

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Tuesday, February 10, 2026

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Barbieri, Vice Chairman Furniss, Representatives Vander Woude, Scott, Wisniewski, Raybould, Redman, Bruce, Burgoyne, Fuhriman, Tanner(13), Thompson, Bingham, Rubel, Egbert, Galaviz

**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.

DOCKET NO. 58-0105-2501: **Michael McCurdy**, Waste Management and Remediation Division Administrator for DEQ explained the overview of program primacy which allows DEQ to implement programs in lieu of the EPA; further noting the Docket requires a date change to July 1, 2025 and the addition of part 271.

Chairman Barbieri opened for committee questions and he asked about the mechanism for notices of rule making and regulation; he followed up with mandatory rules taking longer than one year and if still approved by the legislature. Members questioned publishing of the rules and changes.

MOTION: **Rep. Furniss** made a motion to approve **Docket No. 58-0105-2501. Motion carried by voice vote.**

DOCKET NO. 58-0101-2501: **Michael Simon**, Air Quality Division Administrator for DEQ presented changes as of July 1, 2025 for consistency with federal regulations. Mr. Simon also noted a public hearing was held with no comments received.

Chairman Barbieri raised a question relative to frequency of EPA rule changes.

MOTION: **Rep. Bruce** made a motion to approve **Docket No. 58-0101-2501. Motion carried by voice vote.**

DOCKET NO. 58-0108-2501: **Jerri Henry**, Drinking Water Protection and Finance Division for DEQ presented rules for public drinking water systems, noting this is a primacy rule. This rule change updates incorporation by reference of the federal Consumer Confidence Report Rule and the Lead and Copper rule; it includes non-substantive changes for clarity and deletes outdated and obsolete language.

Chairman Barbieri asked how many lead service lines are in the state; and when the systems were put in place.

MOTION: **Rep. Furniss** made a motion to approve **Docket No. 58-0108-2501. Motion carried by voice vote.**

DOCKET NO. 58-0108-2502: **Jerri Henry, DEQ** presented this narrowly tailored rule change to make a technical correction regarding PWS static pressure with an early effective date of Sine Die to provide timely regulatory relief.

MOTION: **Rep. Bingham** made a motion to approve **Docket No. 58-0108-2502** with the effective date of Sine Die. **Motion carried by voice vote.**

DOCKET NO. 58-0102-2501: **Mary Anne Nelson**, Surface and Wastewater Division Administrator for DEQ introduced this rule change initiated to make administrative revisions for consistency with final actions taken by EPA under the Clean Water Act.

MOTION: **Rep. Furniss** made a motion to approve **Docket No. 58-0102-2501**. **Motion carried by voice vote.**

DOCKET NO. 58-0113-2501: **Michael McCurdy, DEQ** explained updates to DEQ temporary and pending rules for Ore Processing by Cyanidation for consistency with Idaho Code 39-118A which was revised under S1170 (2025). The revisions removed rule text now in statute and revise the remaining rule for consistency.

Chairman Barbieri asked a question to clarify the temporary rule being revised in response to letters from participants, but not all aspects due to complexity and timeline. He also noted to the committee this extends the temporary rule to fill the gap between Sine Die and July 1.

MOTION: **Rep. Furniss** made a motion to approve **Docket No. 58-0113-2501**. **Motion carried by voice vote.**

DOCKET NO. 58-0106-2501: **Michael McCurdy, DEQ** presented the rulemaking for compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), removing outdated language, to streamline provisions and increase clarity and ease of use.

Rep. Scott phrased a question on Zero-Based Regulation and asked for clarification.

MOTION: **Rep. Furniss** made a motion to approve **Docket No. 58-0106-2501**. **Motion carried by voice vote.**

DOCKET NO. 58-0116-2501: **Mary Anne Nelson, DEQ** presented updates to wastewater rules to comply with Executive order 2020-01, Zero-Based Regulation (EO 2020-01). Rule changes include updates to improve clarity, streamline compliance and definitions, and align wastewater rules with best practices in public health and environmental protection. Committee questions and comments were directed toward terminology changes.

MOTION: **Rep. Bruce** made a motion to approve **Docket No. 58-0116-2501**. **Motion carried by voice vote.**

DOCKET NO. 58-0112-2501: **Jerri Henry, DEQ** explained rules for administration of wastewater and drinking water Zero-Based Regulation low-interest loan funds; significant changes include definitions changes and affordability indicators.

Committee questions addressed bond usage; fund amounts and percentage of utilization in Idaho; and qualification timeframe.

MOTION: **Rep. Furniss** made a motion to approve **Docket No. 58-0112-2501**. **Motion carried by voice vote.**

DOCKET NO. 58-0111-2501: **Jerri Henry, DEQ** presented rule changes relating to groundwater quality. Changes are administrative and technical in nature to mirror the federal drinking water standards for uranium, arsenic, and PFAS. Ms. Henry concluded with DEQ requests approval of pending rule docket, with the exception of Section 003 and Section 200, Subsection 01a.

Committee questions included groundwater regulation; terminology and binding words; testing of private wells; and data centers using well water relative to usage and impact.

MOTION: **Rep. Bruce** made a motion to approve **Docket No. 58-0111-2501** with the exception of Section 003 and Section 200, subsection 01.a. with justification that incorporation of unresolved federal standards into Idaho's groundwater standards may establish and enforce groundwater contamination thresholds before the underlying federal standards are final, the Legislature concludes that these provisions do not meet the legislative intent expressed in Idaho Code 39-102 and 39-120 at this time. **Motion carried by voice vote.**

Rep. Scott introduced **John Groth** and gave a brief statement regarding his wastewater treatment and college pilot project.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:53 p.m.

Representative Barbieri
Chair

Michele Coburn
Secretary