

MINUTES

HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY COMMITTEE

DATE: Wednesday, January 20, 2016

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Thompson, Vice Chairman Anderst, Representatives Raybould, Hartgen, Vander Woude, Nielsen, Anderson, Mendive, Trujillo, Beyeler, Chaney, Nate, Scott, Smith, Rusche (Cuddy), Jordan, Rubel

**ABSENT/
EXCUSED:** None

GUESTS: Orville Green, Idaho Department of Environmental Quality (IDEQ); Tiffany Floyd (IDEQ); Carl Brown (IDEQ); Matt Alvarado (IDEQ)

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

MOTION: **Rep. Chaney** made a motion to approve the minutes of January 14, 2016. **Motion carried by voice vote.**

Chairman Thompson welcomed **Rep. Cuddy**, who is standing in for **Rep. Rusche**. Rep. Cuddy introduced himself.

David Landers, Legislative Intern, introduced himself.

John Tippetts, Director of Idaho Department of Environmental Quality (IDEQ), presented opening remarks. He introduced **Jess Byrne**, Deputy Director, **Lisa Carlson**, Deputy Attorney General, **Tiffany Floyd**, Air Quality Division Administrator with the IDEQ, and **Orville Green**, Hazardous Waste and Remediation Division Administrator with the IDEQ. He stated that committee members could call on them at any time with questions about the rules.

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

DOCKET NO. 58-0101-1501: **Tiffany Floyd** presented **Docket No. 58-0101-1501**, the Rules for the Control of Air Pollution in Idaho. The federal rules are incorporated on an annual basis so Idaho is consistent with federal regulations to maintain primacy and freedom from EPA oversight. The purpose of these rules is to protect public health in the environment and monitor pollution levels. This is done primarily through outreach and education, but also through permits, inspections, and compliance. Ms. Floyd reviewed the changes to the rules. The IDEQ recommends we incorporate the rules by reference.

Ms. Floyd answered questions from the committee. She addressed concerns regarding the rules on greenhouse gas, stating there is no replacement for the obsolete rule yet, but it is being worked on. It may be more strict or less strict than the previous rule. She explained the word "infrastructure" as used in the introduction on the overview means the IDEQ has the ability and authority to implement the program. The real cost is funded by the General Fund, grants, and federal funds. The IDEQ sees their role as one of outreach and education to comply with the law, not to enforce, fine, or penalize. However, there is a penalty matrix in place for enforcement based on harm to the public and the environment.

Director Tippetts further clarified a question regarding "rubber stamping" the rules. The process of approving the rules hasn't changed. The purpose of the annual incorporation by reference is to comply with federal regulation to maintain primacy. The goal is to find the balance between being more stringent or less stringent than federal regulations, so the state maintains control rather than the federal government. This provides better service than federal enforcement would.

MOTION: Rep. Anderson made a motion to approve **Docket No. 58-0101-1501**. **Motion carried by voice vote. Reps. Scott, Nielsen, and Nate** requested to be recorded as voting **NAY**.

DOCKET NO. 58-0105-1501: **Orville Green** presented **Docket No. 58-0105-1501**, Rules and Standards for Hazardous Waste. He introduced Matt Alvarado, Rules Analyst. Idaho Code requires the IDEQ to: enact and carry out the program, promulgate rules consistent with federal requirements, and avoid duplicative, overlapping, or conflicting regulations. The proposed changes are not broader in scope nor more stringent than federal regulations. The proposed changes do not regulate an activity not regulated by the federal government, and by adopting the federal rules Idaho accepts the management of hazardous waste by the IDEQ. Of three rules, the only one to apply to Idaho is the establishment of an electronic manifest to track hazardous waste through the state. This has not yet been implemented. The only other changes update the date from 2014 to 2015, give links to the rules online, and update language regarding the EPA.

Mr. Green answered questions from the Committee. Regarding the electronic manifest rules, currently all tracking is done on paper. The tracking is necessary as the hazardous waste is transported across state lines. Manifests must identify contents, storage, and what must be accompanying the waste in case of accident.

MOTION: **Rep. Trujillo** made a motion to approve **Docket No. 58-0105-1501**.

Mr. Green answered additional questions from the Committee, stating that IDEQ now uses the EPA tracking system for hazardous waste for national consistency. When the electronic manifest becomes available, Idaho will have access to the tracking database, but will not operate it.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Nate and Scott** requested to be recorded as voting **NAY**.

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

Chairman Thompson announced that the meeting for Tuesday, January 26, will be a field trip to tour the Idaho Power Grid Operations Center, with a bus leaving the Capitol at 1:30 p.m..

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:35 p.m.

Representative Thompson
Chair

Diana Seba
Secretary