **Orville Green**, Waste Management Division, IDEQ, presented **RS 21609** to the committee. He explained that the legislation changed the Wood and Mill Yard Debris Committee meetings to an as-needed basis upon written request to the IDEQ, and not the two meetings a year which were currently directed by statute.

In response to a comment from the committee, indicating that an actual savings to the IDEQ would occur if the legislation were adopted, rather than having no fiscal impact as was stated in the Statement of Purpose, **Mr. Green**, agreed.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 21609**. **Motion carried by voice vote.**

**DOCKET NO. 58-0101-1201:** **Director Curt Frandsen**, IDEQ, introduced staff members Tiffany Floyd, Mike Simon, and Attorney Lisa Carlson to the committee. He indicated that the IDEQ had additional data to clarify concerns on **Docket No. 58-0101-1201**.

**Tiffany Floyd** guided the committee through the preliminary draft rule process. She cleared up a statement that had been given in the previous committee meeting, saying that Simplot Inc., was the only industry that had responded during the public participation. She concentrated her presentation on the sections of the rule where language had been updated and where incorporation of federal rule by reference had taken place. She also noted that in one outdated section, the language had been stricken but that no federal rule existed, leaving no governing rule in either state nor federal statute.

In response to a question from the committee regarding screening operations, **Ms. Floyd** directed the committee members to read from Section 792.01 Applicability and Designation of Affected Facility; also, Section 792.02 Facilities Not Applicable to 40 CFR.

**Rep. Morse** invoked Rule 38 stating a possible conflict of interest. He has an owner/tenant relationship with IDEQ in his district, but said he would be voting on the legislation.

**MOTION:** **Rep. Trujillo** made a motion to approve **Docket No. 58-0101-1201**.

In response to a question from the committee as to the need for a motion to reconsider, **Chairman Raybould** explained that since the rule had been previously before the committee and a motion had failed, and since the IDEQ had been invited to review the rule, a simple motion was in order.

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

**Vice Chairman Eskridge** turned the gavel over to **Chairman Raybould**.

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

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Representative Raybould  
Chair

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Jean Vance  
Secretary