



Environment, Energy and Land Use Committee

Midwinter Conference | Boise, ID | February 5, 2019

Riverside Hotel | Juniper Room | 8:00 AM – 9:30 AM

MEETING MINUTES

Members Present:

Chair: Rick Winkel, Com.	Custer: Wayne Butts, Com.
Ada: Robert McQuade, As.	Elmore: Josh Dison, As.
Adams: Viki Purdy, Com.	Kootenai: Richard Houser, As.
Bannock: Terrel Tovey, Com.	Lewis: Shelley Ponozzo, Tr.
Bear Lake: Vaughn Rasmussen, Com.	Lincoln: Rebecca Wood, Com.
Bingham: Mark Bair, Com.	Payette: Georgia Hanigan, Com.
Bingham: Tanna Beal, Tr.	Payette: Marc Shigeta, Com.
Blaine: Dick Fosbury, Com.	Shoshone: Jerry White, As.
Blaine: John David Davidson, Tr.	Teton: Bob Heneage, Com.
Caribou: Bryce Somsen, Com.	Teton: Cindy Riegel, Com.
Cassia: Leonard Beck, Com.	Washington: Kirk Chandler, Com.

Members Absent:

Vice: Dave McGraw, Com.	Camas: Matt Pember, Pr.
Ada: Kendra Kenyon, Com.	Clearwater: John Smith, Com.
Ada: Rick Visser, Com.	Custer: Steve Smith, Com.
Adams: Sherry Ward, Cl.	Gooding: Mark Bolduc, Com.
Benewah: Donna Spier, As.	Lincoln: Rene Rodriguez, Sh.
Blaine: JoLynn Drage, Cl.	Madison: John Weber, Com.
Bonner: Dan McDonald, Com.	Twin Falls: Brad Wills, As.
Boundary: Dan Dinning, Com.	Valley: Dave Bingaman, Com.
Boundary: Sue Larson, Tr.	Washington: Debbie Moxley-Potter, As.
Butte: Rose Beverly, Com.	

Others Present:

Timothy Hibbard, IAC	Clinton Daniel, U.S. Rep. Russ Fulcher
Jack Johnson, Twin Falls Com.	Mike Ponozzo, Lewis Com.
Brad Jensen, Bear Lake Com.	Nate Francisco, SISW
Ben Crouch, Jerome Com.	Josh Bartlome, SISW
John Crozier Jerome Com.	Julie Ufner, NACo
Tim Kastning, U.S. Rep. Russ Fulcher	

Call to order by Chair Rick Winkel.

Chair Rick Winkel read the committee script.
Introductions of members present and guests.

Julie Ufner from the National Association of Counties (NACo) gave a presentation on Waters of the U.S. In the last several decades due to several Supreme Court Decisions, the definition of “Waters of the U.S. (WOTUS)” have become murky, which has caused confusion, for example, ditches. The last several administrations have tried to rewrite the definition. The 2015 rule was controversial. It was challenged and NACo is working to change the rule. An example of one of the changes, is that the proposed rule changes the definition of tributary as naturally occurring stream, ditches are man-made. Another issue is that “intermittent” is not well defined in the regulation. The agencies really want to hear from local governments on the rules regarding exemptions. The Government shutdown which also shut down the federal register, slowed down publication, but the agencies are hoping to publish the rule as early as next week. Once its published there will be a 60-day comment period. The new house may take action to block the administration from going forward with this legislation. Chair Rick Winkel gathered Julie’s contact information.

A motion was raised to approve the minutes from the September meeting by Terrel Tovey and seconded by Mark Bair. The motion carried.

Josh Bartlome from Southern Idaho Solid Waste (SISW) gave a presentation on non-municipal solid waste landfills. There is a difference between municipal solid waste landfill (MLF) and non-municipal solid waste landfill (NMLF). MLF is a lined landfill that you put your garbage in. Everything you throw away at your home will go to one of these. They are usually lined with three different liners, and there are several environmental controls to control chemicals from getting into the groundwater. There is also groundwater testing. NMLF covers industrial waste, construction/demolition waste, and inert waste. Non-municipal landfills are not lined. One of the benefits of non-municipal landfills are low-cost. There was some uncertainty in the industry about what is acceptable or not to go into a NMLF. DEQ tried to clarify. But there was some misinterpretation of the laws, which lead making some things that should have been acceptable as not acceptable. DEQ was therefore enforcing a higher law than what the federal law, which is not constitutional in Idaho. SISW got together with several groups and DEQ to revise the current guidance manual and there were several things that were cleaned up. Treated wood, for example, was unacceptable in the guidance manual, but was made acceptable in the new manual, for most treated wood with a few exceptions.

Tim Luke of Idaho Department of Water Resources was not present to give a presentation on the National Flood Insurance Program.

A motion was raised to adjourn by Tarrel Tovey and seconded by Viki Purdy. The motion carried.