

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Monday, February 10, 2020

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Vander Woude, Vice Chairman Amador, Representatives Anderson, Anderst, Horman (Marshall), Moon, Scott, Ehardt, Armstrong, Furniss, Hartgen, Lickley, Raybould, Young, Smith, Chew, Ellis, Mason

**ABSENT/
EXCUSED:** None

GUESTS: Austin Walkins, Idaho Conservation League; Michael McCurdy, Jerri Henry, Mary Anne Nelson, John Tippets, Idaho DEQ; Lora Whalen, Joe Righello, Panhandle District

Chairman Vander Woude called the meeting to order at 1:32 p.m.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Vander Woude** made a unanimous consent request to approve the amended agenda. There being no objection, the request was granted. The agenda was adopted.

Chairman Vander Woude turned the gavel over to **Vice Chairman Amador**.

**DOCKET NO.
41-0101-1900:** **Joe Righello**, Environmental and Health Protection Division Administrator for Health District #1. In answer to some of the committees concerns from the last meeting, Mr. Righello explained Northern Idaho had a special set of rules for two reasons: The Spokane Valley-Rathdrum Prairie Aquifer and the Bunker Hill Superfund Site. Each of these unique situations has the ability to affect the public health of a large population in Idaho.

In answering why these rules are under purview of the Panhandle Health District, **Mr. Righello** said in 1998, **H 594** was enacted for the funding of the Panhandle Health District to administer a program for protection or remediation of the Spokane Valley-Rathdrum Prairie Aquifer. Mr. Righello explained that the reason this area was established as a sensitive resource aquifer was because local interest groups petitioned the EPA, which led to public hearings and research that culminated in the designation as a sensitive resource aquifer. The aquifer has been extensively studied to support the SSA designation. The federal government has designated it as a sole source aquifer, then the state, in 1997, established it as a state special resource aquifer, and at this point those two designations are still in effect.

MOTION: **Rep. Likely** made a motion to approve **Docket No. 41-0101-1900**.

In answer to concerns that people out of state have control over this aquifer, **Mr. Righello** answered that Panhandle Health District is only made up of people from the northern counties of Idaho. The aquifer protection district does have some representatives from Washington State, but they are only an advisory committee.

**SUBSTITUTE
MOTION:** **Rep. Scott** made a substitute motion to reject **Docket No. 41-0101-1900**.

Some committee members had concerns that this is not a unique area. There are 70 identified aquifers in Idaho, 3 other sole source aquifers, yet this one is handled differently. Idaho statute states it is the intent of the legislature that standards and rules related to subsurface sewage systems, waste water treatment, and sewage systems and water quality be consistent state wide. The committee questioned what would happen if these rules went away.

Mary Anne Nelson, Surface and Wastewater Division Administrator for DEQ, answered that consistency in providing adequate protection for drinking water, might look different in different areas of Idaho. There is more to this chapter than just the aquifer, if this chapter were to go away with regards solely to ground water quality, there are systems in place, but DEQ cannot answer to overall impact.

John Tippetts, Director of the Department of Environmental Quality emphasized that there are issues other than ground water that are addressed in these rules.

Michael McCurdy, Waste Management and Remediation Division Administrator for DEQ, responded to question from the committee, that Bunker Hill superfund site cleanup is considered an incomplete remedy. All of the contamination has not been removed. In order to safeguard residence in the area that may come into contact with contaminated soil, an institutional control program has been implemented. The Panhandle Health District is notified anytime any excavation is happening to ensure that contaminated material is appropriately managed. They also provide training for contractors. These rules were put in place with the public expectation this area would be locally managed and not managed by the DEQ.

Ms. Nelson explained that DEQ would be the agency that could remove the sensitive source categorization, but there is currently not a policy in place as to the process. In order to begin this inquiry, DEQ would need to be petitioned to remove the designation, and then go through a public process to verify that it is approved by the public and the stakeholders. In answer to questions, Ms. Nelson expressed concerns that DEQ has limited resources of manpower and presence in this area, to duplicate what is already being done. Some committee members communicated apprehensions this area is being treated differently than other areas, and that it has become bloated government.

