



State of Idaho
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOARD OF ENVIRONMENTAL QUALITY

1410 North Hilton, Boise, ID 83706-1255, (208) 373-0502

C. L. "Butch" Otter, Governor
John H. Tippets, Director

MEMBERS OF THE BOARD

Kevin C. Boling
Chairman
5881 N. Ferdinand Court
Coeur d'Alene, ID 83814

Beth Elroy
Vice-Chairman
P.O. Box 6
Mail Stop 01-602
Boise, ID 83707

Kermit V. Kiebert
Secretary
P.O. Box 970
Ponderay, ID 83852

L. Nicholas "Nick" Purdy
Box 686
Highway 20
Picabo, ID 83348

Dr. John R. MacMillan
P.O. Box 712
Buhl, ID 83316

Carol Mascareñas
5000 Baltimore Circle
Idaho Falls, ID 83401

John McCreedy
1951 S. Saturn Way
Ste. 100
Boise, ID 83709

LEGAL COUNSEL

Douglas M. Conde

BOARD ASSISTANT

Rosie Alonzo
(208) 373-0240

IDAHO BOARD OF ENVIRONMENTAL QUALITY

MINUTES

March 16, 2017

The Idaho Board of Environmental Quality convened on March 16, 2017, at 9:00 a.m. at:

**Idaho Department of Environmental Quality
Conference Room A & B
1410 N. Hilton
Boise, Idaho**

BOARD MEMBERS PRESENT

Kevin Boling, Chair
Beth Elroy, Vice-Chair
Nick Purdy, Member
Carol Mascareñas, Member
John McCreedy, Member

BOARD MEMBERS ABSENT

Kermit Kiebert, Secretary
Dr. John R. "Randy" MacMillan, Member

DEPARTMENT OF ENVIRONMENTAL QUALITY STAFF PRESENT

John H. Tippets, Director
Lisa Carlson, Deputy Attorney General
Paula Wilson, Administrative Rules Coordinator
Rosie Alonzo, Management Assistant, Assistant to the Board
Jess Byrne, Deputy Director
Tiffany Floyd, Air Quality Division Administrator
Mary Anderson, Mobile and Area Source Program Manager
Carl Brown, Air Quality Rules Coordinator
Barry Burnell, Water Quality Division Administrator
Jill White, Communications and Planning Specialist
Mark Cecchini-Beaver, Deputy Attorney General
Hannah Young, Deputy Attorney General
Tami Aslett, South Idaho Smoke Coordinator

OTHERS PRESENT:

Stacey Satterlee, Idaho Grain Producers
Brenda Tominaga, Idaho Rural Water Association, Idaho Water Policy Group (IWPG)
Benjamin Kelly, Nez Perce Grass Growers Association

❖ All attachments referenced in these minutes are permanent attachments to the minutes on file at the Idaho Department of Environmental Quality.

CALL TO ORDER AND ROLL CALL

Chairman Kevin Boling called the meeting of the Idaho Board of Environmental Quality (Board) to order at 9:00 a.m. Roll call was taken with five members present. Mr. Kermit Kiebert and Dr. Randy MacMillan were not present.

PUBLIC COMMENT PERIOD

The chairman opened the floor to members of the public who wanted to address the Board on issues not on the agenda. Mr. Benjamin Kelly, Nez Perce Grass Growers Association, expressed his appreciation for the rulemaking process and how DEQ handles scientific-based evidence, which gives his members confidence moving forward.

AGENDA ITEM NO. 1: DIRECTOR'S REPORT

Director John Tippetts reported on the following:

Staff Change—DEQ has two new Deputy Attorneys General: Mark Cecchini-Beaver and Hannah Young. Doug Conde who served as DEQ Lead Deputy Attorney General and Legal Counsel to the Board retired March 15, 2017. Orville Green, Waste Management and Remediation Administrator, retired in December and was replaced by Michael McCurdy. Dave Sande, Fiscal Officer, also retired at the end of last year, and Jack Carpenter filled his position.

2017 Legislative Session—DEQ will receive nine additional staff positions for the IPDES program and one IPDES position in the Attorney General's Office. One permit writer position was approved for the Air Quality Division. DEQ's two pieces of legislation were passed and signed into law: a dedicated account for underground petroleum storage tank fees and provisions to the crop residue burning (CRB) program. All of DEQ's rules were approved. DEQ received a \$67.9 million budget, including federal, dedicated, and general funds.

Human Health Criteria—DEQ submitted the Human Health Criteria rule to EPA in December. DEQ received an informal response from outgoing Region 10 Administrator, Dennis McLerran. The letter did not take formal action but expressed concern and suggested DEQ withdraw its proposed rule. DEQ did not respond to the letter. DEQ recently sent a letter to EPA Administrator Scott Pruitt requesting approval of DEQ's rule as submitted, but no response has been received.

Idaho National Laboratory—The US Department of Energy recently celebrated removing the last drum of above-ground stored transuranic waste. The Waste Isolation Pilot Plant facility in New Mexico is receiving waste again, and Idaho is expected to make about 60 shipments over the next year.

State Flooding and Snow Impacts—Idaho is experiencing extensive flooding in some areas of the state. Gooding and Lincoln Counties are experiencing significant contamination of private wells. DEQ is working with other agencies on these issues. In Payette and Washington Counties, a large number of buildings collapsed due to the impacts of snow. DEQ met with local officials to understand their challenges, provide information and resources about waste disposal, and interpret the rules to allow burning of some of the debris.

New Administration in Washington DC—Layne Bangerter, a rancher from Melba, Idaho, was appointed Deputy Associate Administrator to EPA's Office of Intergovernmental Relations. He is knowledgeable about Idaho issues and supports states having more control of environmental regulation. DEQ expects the new administration to show states greater deference.

