

MINUTES

HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY COMMITTEE

DATE: Tuesday, January 14, 2014

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: Curt Fransen, IDEQ; Lynn Tominaga, IRWA; Barry Burnell, IDEQ; Tiffany Floyd, IDEQ; Matt Beeker, Larson-Miller; Hal Miller, Larson-Miller; Amanda Crane, Office of the Governor, Josh Weistaner, House Majority Intern; Jayson Vial, House Majority Intern; Jack Lyman, Idaho Mining Association; Alex LeBeau, IACI; Brad Hart, DARC; Jane Wittmeyer, Wittmeyer and Assoc.; Tana Cory, IBOL

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

MOTION: **Rep. Smith** made a motion to approve the minutes of January 8, 2014. **Motion carried by voice vote.**

Curt Fransen, Director of the Idaho Department of Environmental Quality, introduced **Tiffany Floyd** who would present the rule changes for 2014. He stated that all the changes in the rules were due to a requirement to be in compliance with federal regulations and the Idaho Code requirement that Idaho's laws be no more stringent than the federal requirements. These boundaries, he said, lead to regulations almost identical to federal statute. He also mentioned that there was such a small number of rule changes this year because there was no real change in federal regulation or in Idaho law that necessitated rule changes.

DOCKET NO. 58-0101-1301: **Tiffany Floyd**, Air Quality Division Administrator with the Idaho Department of Environmental Quality (IDEQ), presented **Docket No. 58-0101-1301** to the committee. She explained that the IDEQ did not conduct negotiated rulemaking on this rule because the requirement to be in compliance with federal standards mandated these changes while Idaho law states that the regulations be no more stringent than the federal standards. These fine boundaries left little, if any, room for negotiation. However, she stated that they did create a web site with information regarding the rule and allowed for time for a public hearing and public comment. She detailed the process of incorporation by reference which covered the majority of the changes in this rule. She explained that the changes were simply to comply with federal regulation, clear up language, and provide consistency.

Ms. Floyd explained that these rule changes outline how the State Implementation Plans are approved and how Idaho implements the programs consistent with the Clean Air Act. It also contains the federal plan requirements for "existing Hospital/Medical/Infectious Waste incinerators (HMIWI units or medical waste incinerators). She stated that only two facilities in Idaho would be affected by these changes and they were contacted to ensure compliance.

Ms. Floyd explained the last part of the rule was a reference to Idaho Code Section (39-128) and medical waste combustors. She stated that this statute contains the general provisions regarding capacity, zoning and local government involvement as well as to ensure that only new facilities will be aware that compliance with this existing provision is also required. Overall, she stated, this rule incorporates by reference the new federal plan requirements for existing medical waste incinerators, cleans up the obsolete state rules, and provides consistency with federal regulations as required by the Clean Air Act.

Committee members raised questions regarding the process of rulemaking and negotiation with the EPA and whether or not the IDEQ has the ability to negotiate with them about rules and requirements. **Ms. Floyd** said that they can, at times when it is appropriate, work with the EPA but that in this instance the federal regulations required certain changes be made.

Ms. Floyd also answered questions regarding the two plants in Idaho who were part of the discussions in creating these rules and the other plants in Idaho that may potentially be affected by the changes. Ms. Floyd said that there are only the two plants in Idaho that would be affected by these changes and assured the committee those two plants were not out of compliance to begin with but they were simply being brought up to speed and aided in the process to ensure continuing compliance.

MOTION: **Rep. Morse** made a motion to approve **Docket No. 50-0101-1301. Motion carried by voice vote.**

Matt Beeker and **Hall Miller**, representatives of Larson-Miller, one of the companies address in the presentation, introduced themselves to the committee and stated they were there to testify in support if needed and to state that, in their opinion, IDEQ and the legislature really had no choice in implementing these rules per federal regulation.

DOCKET NO. 24-0504-1302: **Tana Cory**, Chief for the Bureau of Occupational Licenses, presented **Docket 24-0504-1302** to the committee. She explained these rules come from the Board of Drinking Water and Wastewater Professionals and stated that changes in law made last legislative session allowed for this change in rule. She explained that the rule allowed the Bureau to charge the same amount for on-line and written exams as well as to state that the charged fees shall not be greater than those charged by the exam provider. She detailed that the Board was reducing the annual renewal fee from \$35 to \$30 and that the impact would be a reduction in dedicated funds collected by the Board of approximately \$19,280.00. She mentioned that this reduction in fee costs was possible because the Board's incoming fees exceeded its cost to operate. She also outlined that this rule would allow the Board to add additional courses to continue meeting the educational qualification for licensure.

MOTION: **Rep. Rusche** made a motion to approve **Docket No. 24-0504-1302. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:00 p.m.

Representative Raybould
Chair

Kaela Becklund
Secretary