

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, January 24, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive (Mendive), Trujillo, Chaney, Nate, Cheatham, Horman (Reed), Malek, Moon, Smith (Nye), Jordan, Rubel

**ABSENT/
EXCUSED:** Rep. Vander Woude, Rep. Malek

GUESTS: Matt Alvarado, Department of Environmental Quality (DEQ); Michael McCurdy, DEQ; Paula Wilson, DEQ; Suzanne Budge, SBS Associates.

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

MOTION: **Rep. Jordan** made a motion to approve the minutes of January 16, 2017. **Motion carried by voice vote.**

MOTION: **Rep. Jordan** made a motion to approve the minutes of January 18, 2017. **Motion carried by voice vote.**

**DOCKET NO.
58-0105-1601:** Matt Alvarado, Hazardous Waste Regulation & Quality Coordinator, Waste Management and Remediation Division, DEQ, explained **Docket No. 58-0105-1601** updates state rules to ensure their consistency with federal regulations implementing the Resource Conservation and Recovery Act as directed by the Idaho Hazardous Waste Management Act. There are four new rules:

- The definition of solid waste (DSW) is redefined, withdrawing the transfer-based exclusion and replacing it with the verified recycler exclusion creating a new definition of "legitimate recycling" of Hazardous Secondary Materials (HSM). Currently, only one facility in Idaho is using an HSM Recycling exclusion that will be impacted by the new requirements. The new DSW rule includes a requirement for the National Response Center to be notified in particular emergency situations, and Idaho rules have been revised to ensure the State Communications Center is notified in those situations.
- The Coal Combustion Waste rule regulates disposal of residuals from coal combustion at electric utilities. Since there are currently no coal-fired power plants located in Idaho the impact should be minimal.
- The original Coal Combustion Waste Rule published two different effective dates for the rule, which **Docket No. 58-0105-1601** corrects to October 19, 2015 as the effective date.
- The regulations applicable to transboundary movement of hazardous waste among the Organization for Economic Cooperation and Development (OECD) member countries was amended to list the OECD member countries of Estonia, Israel and Slovenia. Under the Environmental Protection Act, states do not have the authority to administer federal import/export functions of hazardous transboundary shipments and must be notified of all imports/exports of hazardous waste. The amendments to the OECD member list should have no impact on Idaho facilities.

MOTION: **Rep. Thompson** made a motion to approve **Docket No. 58-0105-1601**. **Motion carried by voice vote.** **Rep. Nate** requested he be recorded as voting **NAY**.

DOCKET NO. 58-0107-1601: **Michael McCurdy**, Waste Management and Remediation Division, DEQ, presented rules regarding underground storage tank systems. DEQ inspects underground storage tanks to make sure they don't leak and harm the environment. Last year, legislation was enacted allowing DEQ to collect fees for underground storage tank inspection due to decreased federal grant funding and so state primacy can be maintained. The fee will not exceed \$100 per tank per year, and a fee balance in excess of \$35,000 will be used to reduce the following year's fees. **Docket No. 58-0107-1601**, establishes a dedicated fund for the fees, and fee expenditures will be reported annually to the Legislature and Governor's Office. To maintain state primacy, DEQ must implement updated Environmental Protection Agency regulations, which **Docket No. 58-0107-1601** adopts and incorporates by reference, with a few exceptions regarding operator training and secondary containment. Mr. McCurdy discussed the major tests the updated rules require in underground storage tank testing.

MOTION: **Rep. Anderst** made a motion to approve **Docket No. 58-0107-1601**. **Motion carried by voice vote. Reps. Nate and Moon** requested they be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:01 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary