



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
Board of Environmental Quality

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

Dirk Kempthorne, Governor
C. Stephen Allred, Director

IDAHO BOARD OF ENVIRONMENTAL QUALITY

MINUTES

APRIL 19, 2001

The Board of Environmental Quality convened at 9:00 a.m. at:

Westcoast Pocatello Hotel
Bannock Room
1555 Pocatello Creek Road
Pocatello, Idaho

ROLL CALL

BOARD MEMBERS PRESENT:

Donald J. Chisholm, Chairman
Paul C. Agidius, Vice chairman
Marti Calabretta, Secretary
Dr. Joan Cloonan, Member
Dr. J. Randy MacMillan, Member
Nick Purdy, Member

BOARD MEMBERS ABSENT:

Senator Marguerite McLaughlin, Member

DEPARTMENT OF ENVIRONMENTAL QUALITY STAFF PRESENT:

C. Stephen Allred, Director
Jon Sandoval, Chief of Staff
Debra L. Cline, Administrative Assistant to the Board
Doug Conde, Deputy Attorney General, DEQ
Jess Byrne, Staff Resource Officer
Darrell Early, DAG
Orville Green, Administrator State Air Quality Program
David Mabe, Administrator, Water Quality Division
Sally Tarowsky, Small Business Assistance Program
Rick Clegg, Selenium Program

OTHERS PRESENT:

David Farnsworth, Monsanto
Brent Olmstead, Idaho Assoc. of Commerce & Industry
Eulalie Langford, Idaho State Representative
Michael Vice, Monsanto
Lin Whitworth, Idaho State Senator
Rob Hartman, FMC Corp.
Jack Lyman, Idaho Mining Association
J.O. Cotant, Bannock County Commissioner
Craig Cooper, Bannock County Commissioner
Jim Guthrie, Bannock County Commissioner
Marc Bowman, Montgomery Watson
Kim Gomez, Simplot AgriBusiness

PUBLIC COMMENT PERIOD – THE BOARD ALLOWS UP TO 30 MINUTES FOR THE PUBLIC TO ADDRESS THE BOARD ON ISSUES NOT SPECIFICALLY SHOWN AS AGENDA ITEMS.

Senator Lin Whitworth discussed his concerns for the aquifer south of Pocatello. He believes there is a very serious threat to the water quality of the aquifer and fears the city of Pocatello may lose the only good source of clean drinking water it has. The aquifer is exposed to the atmosphere and is continuously contaminated with droppings from seagulls that have been feeding at the dump. The aquifer is also located in a low spot and receives drainage and runoff. There is also past contamination from oil and grease from gravel crushing operations. There are clearly still intentions to mine gravel from that area and expose more of the aquifer to the atmosphere. Senator Whitworth stated something needs to be done to ensure no further mining takes place there and the aquifer is covered back up and protected.

Director Steve Allred assured that DEQ is aware of the situation and is working on the problem. DEQ is in the process of developing an aquifer protection plan for the Portneuf Aquifer. It is one of two systems DEQ is handling as a priority; the other is in the Twin Falls area. The Portneuf Aquifer has received special funding from the Idaho Legislature for contracts to study the non-water quality or economic aspects of what protection measures could be taken to protect the aquifer. DEQ is also making a substantial expenditure to deal with concerns about how to protect the drinking water systems, either through source water protection or other measures. All of the stakeholders who want to participate are being included in the protective efforts. It is hoped these efforts will result in a set of protective measures designed to protect the water supply. Director Allred noted that there are ongoing source water protection efforts throughout the state. These efforts are a formal priority within the agency, and are designed primarily to ensure that drinking water supplies are protected.

