



State of Idaho  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOARD OF ENVIRONMENTAL QUALITY

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

MEMBERS OF THE BOARD

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IDAHO BOARD OF ENVIRONMENTAL QUALITY

MINUTES

May 11, 2017

The Idaho Board of Environmental Quality convened on May 11, 2017, at 9:00 a.m. at:

**Holiday Inn Express & Suites  
Scout Mountain Room  
200 Via Venito  
Pocatello, Idaho**

**BOARD MEMBERS PRESENT**

Kevin Boling, Chair  
Beth Elroy, Vice-Chair (*via conference call*)  
Kermit Kiebert, Secretary  
Dr. John R. "Randy" MacMillan, Member  
Nick Purdy, Member  
Carol Mascareñas, Member

**BOARD MEMBERS ABSENT**

John McCreedy, Member

**DEPARTMENT OF ENVIRONMENTAL QUALITY STAFF PRESENT**

John H. Tippetts, Director  
Lisa Carlson, Deputy Attorney General  
Paula Wilson, Administrative Rules Coordinator  
Rosie Alonzo, Management Assistant, Assistant to the Board  
Jess Byrne, Deputy Director  
Barry Burnell, Water Quality Division Administrator  
Tim Wendland, Water Quality Loan Program Manager  
Michael McCurdy, Waste Management and Remediation Division Administrator

**OTHERS PRESENT:**

Benn Brocksome, Strategies 360 (*via conference call*)  
Carl Massaro, Triumph Mine  
Daniel Stone, Shoshone-Bannock Tribe–Fish & Wildlife Department  
Yvette Tuell, Shoshone-Bannock Tribe–Fort Hall Business Council  
Chad Colter, Shoshone-Bannock Tribe–Fish & Wildlife Department

❖ 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, and Ms. Beth Elroy joined in by conference call. Mr. John McCreedy was 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. Carl Massaro addressed the Board on a matter relating to Triumph Mine. Director John Tippetts assured Mr. Massaro that Ms. Lisa Carlson, Deputy Attorney General, and Mr. Michael McCurdy, Waste Management and Remediation Division Administrator, would look into the matter and see if they could be of some assistance.

## AGENDA ITEM NO. 2: APPROVAL OF MEETING MINUTES

The approval of the board meeting minutes of March 16, 2017.

- **MOTION:** Mr. Nick Purdy moved that the Idaho Board of Environmental Quality approve the above-mentioned minutes as prepared.
- **SECOND:** Mr. Kermit Kiebert.
- **VOICE VOTE:** Motion carried unanimously.

## AGENDA ITEM NO. 3: PRESENTATION BY SHOSHONE-BANNOCK AND SHOSHONE-PAIUTE TRIBES

Mr. Daniel Stone, Policy Analyst with the Fish and Wildlife Department of the Shoshone-Bannock Tribe, gave a presentation on the Shoshone-Bannock Tribal reservation and services.

Ms. Yvette Tuell, Policy Analyst with the Fort Hall Business Council of the Shoshone-Bannock Tribe also addressed the Board.

Mr. Buster Gibson, Business Council Vice-Chairman of the Shoshone-Paiute Tribe was scheduled to give a presentation but did not attend the meeting.

## AGENDA ITEM NO. 1: DIRECTOR'S REPORT

The chairman returned to Agenda Item No. 1, Director's Report.

Director John Tippetts reported on the following:

**Personnel Change**—Mr. Clive Strong, Natural Resources Division Chief of the Office of the Attorney General, will be retiring soon. Mr. Darrell Early, one of DEQ's Deputy Attorneys General, has accepted the position. The Attorney General's Office is recruiting to fill two vacant positions at DEQ.

**Human Health Criteria/Fish Consumption**—As reported at the last meeting, DEQ sent a letter to EPA Administrator Scott Pruitt requesting approval of DEQ's rule as submitted, but no response had been received. Since then, the EPA Region 10 acting administrator responded at Administrator Pruitt's request stating that DEQ's matter will receive a thorough review. The Region 10 acting administrator

indicated EPA will wait until they are comfortable that the course of action taken will have headquarters' support.

**Mid-Snake TMDL and Twin Falls' NPDES Permit**—EPA Region 10 believes the Mid-Snake River TMDL needs to be rewritten using lower river flows. The watershed advisory group had not yet recommended reopening the TMDL until last week partially based upon the draft NPDES permit for the city of Twin Falls. The permit would reduce their permitted phosphorus discharges from approximately 710 pound per day to 10 pounds per day. DEQ discussed the situation with EPA, and both parties agreed to discuss the issue further.

**Shipments of Transuranic Waste to WIPP**—Idaho will be making approximately 60 shipments to the Waste Isolation Pilot Plant this year. Approximately 800 shipments are ready to send to the WIPP facility from Idaho.

**Hells Canyon Dam Complex Relicensing**—Up until recently, Idaho thought it was in agreement with Oregon on the section 401 certification for relicensing the Hells Canyon dam complex. However, Oregon has decided to include introducing salmon above the Hells Canyon dam where Idaho law expressly prohibits fish introduction into those shared waters. Governor Butch Otter and Governor Kate Brown have agreed to try to resolve the issue. Consequently, Idaho Power has once again withdrawn its application to allow the states more time to resolve this issue.

Director Tippetts responded to questions from the Board.