Mr. Tippetts commented that perhaps at some point in time the Health District might want to incorporate these rules into DEQ, but that would need to be a negotiated rules process. His opinion is if a person believes that government is best at the local level, than the Panhandle District should be kept, allowing them to address issues unique to their aquifer, instead of being treated uniformly by DEQ. In comment against the substitute motion, some committee members felt this is a model of local control, with 50 years of local citizens being engaged in the process.

Mr. Righello, made clear to the committee that the rules were written by the Panhandle Health District in coordination with DEQ, working hand in hand with them in any ground water studies or surveying of the aquifer. Some committee members expressed concern that these proposed rules lead to extra fees and are a model of regional government made up of unelected officials making decisions for the general public. Some committee members are worried that these rules, similar to ones in Washington state, will lead to the same outcomes which are stopping the drilling of wells and putting in septic tanks. It was stated that the rules aren't in line with the local county comprehensive plan. The committee discussed constituent input and acknowledged that no committee members are aware of any feedback from the community.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

Rep. Scott requested a roll call vote on **Docket No. 41-0101-1900**. The **Substitute Motion failed by a vote of 6 AYE and 12 NAY. Voting in favor of the motion: Reps. Moon, Scott, Ehardt, Armstrong, Young, Vander Woude. Voting in opposition to the motion: Reps. Amador, Anderson, Anderst, Horman(Marshall), Furniss, Hartgen, Lickley, Raybould, Smith, Chew, Ellis, Mason.**

Some committee members requested the committee remember that standards and rules related to subsurface sewage systems, waste water treatment, and sewage systems and water quality are to be consistent state wide. The Panhandle is paying more in fees, sometimes double more than other areas, because of the proposed rules.

**ROLL CALL
VOTE ON
ORIGINAL
MOTION:**

Rep. Scott requested a roll call vote on **Docket No. 41-0101-1900**. **Motion carried by a vote of 12 AYE and 6 NAY. Voting in favor** of the motion: **Reps. Amador, Anderson, Anderst, Horman(Marshall), Furniss, Hartgen, Lickley, Raybould, Smith, Chew, Ellis, Mason**. **Voting in opposition** to the motion: **Reps. Moon, Scott, Ehardt, Armstrong, Young, Vander Woude**.

Vice Chairman Amador returned the gavel to **Chairman Vander Woude**.

RS 27681:

Rep. Raybould presented **RS 27681**, facial recognition technology. The introduction of facial recognition technology in both the public and private sector creates opportunities to improve security and enhance public safety. However, this technology also carries potential risks for violations of privacy and civil liberties. Through this legislation, proposed safeguards will be implemented to balance the opportunities and the risks. Rep. Raybould did note that the fiscal note needs to be adjusted \$900 less.

MOTION:

Rep. Anderst made a motion to introduce **RS 27681**.

In answer to committee questions, **Rep, Raybould** shared that she has been working with Microsoft on this piece of legislation. The Attorney Generals Office would be the primary enforcement mechanism for this law with the state of Idaho. After an assessment of the bill they determined they would need another deputy attorney general and a paralegal to work through any claims that would come in for this law. Committee members had concerns that this legislation could be opening pandora's box encouraging facial recognition, but others commented that facial recognition will be happening whether legislation acknowledges it or not and should be addressed. Rep. Raybould shared that in other states that have introduced similar legislation, Facebook has opted not to provide certain applications in those states that require facial recognition.

**VOTE ON
MOTION:**

Rep. Anderst made a motion to introduce **RS 27681**. **Motion carried by voice vote. Rep. Moon** requested to be recorded as voting **NAY**.

Chairman Vander Woude turned the gavel over to **Vice Chairman Amador**.

RS 27705:

Rep. Vander Woude presented **RS 27705**, archery/muzzleloader permit fees for Disabled Veterans. This bill reduces the archery permit fee and the muzzleloader permit fee for Disabled American Veterans in alignment with the current hunting license discounted fee for Disabled American Veterans.

MOTION:

Rep. Anderson made a motion to introduce **RS 27705**. **Motion carried by voice vote**.

Vice Chairman Amador returned the gavel to **Chairman Vander Woude**.

Chairman Vander Woude recognized **Matthew DeMordaunt** for all the work he has done for the committee.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:42 p.m.

Representative Amador, Chair

Maggie Price, Secretary