Chairman Don Chisholm discussed a case in Cassia County where some of the “overburden” from the gravel mining process was not kept at the location for restoration, but was sold off for landscaping or fill material, thereby reducing the amount available for remediation. Director Chisholm felt this was a somewhat loose interpretation of the rules, which require the

overburden to be kept at the site for remediation. Senator Whitworth agreed this was an important issue to watch; however, the Portneuf Aquifer is in an area where there is very little overburden available due to the location. He stressed that there is gravel all over Bannock County, and there is only one aquifer. It seems mindless to risk the aquifer with such activities. He urged the Board to support the protection of the aquifer.

AGENDA ITEM NO. 1: ADOPTION OF THE MINUTES OF THE JANUARY 26, 2001 BOARD MEETING

➤ **MOTION:** Dr. Joan Cloonan moved the minutes of the January 26, 2001 Board meeting be adopted.

SECOND: Paul Agidius

VOICE VOTE: Motion passed. 6 ayes; 0 nays; 1 absent (Marguerite McLaughlin)

AGENDA ITEM NO. 2: DIRECTOR'S REPORT

a. LEGISLATIVE WRAP-UP

Director Steve Allred presented a report on the various issues and bills addressed by the last session of the Idaho Legislature and how they affected DEQ. All of the Department's rules were approved. The legislature also provided \$312,000 as a one-time appropriation to be used to clear up the backlog of permits to construct (PTCs). The current energy issues are further compounding the problem. The Governor issued a directive to DEQ to give priority to energy permits. Only \$500,000 of the Title V Program interest money was reimbursed to the Title V account, with a commitment that the remaining \$500,000 will be reimbursed next year.

b. OUTSTANDING RESOURCE WATER STATUS REPORT

Dave Mabe, Administrator, Water Quality Program, stated the legislature worked very well with staff on the ORW issue this year. The chairs of both resource committees worked hard to make sure the legislation was heard by the committees. The report created by staff will have lasting value because of the procedures used to help identify what final designation may mean. An informational hearing was held with the Senate resource committees. The questions and comments indicate there is still a lot of skepticism about ORWs. On the day the ORW nominations were scheduled to be heard by the House committee, Boise Cascade announced they were closing both their mills in Idaho, and Sunshine Mining Company announced another round of lay offs and ultimate closure and bankruptcy of the facility. These actions sparked a rather passionate discussion about the state of natural resource industries in Idaho. When the ORW nominations were presented, they were poorly received. There were 10 or 15 questions, followed by a motion to return the report to the sponsor. In later discussions, legislators expressed their concern that the ORW legislation would be just one more issue added to the overall load that natural resource industries in the state are already carrying. They were just not willing to add what they saw as an extra burden at this time.

Mr. Mabe believed the Department did a good job in working with the interested parties through the process. The Idaho Farm Bureau was opposed to the process used because their policy requires nominations to go through the Basin Area Groups (BAGs) first to get a

supporting vote prior to going forward. The timber industry had concerns in the Selway area, and generally with what an ORW nomination would mean. The Outfitters and Guides were concerned about who the designated agency would be that they would work with to implement the designation. If future ORW nominations are received, these are the concerns that need to be addressed.

The Idaho Conservation League and the timber industry made another ORW nomination this year. They attempted to have the Wood River, from the SNRA boundary down to the city limit of Ketchum, designated as an ORW by statute. The legislature was not receptive of this attempt either. The bill was started in the Senate. Legislators who also served on the Joint Finance and Appropriations Committee felt the cost of monitoring the ORW (\$10,000 - \$15,000 per year) was too high. That bill was returned to the sponsor also.

