

MINUTES

## HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Tuesday, January 16, 2018

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Vander Woude, Anderson, Anderst, Mendive, Chaney, Nate, Cheatham, Horman, Malek, Moon, Scott, Ehardt, Smith, Jordan, Rubel

**ABSENT/  
EXCUSED:** Representative(s) Malek

**GUESTS:** Carl Brown, Department of Environmental Quality (DEQ); Natalie Creed, DEQ; Jess Byrne, DEQ; Tiffany Floyd, DEQ; Paula Wilson, DEQ; Michael McCurdy, DEQ; Lisa Carlson, Idaho Office of the Attorney General; Austin Hopkins, Idaho Conservation League (ICL); Abigail Talboy, ICL; Braden Jensen, Idaho Farm Bureau; Stacey Satterlee, Idaho Grain Producers Association; John Tippetts, DEQ; Brad Hunt, O.A.R.C; Benjamin Kelly, Nez Perce Prairie Grass Growers Association; Pati Larrocea Phillips, Food Producers of Idaho; Rialin Flores, CWI; Jonathan Oppenheimer, ICL

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

**MOTION:** **Rep. Horman** made a motion to approve the minutes of January 10, 2018. **Motion carried by voice vote.**

**Chairman Raybould** turned the gavel over to **Vice Chairman Thompson** for administrative rule review.

**DOCKET NO. 58-0101-1601:** **Tiffany Floyd**, Air Quality Division Administrator, DEQ, stated **Docket No. 58-0101-1601** is a pending rule mirroring language of **S 1009** passed by the 2017 Legislature which changed the ozone threshold from 75% to 90% for burn approval in the crop residue burning program.

Committee members questioned **Ms. Floyd** about the status of successful implementation of crop burning regulations by farmers and the interactive and cumulative effect of crop residue particulate on air quality and health. Ms. Floyd stated that **Docket No. 58-0101-1601** does not address the combined effect of ozone and burn particulate but addresses national standards that are specific only to ozone matter. DEQ successfully implemented the program with most burners being familiar with burn criteria and regulation but some burners needing extra communication from DEQ.

**MOTION:** **Rep. Anderst** made a motion to approve **Docket No. 58-0101-1601**.

**Jonathan Oppenheimer**, ICL, introduced **Austin Hopkins**, ICL, who spoke **in opposition to Docket No. 58-0101-1601** expressing concern that the rule weakens levels of protection for Idahoans, especially for the youth, elderly or those with asthma or COPD.

**Braden Jensen**, Idaho Farm Bureau; **Stacey Satterlee**, Idaho Grain Producers Association; and **Benjamin Kelly**, Nez Perce Prairie Grass Growers, testified **in support of Docket No. 58-0101-1601** stating that the proposed rule balances public health issues and the ability of farmers to burn.

In response to committee questions, **Ms. Floyd** advised that the number of acres burned statewide this year was 36,737 compared to 54,700 acres in 2009. Ms. Floyd directed committee members to an online annual DEQ crop residue burning report that includes regional areas in response to their inquiries about particulate parts per billion burned in different time periods.

**VOTE ON MOTION:**

**Vice Chairman Thompson** called for a vote on the motion to approve **Docket No. 58-0101-1601**. **Motion carried by voice vote.**

**DOCKET NO. 58-0101-1702:**

**Tiffany Floyd** stated **Docket No. 58-0101-1702** incorporates federal regulations by reference to ensure Idaho's rules are consistent with federal rules implementing the Clean Air Act. The changes cover 37 rules, many of which involve administrative changes impacting DEQ. In some cases, the Environmental Protection Agency (EPA) is no longer requiring public notices to be published in newspapers. The EPA updated state plan requirements for visible haze rules by extending the time line for state submission of updates from 2018 to 2021.

In response to committee questions, **Ms. Floyd** replied that DEQ posts in at least one newspaper in every Idaho community for an approximate cost of \$4,000 annually.

**MOTION:**

**Rep. Anderst** made a motion to approve **Docket No. 58-0101-1702**. **Motion carried by voice vote.** **Reps. Nate** and **Scott** requested to be recorded as voting **NAY**.

**DOCKET NO. 58-0105-1701:**

**Michael McCurdy**, Waste Management and Remediation Division, DEQ, presented **Docket No. 58-0105-1701** which adopts federal rules by reference. Mr. McCurdy said the state updates federal rules annually to avoid duplicative or overlapping rules and for purposes of maintaining primacy and authorization to operate the federal Resource Conservation and Recovery Act program. He advised that rule changes include incorporation of the federal Hazardous Waste Generator Improvements Rule, which involves over 60 changes to hazardous waste generator regulations. The vast majority of these changes are for reorganization and to make the rules more user friendly.

**Mr. McCurdy** responded to questions from committee members that the cost of the federal rules to Idaho was less than .2 percent nationally. Mr. McCurdy introduced **Natalie Creed**, Hazardous Waste Unit Manager, DEQ, who responded to committee inquiries on whether **Docket No. 58-0105-1701** impacted the US Ecology Hazardous Waste Sites in Idaho or emergency preparedness of remote Idaho sites by stating that any effects would be negligible.

**MOTION:**

**Rep. Horman** made a motion to approve **Docket No. 58-0105-1701**. **Motion carried by voice vote.** **Reps. Nate** and **Scott** requested to be recorded as voting **NAY**.

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

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 2:26 p.m.

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Representative Thompson  
Chair

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Lorrie Byerly  
Secretary