

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, February 14, 2023

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Barbieri, Vice Chairman Furniss, Representatives Vander Woude, Horman, Scott, Young, Wisniewski, Raybould, Allgood, Bundy, Lambert, Mickelsen, Redman, Wheeler, Chew, Necochea, Rubel

**ABSENT/
EXCUSED:** Representative Vander Woude

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

MOTION: **Rep. Redman** made a motion to approve the minutes of the February 2, 2023 meeting. **Motion carried by voice vote.**

H 96: **Rep. Horman** presented **H 96**, legislation to adjust the definition of clean energy to include nuclear power.

MOTION: **Rep. Raybould** made a motion to send **H 96** to the floor with a **DO PASS** recommendation.

Those speaking **in support** were **Mary Alice Taylor**, Association of Idaho Cities; **Will Hart**, Idaho Consumer Owned Utilities; **Ron Williams**, Idaho Energy Resources Authority; and **Douglas Jones**, Idaho Water Engineering. They were of the opinion **H 96** would provide opportunities to invest in affordable hydropower energy.

**VOTE ON
MOTION:** **Motion carried by voice vote. Rep. Chew** requested to be recorded as voting **NAY. Rep. Horman** will sponsor the bill on the floor.

Jess Byrne, Director of the Department of Environmental Quality, presented an overview of the Department of Environmental Quality [DEQ]. Director Byrne noted the importance of Federal Environmental laws to the work of DEQ, stating federal environmental laws provide specifically for state delegation, set minimum standards, make certain activities illegal and include citizen suit provisions. He advised DEQ has primacy over the Environmental Protection Agency [EPA] for the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act and the Solid Waste Disposal Act/Resource Conservation and Recovery Act. Regarding DEQ program implementation, Director Byrne noted that primacy must be authorized in Idaho Code, and that authorization often has stringency requirements. He explained the EPA must approve of Idaho's programs. Director Byrne stated the benefits of state primacy are stringency, flexibility and the ability to control fines which Director Byrne advised could make problems worse, noting DEQ's preference for compliance assistance.

Director Byrne provided an overview of the agency rules. He advised incorporation by reference referred to the process of complying with new federal requirements, often through updating dates in rules. He noted that incorporation by reference is done in consultation with stakeholder groups. Director Byrne explained how American Rescue Plan Act (ARPA) funds were appropriated, funding 72 construction projects, and the eligibility criteria caters to small systems serving 10,000 or less, as this helped allocate the funding after a large number of requests. He reviewed how DEQ received \$70 million ARPA funds that aided the Lake Coeur d'Alene nutrient reductions projects, the Triumph Mine Work, Solid Waste Projects and Contaminated site cleanups throughout the state.

In response to questions from Committee members, **Director Byrne** advised the \$70 million ARPA funds he previously referenced were in addition to \$300 million funds that were already appropriated. Director Byrne noted a large backlog of necessary system upgrades. He stated demand is being driven by a combination of changes in federal requirements, high growth and aging infrastructure. Director Byrne explained the discrepancy in ARPA funding for counties across Idaho as the result of the number of requests and how different areas met the previously stated population requirements.

Jerri Henry, Drinking Water Protection Finance Division Administrator, was called upon to answer questions from the Committee regarding lead service line replacement and drinking water. She stated the focus for lead service line replacement was on conducting inventories.

Director Byrne noted that \$2 million of General Funds was provided for Lake Coeur d'Alene for projects that were selected and are now under way. He stated the remaining amount has been prioritized by the Citizens Advisory Group.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 2:41 p.m.

Representative Barbieri
Chair

Jeremy Collier
Secretary