The legislation to change the ORW process also failed. The bill received good support at the initial hearing and was printed. The purpose of the legislation was to get legislative feedback prior to the Board making a decision. The ICL wanted the bill amended to provide for a prioritized report. The Idaho Water Users felt there was language in the proposal that created mandatory agricultural best management practices (BMPs). Staff worked to resolve that issue and was willing to amend the bill. The Idaho Farm Bureau then decided they wanted all nominations to go to the BAGs for approval prior to any other action. After reviewing these concerns, staff felt if the legislation was amended to address all these concerns, it would just make the process too cumbersome. They believed that if there were a lawsuit over not having an ORW designation, an amendment that addressed all concerns would likely appear to a judge that the state of Idaho was trying to never designate an ORW. After consulting with the Board Chairman, it was decided to withdraw the legislation. In summary, Mr. Mabe felt the lessons learned indicated changes could be made to the nominating process that would be acceptable to all parties without passing legislation. It should be possible to achieve the same level of feedback sought by the legislation, either by rule or by working with the nominating group. He recommended the BAGs be included in the process to allow more local public input. The Board can decide what level of involvement is desired. The Board may want to encourage nominators to go to the legislature first to seek funding to develop a report. Another option is to make decisions using the existing process and send nominations to the legislature indicating the bulk of the work will be done after they make a decision.

The deadline for receiving ORW nominations for this year has passed, and no nominations were received. Dave Mabe has learned through conversations with Laird Lucas, Rocky Mountain Water Foundation, that they are considering litigating the issue. DEQ will be focusing on the anti-degradation process as a whole, and doing everything it can to ensure compliance. This may bring about changes in how DEQ deals with BAGs and potentially some public information meetings on anti-degradation.

Dr. Randy MacMillan asked if the Attorney General's office has reviewed the matter to determine if the state has a legal obligation to designate an ORW or if it is a political or legislative decision. Doug Conde stated they have looked at it to ensure compliance with the anti-degradation requirements in the Clean Water Act. There is an ongoing issue that has not been resolved by the courts regarding how far a state has to go in implementing those provisions. DEQ has anti-degradation provisions in the rules and there are ORW provisions in the rules and

statutes. So technically Idaho has met the requirements of the Clean Water Act by having these provisions. The environmentalists believe these provisions have no substance unless they are implemented. In a related issue, a group sued EPA and a state arguing the state's water quality standards should have included an ORW designation. The court found there was no mandatory obligation on the part of EPA to reject the standards on that basis. They have the discretionary authority and there could be a lawsuit under the Administrative Procedures Act claiming they were "arbitrary and capricious"; however no such lawsuit has been filed. Mr. Conde felt DEQ's proactive review of anti-degradation was a good approach.

Dr. MacMillan asked if it appeared the legislature believed there was a bona fide need for an ORW designation in the state. Dave Mabe believed there were some legislators who believed there was a philosophical or legal need for an ORW, and there are numerous others who do not. Dr. MacMillan recently participated in an Idaho Environmental Forum where a presentation on ORWs stated there has not been a convincing argument for the need for an ORW designation. With all the other water quality provisions in place, there has been no convincing argument that we need to go to that highest level of protection. There was no rebuttal to those comments at the meeting. Dave Mabe agreed it was difficult to make a case that if your standards are protective of the beneficial use, that it is necessary to protect an increment higher than that. It is a narrow margin and it appears that this case has not been made.

Marti Calabretta was pleased that DEQ would be focusing on reviewing and assuring compliance with the anti-degradation laws. She assumed it would be difficult to find an understandable way to assess past activities and see what is occurring. It appears to be the best defense in terms of an ORW -- if the anti-degradation policies are working. However, if the research shows the policies are not working, we have a problem.

Paul Agidius asked for a clarification on mixing zones in ORWs. Dave Mabe indicated the rules do allow for mixing zones at the end of an ORW before it mixes with a downstream segment.

Nick Purdy believed the Board made a fatal error in nominating both the Middle Fork Salmon River and the Selway River together. He felt strongly that the money and effort spent on developing the report for the nominations should not go to waste. He suggested the Board resubmit the Middle Fork Salmon River as an ORW nomination by itself, only this time go through the BAGs and get the Board involved in the process. If two or three years pass, all the work will be wasted and the whole process will have to be repeated. He stated the Middle Fork is obviously an outstanding resource and felt confident it would be successful if submitted alone. Don Chisholm asked if the Board could resubmit the Middle Fork without a petition from an outside entity. Doug Conde commented that was a good question. The statute and rules both state there is to be a petition. He felt certain the Board could go to the legislature and have an ORW nominated by statute. Don Chisholm felt the Board should definitely consider the matter. The economic interests in Northern Idaho certainly had an impact on the Selway nomination.