**AGENDA ITEM NO. 4: FY2018 WATER POLLUTION CONTROL STATE REVOLVING FUND INTENDED USE PLAN AND STATE WASTEWATER LOAN PRIORITY LIST**

Mr. Barry Burnell, Water Quality Division Administrator, introduced himself, and Mr. Tim Wendland, Water Quality Loan Program Manager. Mr. Burnell distributed the Intended Use Plan, which is supplemental information from the Board packet. He gave a broad overview of the Intended Use Plan and explained each of the priority lists up for approval. One request includes transfer of \$10 million dollars from the Drinking Water State Revolving Fund loan account into the Clean Water State Revolving Fund loan account.

Mr. Tim Wendland discussed the FY2018 Water Pollution Control State Revolving Fund Intended Use Plan and State Wastewater Loan Priority List and described the lists in detail. At EPA's request, DEQ will make some terminology changes that involve engaging with the Rural Community Assistance Corporation (RCAC) to help rural communities with infrastructure. DEQ is not allowed to lend to individuals but can lend to nonprofits such as RCAC. The loan will extend principle forgiveness, which will help low-income individuals with failing septic systems and will be a good mechanism for entities where failing septic systems affect an entire community. He touched on the \$10 million dollar transfer from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund as the demand for resources continues.

Mr. Burnell and Mr. Wendland stood for questions from the Board. There were none.

- **MOTION:** Dr. Randy MacMillan moved that the Idaho Board of Environmental Quality approve the FY2018 Water Pollution Control State Revolving Fund Intended Use Plan, which includes the State Wastewater Loan Priority List, and authorizes DEQ to transfer \$10 million dollars from the Drinking Water State Revolving Fund loan account into the Clean Water State Revolving Fund loan account.
- **SECOND:** Ms. Carol Mascareñas
- **VOICE VOTE:** Motion carried unanimously.

**AGENDA ITEM NO. 5: FY2018 STATE WASTEWATER PLANNING GRANT PRIORITY LIST**

Mr. Barry Burnell and Mr. Tim Wendland discussed the FY2018 State Wastewater Planning Grant Priority List. There were 25 project requests, with only \$350,000 available. The seven top-ranked starred wastewater systems on the list will receive funding.

Mr. Wendland explained the comments received on the emergency situation at the Snake River Middle School, which had a failing septic system where sewage was ponding on the surface of the ground. The school officials ensured the sewage was contained so that it did not pose a health issue to the students and facility. This emergency situation moved the school to the top of the priority list.

Mr. Burnell and Mr. Wendland responded to questions from the Board.

- **MOTION:** Ms. Carol Mascareñas moved that the Idaho Board of Environmental Quality approve the FY2018 State Wastewater Planning Grant Priority List
- **SECOND:** Dr. Randy MacMillan
- **VOICE VOTE:** Motion carried unanimously.

**AGENDA ITEM NO. 6: FY2018 DRINKING WATER STATE REVOLVING FUND INTENDED USE PLAN AND STATE DRINKING WATER LOAN PRIORITY LIST**

Mr. Barry Burnell and Mr. Tim Wendland proceeded with the FY2018 Drinking Water State Revolving Fund Intended Use Plan and the State Drinking Water Loan Priority List. Mr. Wendland explained initially there were no comments received, but later comments from the cities of Heyburn and Ammon placed them on the fundable list.

New efforts this year included establishing \$500,000 of funding to replace corrosive pipes or lead fixtures posing a public health hazard and establishing emergency funding. Mr. Burnell asked for approval of the Intended Use Plan, priority list, and transfer of \$10 million dollars from the Drinking Water State Revolving Fund loan account into the Clean Water State Revolving Fund loan account.

Mr. Burnell and Mr. Wendland responded to questions from the Board.

- **MOTION:** Mr. Nick Purdy moved that the Idaho Board of Environmental Quality approve the FY2018 Drinking Water State Revolving Fund Intended Use Plan, which includes the State Drinking Water Loan Priority List, and authorizes DEQ to transfer \$10 million dollars from the Drinking Water State Revolving Fund loan account into the Clean Water State Revolving Fund loan account.
- **SECOND:** Mr. Kermit Kiebert
- **VOICE VOTE:** Motion carried unanimously.

**AGENDA ITEM NO. 7: FY2018 STATE DRINKING WATER PLANNING GRANT PRIORITY LIST**

Mr. Barry Burnell and Mr. Tim Wendland presented the FY2018 State Drinking Water Planning Grant Priority List. Mr. Wendland stated there were no comments on this priority list. DEQ can fund 17 out of the 23 water systems on the list for a total \$400,000 available from federal sources.

Mr. Burnell and Mr. Wendland stood for questions from the Board. There were none.

- **MOTION:** Mr. Kermit Kiebert moved that the Idaho Board of Environmental Quality approve the FY2018 State Drinking Water Planning Grant Priority List.
- **SECOND:** Ms. Carol Mascareñas.
- **VOICE VOTE:** Motion carried unanimously.

**AGENDA ITEM NO. 8: 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. 9: LOCAL REPORTS AND ITEMS BOARD MEMBERS MAY WISH TO PRESENT**

Ms. Paula Wilson asked that we keep the October Board meeting dates open for now, but most likely we will have a November Board meeting only and default on the second day. There were no additional items.

**ADJOURNMENT**

The meeting adjourned at 11:18 a.m.



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Kevin Boling, Chairman



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Kermit Kiebert, Secretary

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Rosie Alonzo, Assistant to the Board and Recorder