Director Tippetts responded to questions from the Board.

AGENDA ITEM NO. 3: RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO, DOCKET NO. 58-0101-1601

Rulemaking initiated to develop a new ozone level that is still protective of the ozone NAAQS, and also provides farmers the ability to burn while following smoke management best practices.

AGENDA ITEM NO. 4: RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO, DOCKET NO. 58-0101-1604

Rulemaking initiated to develop an interim rule that allows the crop residue burning program to continue operating under the 2008 ozone NAAQS until EPA approves the new 90% ozone level in a revised State Implementation Plan.

Ms. Tiffany Floyd, Air Quality Division Administrator, introduced herself, and Ms. Mary Anderson, Air Quality Program Manager, who oversees DEQ's CRB program. Mr. Carl Brown, Air Quality Rules Coordinator, was also introduced. Two air quality rule dockets, 58-0101-1601 and 58-0101-1604, were presented both relating to the CRB program.

Goals of the CRB program are to protect public health by ensuring that CRB does not cause an exceedance of a national ambient air quality standard (NAAQS) and to provide flexibility to farmers to burn crop residue when it will not jeopardize public health.

Ms. Floyd described the CRB program in which, under DEQ's rules, certain criteria must be met before a burn approval is issued. Pollutant concentrations must not exceed a threshold of 75% of the NAAQS. Under Docket No. 58-0101-1601, the rule proposes to change the 75% threshold to 90% for ozone specifically. With the change in EPA's ozone standard, ozone levels can limit CRB even when burning is not predicted to cause an exceedance of any air quality standard. A PowerPoint graphic was presented to better understand the change.

To change the threshold from 75% to 90%, DEQ must update Idaho Code, adopt new rules, and obtain EPA's approval of DEQ's State Implementation Plan (SIP). An interim rule, proposed under Docket No. 58-0101-1604, was approved and signed into law on March 8, 2017. This proposed temporary rule allows DEQ the authority to submit this change in the SIP to EPA.

Ms. Floyd and Ms. Anderson responded to questions from the Board

Rules for the Control of Air Pollution in Idaho, Docket No. 58-0101-1604:

- **MOTION:** Mr. Nick Purdy moved that the Idaho Board of Environmental Quality adopt as temporary and pending rules the Rules for the Control of Air Pollution in Idaho as presented in the final proposal under Docket No. 58-0101-1601. The temporary rules shall become effective on February 28, 2018. The pending rules shall become final and effective upon the adjournment sine die of the Second Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the Legislature specifies by concurrent resolution a different effective date, or rejects the rule in whole or in part by concurrent resolution. In no case shall the temporary or pending rules become effective before the date EPA approves the State Implementation Plan submittal that changes the percent of the ozone NAAQS from 75% to 90%, as promulgated under Docket No. 58-0101-1601.
- **SECOND:** Ms. Carol Mascareñas
- **VOICE VOTE:** Motion carried unanimously.

Rules for the Control of Air Pollution in Idaho, Docket No. 58-0101-1604

- **MOTION:** Ms. Beth Elroy moved that the Idaho Board of Environmental Quality adopt as temporary rules for the Rules for the Control of Air Pollution in Idaho as presented in the final proposal under Docket No. 58-0101-1604. The temporary rules shall become effective on March 17, 2017, and shall remain in effect until February 28, 2018. In the event that EPA does not approve by February 28, 2018, the State Implementation Plan (SIP) submittal that changes the percent of the ozone NAAQS from 75% to 90%, as promulgated under Docket No. 58-0101-1601, the temporary rules shall remain in effect until the adjournment sine die of the Second Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rules are extended by concurrent resolution. In no case shall the temporary rules remain in effect beyond the date EPA approves the SIP submittal.
- **SECOND:** Mr. John McCreedy.
- **VOICE VOTE:** Motion carried unanimously.

AGENDA ITEM NO. 2: APPROVAL OF MEETING MINUTES

The chairman returned to Agenda Item No. 2, approval of the October 13, 2016, board meeting minutes.

- **MOTION:** Mr. John McCreedy moved that the Idaho Board of Environmental Quality approve the above-mentioned minutes as prepared.
- **SECOND:** Ms. Carol Mascareñas.
- **VOICE VOTE:** Motion carried unanimously.

AGENDA ITEM NO. 5: CONTESTED CASE AND RULE DOCKET STATUS REPORT

Ms. Paula Wilson, Administrative Rules Coordinator, reviewed the rule docket status report and reported there are no contested cases at this time.

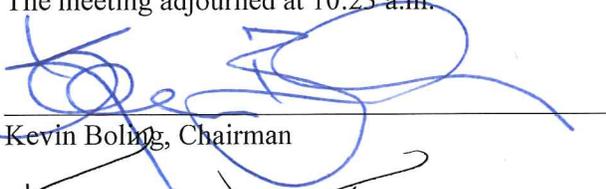
AGENDA ITEM NO. 6: LOCAL REPORTS AND ITEMS BOARD MEMBERS MAY WISH TO PRESENT

Ms. Paula Wilson reported items on the agenda for the May 10 and 11 Board meeting in Pocatello. Ms. Rosie Alonzo informed the Board that a tour is scheduled for May 10, and the Board meeting is scheduled for May 11. There were no additional items.

ADJOURNMENT

- **MOTION:** Mr. John McCreedy moved that the Idaho Board of Environmental Quality adjourn.
- **SECOND:** Ms. Carol Mascareñas.
- **VOICE VOTE:** Motion carried unanimously.

The meeting adjourned at 10:23 a.m.



Kevin Boling, Chairman



Kermit Kiebert, Secretary



Rosie Alonzo, Assistant to the Board and Recorder