AGENDA ITEM NO. 3: PRESENTATION ON PHOSPHATE AND SELENIUM ISSUES IN EASTERN IDAHO

Jack Lyman, Idaho Mining Association, thanked the Board on behalf of the five companies who sponsored yesterday's tour of the phosphate mines (Agrium, Astaris, FMC, Monsanto, and Simplot) for taking the time to attend the tour and learn about the environmental issues they are working on. Chairman Don Chisholm thanked the Association for arranging the tour and allowing the Board to learn about the issues first-hand.

Jack Lyman discussed the proactive response and significant commitment the mining industry has made to finding a resolution to the selenium contamination problem. Michael Vice, Senior Reclamation Specialist for Monsanto, gave a detailed presentation on the history of the selenium problem and the cooperative efforts of industry and the federal and state agencies and others to resolve the problem. He emphasized the size and importance of the Southeast Idaho phosphate mining area to Idaho and the United States for its fertilizer and phosphate needs. Mr. Vice stressed the commitment of industry to mitigate and solve the problem. Dr. Randy MacMillan asked if the environmental groups were satisfied with the ongoing efforts. Michael Vice felt they were pleased with the progress being made and the cooperation that's taking place. The groups attend the area-wide meetings and seem glad to see the process moving along and getting results.

AGENDA ITEM NO. 4: STATUS REPORT ON DEQ SELENIUM PROGRAM

Director Steve Allred discussed the cooperative efforts between DEQ and industry to resolve selenium issues in Eastern Idaho.

Rick Clegg, DEQ Remedial Project Manager for the Area-wide Investigation, reviewed the tactical status of the investigation. He commended the mining companies and the other agencies taking part in the process for the fine work and cooperative efforts they have made. Mr. Clegg distributed and discussed the following reports for the Board's information: a Chronology of Events since DEQ was designated as the lead agency, the Area-wide Investigation Scope of Work, Existing Data and Risk Assessment Review, Conceptual Site Model, and the draft Data Gap Technical Memorandum.

Darrell Early, Deputy Attorney General for DEQ, briefed the Board on the legal issues involved in the selenium program. He distributed and discussed the Memorandum of Understanding between the agencies and the tribes concerning contamination from phosphate mining operations in Southeastern Idaho. The MOU defines the roles and responsibilities of the parties for the area-wide investigation and the site-specific investigation. An administrative Order on Consent was also drafted to fund the work DEQ and the contractor hired by DEQ are doing. This document will be a mechanism to accomplish cost recovery for expenses related to the area-wide contamination of selenium in Southeastern Idaho. The document has been through many drafts but the underlying concept of the document never changed. The mining companies have always stated their intent to fund the state of Idaho's activities with respect to the clean up. The mining companies recently agreed to the final draft of the document and signature copies have been distributed.

**AGENDA ITEM NO. 5: STATUS REPORT ON RULES OF ADMINISTRATIVE PROCEDURE
BEFORE THE BOARD OF ENVIRONMENTAL QUALITY, DOCKET
NO. 58-0123-0001, PENDING RULE**

Doug Conde, Deputy Attorney General, reviewed the current draft of the contested case rules. The rules were prepared last Fall and went through a public comment period. Some significant issues were raised by the Idaho Association of Commerce and Industry (IACI). The public comment period was extended to allow more time to resolve those issues. The rules are scheduled to be presented for adoption at the Board's June 2001 meeting. Mr. Conde suggested the Board meet, via conference call if necessary, sometime towards the end of May for a final review of the rules. IACI and other interested parties will be invited to attend. Brent Olmstead, IACI, thanked Doug Conde for his willingness to meet with IACI and his receptiveness to their ideas and concerns.

Director Steve Allred commented that the one provision in the rules he felt strongly about was the requirement that a Board member be present at a hearing reviewing a Director's decision. He believed it was very important for a Board member to be present to view testimony and hear things first hand. It is easier to judge the credibility of witnesses and understand complex matters if you are there in person, rather than relying on a written record of the proceedings. Director Allred urged the Board to keep that provision in the rules.

AGENDA ITEM NO. 6: SMALL BUSINESS ASSISTANCE PROGRAM

Sally Tarowsky, Small Business Advocate, DEQ, provided Board members with materials and information on the Small Business Assistance Program at DEQ. The program started in 1993 and is mandated by the Clean Air Act. Each state is required to have a program to assist small businesses with upcoming regulations. Most of the regulations deal with facilities that emit hazardous air pollutants. There are three components of the program; 1) a small business ombudsman or advocate, 2) a technical assistance program, and 3) a compliance advisory panel. As the advocate, Ms. Tarowsky represents small businesses in the rulemaking process. She meets with trade associations to foster relations and identify their needs regarding environmental issues. She also develops brochures that simplify the regulations so they are understandable to the layman. About one-third of her time is spent on pollution prevention activities.

Chairman Don Chisholm suggested a member of the Board serve on the Compliance Advisory Panel and asked Nick Purdy if he would be willing to serve. Mr. Purdy commented he would like to learn a little more about the panel before making a decision.

AGENDA ITEM NO. 8: HEARING ON PROPOSED DISMISSAL OF CONTESTED CASES

Doug Conde explained that the four cases to be considered have been inactive for quite some time. Notices of proposed dismissal were sent out in February 2001 on all four cases. Participants were invited to file written affidavits or attend today's hearing to identify any reason why the cases should not be dismissed.

a. *BOISE MOULDING AND LUMBER COMPANY V. DEQ*, DOCKET NO. 0101-00-01

Upon receiving notice, Boise Moulding and Lumber contacted DEQ and stated they had no objections to the case being dismissed; the issue has been resolved.

b. *J.R. SIMPLOT COMPANY V. DEQ*, DOCKET NO. 0101-99-06

The J. R. Simplot Company attorney has filed a notice with DEQ stating the issues have been resolved, and they have no objections to the case being dismissed.

c. *IN THE MATTER OF LB INDUSTRIES 401 CERTIFICATION*, DOCKET NO. 0102-03-45

Doug Conde explained this is a very old case that involves the appeal of DEQ's denial of 401 certification for hydroelectric projects on the Boulder, Kanaka, and Empire Rapids on the Snake River. It was filed in September 1993, and the project has long since dissolved. No response was received from their attorneys.

d. *RIGGINS HOT SPRINGS V. DEQ*, DOCKET NO. 0107-93-36

Doug Conde stated this case was also filed in 1993. The issue involved whether the hot springs was a public swimming pool or a therapeutic hot springs. The issue was resolved between the health district and the petitioner.

- **MOTION:** Dr. Randy MacMillan moved the Board dismiss the following contested cases: *Boise Moulding and Lumber v. DEQ*, Docket No. 0101-00-01; *J. R. Simplot Company v. DEQ*, Docket No. 0101-99-06; *In the Matter of LB Industries 401 Certification*, Docket No. 0102-93-45; and *Riggins Hot Springs v. DEQ*, Docket No. 0107-93-36.

SECOND: Nick Purdy

VOICE VOTE: Motion passed. 5 ayes; 0 nays; 1 absent (Marguerite McLaughlin); 1 abstain (Dr. Joan Cloonan).

AGENDA ITEM NO. 9: LOCAL REPORTS AND ITEMS BOARD MEMBERS MAY WISH TO PRESENT

The upcoming meeting and tour in Northern Idaho on June 13 and 14 were discussed. Marti Calabretta suggested the Board visit several remediation sites in the area. She also recommended a presentation on forest health by Jane Gorsuch, Intermountain Forest Association, and the Department of Lands. The presentation could address best management practices and anti-degradation policies and how they affect the timber industry in Northern Idaho.

