

## MINUTES

# HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY COMMITTEE

- DATE:** Thursday, March 14, 2013
- TIME:** 1:30 or Upon Adjournment
- 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:** Rep. Anderson (1), Rep. Vander Woude, Rep. DeMordaunt
- GUESTS:** Roger Batt, Idaho Heartland Coalition; Elizabeth Criner, Northwest Food Processors Association (NWFAA)/Far West Agribusiness Association (FWAA); Norm Semanko, Idaho Water Users Association; Bob Geddes, Monsanto; Russ Hendricks and Kent Lauer, Idaho Farm Bureau, Raeleen Welton, Westerberg and Associates
- Chairman Raybould** called the meeting to order at 2:51 p.m.
- MOTION:** **Rep. Smith** made a motion to approve the minutes of February 26 and February 28, 2013. **Motion carried by voice vote.**
- H 271:** **Roger Batt**, Idaho Heartland Coalition presented **H 271** to the Committee. This legislation updates water quality statutes that authorize the Idaho Department of Environmental Quality (IDEQ) to designate, revise and assess the status of beneficial uses for Idaho water bodies. This legislation requires IDEQ to consider hydrologic and atmospheric conditions, and to consult with basin advisory groups and watershed advisory groups when designating, revising or assessing beneficial uses for Idaho water bodies. Mr. Batt explained this ensures the department is setting realistic expectations for Idaho water bodies through water quality standards. An example of this is making sure the same temperature criteria for a mountain stream is not applied to a creek in a desert community, as they are two separate atmospheric and hydrologic bodies of water with different aquatic species. He stated inappropriate designation of uses for water bodies can also lead to unattainable water quality objectives and programs that impose unnecessary and costly restrictions on water users.
- Mr. Batt** explained basin and watershed advisory groups are appointed by the DEQ director, and consist of stakeholders from agriculture, the environmental community, municipalities, and others. These entities are consulted prior to initiating the Total Maximum Daily Load (TMDL) process, where water quality criteria are set for designated water bodies. The TMDL process is not regulated through rulemaking or overseen by the legislature, and **H 271** will ensure the DEQ involves stakeholders in every step of the process.
- Dan Steenson** was called upon to answer questions posed by the committee regarding designated beneficial use. He explained water quality standards consist of two components, uses that are designated for a water body, and criteria representing conditions necessary to support these. The most common uses are aquatic life and primary or secondary contact recreation.

In response to further questions **Barry Burnell**, Idaho Department of Environmental Quality, explained the implementation of the Clean Water Act, for writing permits, is administered by the Environmental Protection Agency. He said all permits have to take into account water quality standards in the receiving stream, and whether there is impact to water quality downstream. **H 271** requires DEQ to consult with Washington Advisory groups and Basin Advisory groups when taking any action involving water quality standards.

**Norm Semanko**, Idaho Water Users Association testified in support of **H 271**, He stated watershed advisory groups and basin advisory groups were established twenty years ago, as part of a clean up plan. Now the groups are consulted on beneficial uses of water. Mr. Semanko said the process has worked well for the past twenty years, and should continue to do so.

**MOTION:** **Rep. Trujillo** made a motion to send **H 271** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Trujillo** will sponsor the bill on the floor.

**S 1112:** **Senator McKenzie** presented **S 1112**, which clarifies and combines Idaho Code Sections 61-622 and 61-623 relating to how rate cases go before the Public Utilities Commission. He stated these two sections are as old as the Public Utilities Commission, which celebrates its 100th anniversary this year. Sen. McKenzie explained this legislation reflects current practices, but takes out contradictory and confusing language.

**Elizabeth Criner**, Northwest Food Processors Association (NWFAA)/Far West Agribusiness Association (FWAA), testified in favor of **S 1112**. She stated the members of the Food Producers of Idaho agree the law should speak clearly, and the statutes that provide essential checks and balances to protect ratepayers should reflect current procedures.

**Robert Geddes**, Monsanto Company, testified in favor of **S 1112**, commending the authors of the bill for producing language that clearly and accurately describes the timing and procedure for utility rate setting cases in Idaho.

**MOTION:** **Rep. Nielsen** made a motion to send **S 1112** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Eskridge** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 3:40 p.m.

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Representative Raybould  
Chair

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Lynn Walker  
Secretary