

MINUTES

## HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Thursday, January 12, 2017  
**TIME:** 1:30 P.M.  
**PLACE:** Room EW41  
**MEMBERS:** Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Trujillo, Chaney, Nate, Cheatham, Horman, Malek, Moon, Smith (Lacey), Jordan, Rubel

**ABSENT/  
EXCUSED:** Rep. Horman

**GUESTS:** Paula J. Wilson, Department of Environmental Quality (DEQ); Tiffany Floyd, DEQ; Barry Burnell, DEQ; Matt Alvarado, DEQ; Kristi Lowder, DEQ; Carl Brown, DEQ; Michael Reno, CDHD; Dale Atkinson; Amber Christofferson, DFM; John Tippets, DEQ; Norm Semanko, Idaho Water Users; Tyler Margoitio, Idaho Water Users; Braden Jensen, Idaho Farm Bureau; Jay Shaw, Administrative Rules; Neil Colwell, Avista Corporation.

**Chairman Raybould** called the meeting to order at 1:31 p.m.

**Chairman Raybould** introduced the new Page, **Matthew Ricks**, and the Committee Secretary, **Lorrie Byerly**. Chairman Raybould advised that the Administrative Rules review would be done by the whole committee.

**DOCKET NO. 58-0101-1602:** **Tiffany Floyd**, Air Quality Division Administrator, DEQ, stated **Docket No. 58-0101-1602** deletes Section 582, Interim Conformity Provisions for Northern Ada County Former Nonattainment Area for PM-10 (Rules for Control of Air Pollution in Idaho) because it is out of date and no longer applies. It was promulgated in 2001 as a temporary measure until a required maintenance plan was developed, and on October 17, 2003 the Environment Protection Agency (EPA) approved the developed plan.

**MOTION:** **Rep. Anderson** made a motion to approve **Docket No. 58-0101-1602**. **Motion carried by voice vote.**

**DOCKET NO. 58-0101-1603:** **Tiffany Floyd** presented information that DEQ annually updates state rules to ensure consistency with federal regulations. For DEQ to be the implementing authority for the Clean Air Act in Idaho, they are required to implement the National Ambient Air Quality Standards and an air quality operating permit program for facilities with significant emissions. To obtain the appropriate authority, updated federal rules are incorporated by reference in **Docket No. 58-0101-1603**. The ambient air standard that will impact Idaho reduces ozone air quality to 70 parts per billion. The new ozone standard will have an impact on crop burns, which DEQ will address with a new crop residue burn program later in the session. Implementation of federal rule updates to the Operating Permit Program will affect power plants (carbon dioxide emissions), phosphate fertilizer manufacturing (mercury and fluoride emissions), and the oil and gas industry (adds methane to covered pollutants).

**Ms. Floyd** answered committee questions concerning the current parts per billion air quality emissions in the Treasure Valley and there were 68 parts per billion. She reviewed various means of improving or maintaining the air quality within the new ozone standard. In answer to committee concerns about the authority for Idaho to implement and enforce federal law, Ms. Floyd stated the authority is through the EPA and the Clean Air Act, and is for the purpose of allowing DEQ to implement it locally.

**MOTION:** **Rep. Thompson** made a motion to approve **Docket No. 58-0101-1603**.

**ROLL CALL VOTE:** Roll call vote was requested. **Motion carried by a vote of 12 AYE, 1 NAY, 4 Absent/Excused. Voting in favor** of the motion: **Reps. Raybould, Thompson, Hartgen, Vander Woude, Anderson, Mendive, Chaney, Cheatham, Moon, Lacey, Jordan, and Rubel. Voting in opposition** to the motion: **Rep. Nate. Reps. Anderst, Trujillo, Horman and Malek were absent/excused.**

**DOCKET NO. 58-0103-1501:** **Barry Burnell**, Water Quality Division Administrator, DEQ, stated that **Docket No. 58-0103-1501** creates an effective and useful means of approving and overseeing DEQ service providers for complex alternative septic systems for the purpose of expanding the choices of service providers for private property owners. The amendment creates minimum application contents and responsibilities service providers would have to meet, as well as allows DEQ to authorize issuance of complex installer registration permits with a service provider certification. Mr. Burnell described the current process and status of licensing service providers for alternative septic systems and for property owners to obtain and choose a service provider. Mr. Burnell explained that service company pools have caused a monopoly to exist, and training and certifying service maintenance providers would increase the number of providers from around 600 to 2,000 creating more choice for property owners.

Committee members inquired about property owners' preservation of choice for installation and maintenance and whether there would be an increase of costs to them. **Mr. Burnell** responded that the rule is about property owners being able to determine who can come on their property, and if they determine their current system is adequate, they can keep that system. The costs to the property owner will be about the same. The cost for service providers for certification is approximately \$100 for the licensing but the training and education is free.

**Dale Atkinson** testified in opposition to **Docket No. 58-0103-1501** stating that the systems have been around a long time and been successful in a lot of states because the state helps them, but here they don't help people.

**MOTION:** **Rep. Moon** made a motion to table **Docket No. 58-0103-1501** to January 18, 2017, at 1:30 p.m.

**SUBSTITUTE MOTION:** **Rep. Lacey** made a substitute motion to approve **Docket No. 58-0103-1501**.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested. **Motion failed by a vote of 5 AYE, 6 NAY, 6 Absent/Excused. Voting in favor** of the motion: **Reps. Raybould, Thompson, Lacey, Jordan, and Rubel. Voting in opposition** to the motion: **Reps. Vander Woude, Mendive, Chaney, Nate, Cheatham, and Moon. Reps. Hartgen, Anderson, Anderst, Trujillo, Horman and Malek were absent/excused.**

**VOTE ON ORIGINAL MOTION:** **Chairman Raybould** called for a vote on the motion to table **Docket No. 58-0103-1501** to January 18, 2017, at 1:30 p.m. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:57 p.m.

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Representative Raybould  
Chair

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Lorrie Byerly  
Secretary