Marti Calabretta discussed the Governor's five-point plan for the restoration of the Coeur d'Alene Basin. She requested the Board consider sending a letter of support to Senator Larry Craig regarding the legislation developed by Senator Mike Crapo requesting \$250 million in funding for the effort. Director Steve Allred felt it would be very helpful if the Board expressed its support.

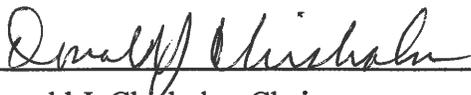
➤ **MOTION:** Marti Calabretta moved the Board, with Director Steve Allred's assistance, prepare a letter to Senator Larry Craig expressing the Board's support for Senator Mike Crapo's legislation requesting \$250 million in funding for the restoration of the Coeur d'Alene Basin.

SECOND: Dr. Joan Cloonan

VOICE VOTE: Motion passed. 6 ayes; 0 nays; 1 absent (Marguerite McLaughlin).

Director Allred agreed to draft the letter and fax it to all Board members for their review to allow for their input into the content of the letter.

The meeting adjourned at 1:30p.m.



Donald J. Chisholm, Chairman



Marti Calabretta, Secretary



Debra L. Cline, Administrative Assistant and Recorder

BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

STATE OF IDAHO

IN THE MATTER OF LB INDUSTRIES)	
401 CERTIFICATION FOR BOULDER,)	Docket No. 0102-93-45
KANAKA AND EMPIRE RAPIDS)	
HYDROELECTRIC PROJECTS, FERC)	ORDER TO DISMISS
PROJECT NOS. 10772, 10849, AND)	
10930.)	
_____)	

By Notice of Proposed Dismissal, the parties in this action were given an opportunity to provide oral testimony or file written affidavits setting forth specific facts justifying retention and identifying matters left at issue. No oral testimony or written affidavits have been submitted.

It is Hereby Ordered that all pending matters in Docket No. 0102-93-45 are dismissed for inactivity.

This is a final order of the Board of Environmental Quality. Pursuant to Idaho Code § 67-5272 any party may appeal to district court by filing a petition in the county in which:

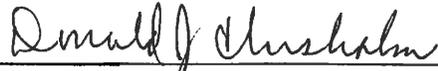
- 1) the hearing was held, or
- 2) the final agency action was taken, or
- 3) the aggrieved party resides or operates its principal place of business in Idaho, or
- 4) the real property or personal property that was the subject of the agency decision is located.

A petition for judicial review of this order must be filed within twenty-eight (28) days of issuance of this order. The filing of the petition for review does not itself stay the effectiveness

or enforcement of the agency action. Idaho Code §§ 67-5273 and 67-5274.

Dated this 19th day of April, 2001.

BOARD OF ENVIRONMENTAL QUALITY



Donald J. Chisholm, Chairman



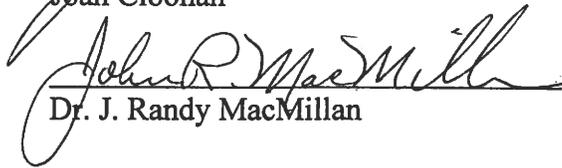
Paul C. Agidius, Vice-Chairman



Marti Calabretta, Secretary



Joan Cloonan



Dr. J. Randy MacMillan

Marguerite McLaughlin



Nick Purdy

BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

STATE OF IDAHO

BOISE MOULDING AND)	
LUMBER COMPANY)	
)	
Petitioner,)	Docket No. 0101-00-01
)	
vs.)	
)	ORDER TO DISMISS
IDAHO DEPARTMENT OF)	
ENVIRONMENTAL QUALITY,)	
)	
Respondent.)	
_____)	

By Notice of Proposed Dismissal, the parties in this action were given an opportunity to provide oral testimony or file written affidavits setting forth specific facts justifying retention and identifying matters left at issue. No oral testimony or written affidavits have been submitted.

It is Hereby Ordered that all pending matters in Docket No. 0101-00-01 are dismissed for inactivity.

This is a final order of the Board of Environmental Quality. Pursuant to Idaho Code § 67-5272 any party may appeal to district court by filing a petition in the county in which:

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Dated this 19th day of April, 2001.

BOARD OF ENVIRONMENTAL QUALITY


Donald J. Chisholm, Chairman


Paul C. Agidius, Vice-Chairman


Marti Calabretta, Secretary


Joan Cloonan


Dr. J. Randy MacMillan

Marguerite McLaughlin


Nick Purdy

BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

STATE OF IDAHO

KATE BRADBURY)	
RIGGINS HOT SPRINGS)	
)	
Petitioner,)	Docket No. 0107-93-36
)	
vs.)	
)	ORDER TO DISMISS
IDAHO DEPARTMENT OF)	
ENVIRONMENTAL QUALITY,)	
)	
Respondent.)	
_____)	

By Notice of Proposed Dismissal, the parties in this action were given an opportunity to provide oral testimony or file written affidavits setting forth specific facts justifying retention and identifying matters left at issue. No oral testimony or written affidavits have been submitted.

It is Hereby Ordered that all pending matters in Docket No. 0107-93-36 are dismissed for inactivity.

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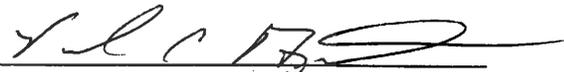
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Dated this 19th day of April, 2001.

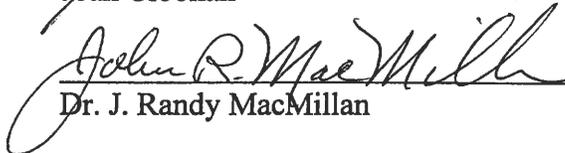
BOARD OF ENVIRONMENTAL QUALITY


Donald J. Chisholm, Chairman


Paul C. Agidius, Vice-Chairman


Marti Calabretta, Secretary


Jean Cloonan


Dr. J. Randy MacMillan

Marguerite McLaughlin


Nick Purdy

BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

STATE OF IDAHO

J.R. SIMPLOT COMPANY)	
)	
Petitioner,)	Docket No. 0101-99-06
)	
vs.)	
)	ORDER TO DISMISS
IDAHO DEPARTMENT OF)	
ENVIRONMENTAL QUALITY,)	
)	
Respondent.)	
_____)	

By Notice of Proposed Dismissal, the parties in this action were given an opportunity to provide oral testimony or file written affidavits setting forth specific facts justifying retention and identifying matters left at issue. No oral testimony or written affidavits have been submitted.

It is Hereby Ordered that all pending matters in Docket No. 0101-99-06 are dismissed for inactivity.

This is a final order of the Board of Environmental Quality. Pursuant to Idaho Code § 67-5272 any party may appeal to district court by filing a petition in the county in which:

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BOARD OF ENVIRONMENTAL QUALITY



Donald J. Chisholm, Chairman



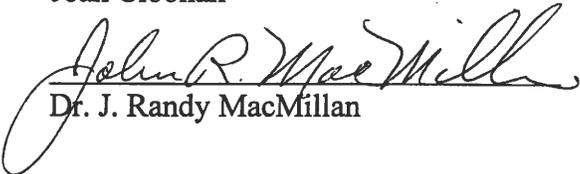
Paul C. Agidius, Vice-Chairman



Marti Calabretta, Secretary

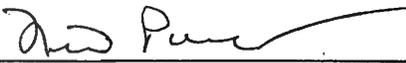
Abstained

Joan Cloonan



Dr. J. Randy MacMillan

Marguerite McLaughlin



Nick Purdy

See meeting file for handouts