

MINUTES

## HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

**DATE:** Thursday, February 16, 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:** Vice Chairman Furniss, Representatives Scott, Raybould, Lambert, Mickelsen,

**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 14, 2023 meeting. **Motion carried by voice vote.**

**DOCKET NO. 58-0102-2201:** **Mary Anne Nelson**, Department of Environmental Quality [DEQ] Surface and Wastewater Division Administrator, presented **Docket No. 58-0102-2201**, a pending rule regarding Idaho's human health criteria for arsenic. Dr. Nelson explained the history of the health criteria for arsenic. She noted the DEQ's research into the presence of arsenic in Idaho's ambient waters. She noted the rule is not broader in scope or more stringent than federal rules require.

In response to questions from Committee members, **Dr. Nelson** noted **Docket No. 58-0102-2201** outlined the criterion for exposure to arsenic by taking into account fish tissue element and domestic water supply. Dr. Nelson noted that 17 discharge facilities across Idaho have a discharge limit and another 20 that have a monitoring requirement. She advised the monitoring assesses the daily maximum and the monthly average of arsenic in the discharge. She advised assessment could include collecting fish and analyzing their tissue or analyzing a water sample. Dr. Nelson noted the rate of consumption was decided as 66 and a half grams per day, the mean consumption rate of a high consuming population.

**DOCKET NO. 58-0117-2201:** **Mary Anne Nelson** presented **Docket No. 58-0117-2201**, a pending rule regarding provisions that allow the Department of Environmental Quality [DEQ] to issue general reuse permits. She noted that as of 2021, 147 Idaho communities recycled 6 billion gallons of water. She noted there are no federal rules that apply to waste water. She noted DEQ's recycled water program has been in place since the 1980s. She explained that **Docket No. 58-0117-2201** removes restrictive language and streamlines rules.

In response to questions from Committee members, **Dr. Nelson** noted **Docket No. 58-0117-2201** does not make changes to policy, and explained the introduction of a streamlined permitting process.

**Mary Alice Taylor**, Association of Idaho Cities testified in support of **Docket No. 58-0117-2201** and **Docket No. 58-0102-2201**.

**DOCKET NO. 58-0105-2201:** **Michael McCurdy**, Waste and Remediation Division Administrator, presented **Docket No. 58-0105-2201**, a pending rule updating Idaho's Rules and Standards for Hazardous Waste to maintain consistency with federal regulations. He noted these rules regulate the treatment, storage and transportation of hazardous waste. He noted DEQ's primacy in regards to the hazardous waste program.

**DOCKET NO. 58-0101-2101:** **Tiffany Floyd**, Air Quality Administrator, presented **Docket No. 58-0101-2101**, a pending fee rule revising Idaho's Title V Operating Permit Program to fulfill the requirements of Idaho's delegation agreement with the Environmental Protection Agency [EPA]. She noted the rule also includes zero-based regulation rulemaking and DEQ's annual incorporation by reference of federal regulations. She noted that comments were addressed throughout negotiations with stakeholders. She noted some are for ease-of-use, such as deletions of sections and the collection of numbers into tables. Ms. Floyd noted that overall 26,000 words were removed and the rule chapter was shortened by 45 pages. She explained the revised fee structure is the result of rulemaking negotiations between stakeholders including the Idaho National Laboratory. She noted that 13 changes were incorporated by reference, with one change impacting the rules governing landfills the rest were administrative in nature relating to DEQ.

**MOTION:** **Rep. Horman** made a motion to approve all dockets. **Motion carried by voice vote.**

**Chairman Barbieri** thanked the Page, **Emma Brulotte**, for her service to the Committee and she thanked the Committee members and the Chairman.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 2:06 p.m.

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Representative Barbieri  
Chair

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Jeremy Collier  
Secretary