



State of Idaho
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOARD OF ENVIRONMENTAL QUALITY

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Toni Hardesty, Director

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IDAHO BOARD OF ENVIRONMENTAL QUALITY

MINUTES

November 10, 2010

The Board of Environmental Quality convened on November 10, 2010, at 8:30 A.M. at:

**Department of Environmental Quality
Conference Center
1410 N. Hilton
Boise, Idaho**

ROLL CALL

BOARD MEMBERS PRESENT

Nick Purdy, Chair
Carol Mascareñas, Vice-Chair
Dr. Joan Cloonan, Secretary
Craig Harlen, Member
Dr. John R. "Randy" MacMillan, Member

BOARD MEMBERS ABSENT

Kermit Kiebert, Member

DEPARTMENT OF ENVIRONMENTAL QUALITY STAFF PRESENT

Toni Hardesty, Director
Douglas Conde, Senior Deputy Attorney General, DEQ
Paula Wilson, Rules Coordinator
Rosie Alonzo, Management Assistant, Assistant to the Board
Barry Burnell, Administrator, Water Quality Division
Don Essig, Water Quality Standards Lead
Johnna Sandow, Water Quality Standards Analyst
Mary Anne Kosterman, Water Quality Standards Scientist

OTHERS PRESENT:

Allegra Belknap, Monsanto
Bob Tridle, ETS
Kevin Beaton, Stoel Rives
Alan Prouty, Idaho Association of Commerce & Industry (IACI) //Simplot
Christine Psyk, Environmental Protection Agency (EPA)
Bill Beckwith, Environmental Protection Agency (EPA)
Justin Hays, Idaho Conservation League (ICL)

Alex LaBeau, Idaho Association of Commerce & Industry (IACI)
Sarah Higer, Barker, Rosholt and Simpson (BRS)
Keith Reynolds, Division of Financial Management (DFM)
Pat Barkley, Idaho Council Industry & Environment (ICIE)
Robin Finch, City of Boise/AIC
Brent Olmstead, Milk Producers of Idaho (MPT)
Stephen Thomas, Moffatt Thomas
Jay Patrick, Idaho Reporter
Brenda Tominaga, Idaho Rural Water Association (IRWA)
Elizabeth Criner, Veritas Advisors
Sam Routson, Idahoan Foods
Robert Geddes, Idaho Senate
Liz Paul, Idaho Rivers United

- ❖ All attachments referenced in these minutes are permanent attachments to the minutes on file at the Idaho Department of Environmental Quality.
- ