

MINUTES

HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY COMMITTEE

DATE: Thursday, January 22, 2015
TIME: 1:30 P.M.
PLACE: Room EW41
MEMBERS: Chairman Thompson, Vice Chairman Anderst, Representatives Raybould, Vander Woude, Nielsen, Anderson, Mendive, Trujillo, Beyeler, Chaney, Nate, Scott, Smith, Rusche, Jordan, Rubel
**ABSENT/
EXCUSED:** Rep. Hartgen
GUESTS: Alex LaBeau Idaho Association of Commerce and Industry; John J. Williams, Business Professionals of America; Orville Green, Barry Burnell, Curt Fransen, Doug Conde, Paula Wilson, Idaho Department Environmental Quality; Brent Olmstead, MPIDAHO; Elizabeth Criner, Simplot/Northwest Food Processors Association/Far West Agriculture Association; Ian Tolleson, Northwest Food Processors Association; Evan Mortimer, Idaho State Bar Association Water Law Section; Justin Hayes, Idaho Conservative League.

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

Chairman Thompson Requested **Representative Beyeler** and **Jordan** be the minute proof readers for the session.

Alex LaBeau, President of the Idaho Association of Commerce and Industry explained the importance of having primacy which gives Idaho the ability to address and negotiation with the Federal Government what is the best way to comply with federal regulations. This gives the state the choice of how to operate in ways that keep the state in federal compliance with issues such as clean air acts or water acts. Primacy defends the states right to review rules, few state have this right. The State is able to have more flexible to modify the needs of Idaho. It will also keep fees and fines in the state instead of going to the Federal Government.

Chairman Thompson turned the gavel over to **Representative Anderst**.

DOCKET NO. 58-0102-1301: **Barry Burnell**, Air Quality Division Administrator with the Idaho Department of Environment Quality (IDEQ) presented **Docket No. 58-0102-1301** to the committee. The purpose is to make revisions to water standards, and understand when discharge is small or insignificant. The rule also cleans up total daily max loads.

In response to comments, **Mr. Burnell** explained that capacity is defined as the difference between current conditions and water criteria.

MOTION: **Rep. Trujillo** made a motion to approve **Docket No. 58-0102-1301**. **Motion carried by voice vote.** **Rep. Scott** requested to be recorded as voting **NAY**.

DOCKET NO. 58-0102-1401: **Barry Burnell**, Air Quality Division Administrator with the Idaho Department of Environment Quality (IDEQ) presented **Docket No. 58-0102-1401** to the committee. **Mr. Burnell** explained the purpose of the changes are to correct inconsistencies, clarify language and update the rule adopted over 20 years ago. The agency offered three public opportunities for negotiated rule making meetings, two policy papers regarding unreasonable interference and effluent mixing in non-flowing waters. The rule adds or amends definitions for Bioaccumulative Pollutants, Thermal Shock, and Zone of Initial Dilution. It also deletes definitions for mixing zones for outstanding resource waters, and determines the necessity of size and location of mixing zones to protect aquatic life.

In response to comments, **Mr. Burnell** explained the rule is not retroactive for cases of mix zone authorization is in effect as long as the permit is in effect. Each new permit issued by DEQ is consistent with current practice.

MOTION: **Rep. Rusche** made a motion to approve **Docket No. 58-0102-1401**. **Motion carried by voice vote.** **Rep. Scott** and **Rep. Chaney** requested to be recorded as voting **NAY**.

DOCKET NO. 58-0105-1401: **Orville Green**, Air Quality Division Administrator with the Idaho Department of Environment Quality (IDEQ) presented **Docket No. 58-0105-1401** to the committee. The proposed changes to the rule is not broader in scope nor more stringent than federal regulations. The proposed changes do not regulate an activity not regulated by the Federal Government. The rule includes conditional exclusions for solvent contaminated wipes and conditional exclusions for carbon dioxide streams in geological sequestration. It also corrects a CFR mistake omitting regulatory language for recycled used oil and provides technical corrections.

MOTION: **Rep. Rubel** made a motion to approve **Docket No. 58-0105-1401**. **Motion carried by voice vote.**

DOCKET NO. 58-0110-1401: **Orville Green**, Air Quality Division Administrator with the Idaho Department of Environment Quality (IDEQ) presented **Docket No. 58-0110-1401** to the committee. The reason for this rule making is in reference to **S1260** revising the definition of restricted hazardous waste. This rule making harmonizes regulatory rule language with statutory language. The proposed changes are broader in scope than federal regulations and regulate an activity not regulated by the Federal Government. There is a fiscal benefit of approximately \$100,000 per fiscal year to the General Fund and it allows additional federal agencies to dispose unregulated radiological materials at a permitted hazardous waste site (USEI).

MOTION: **Rep. Chaney** made a motion to approve **Docket No. 58-0101-1402**. **Motion carried by voice vote.**

Representative Anderst turned the gavel over to **Chairman Thompson**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:43 p.m.

Representative Thompson
Chair

Heidi McKay
Secretary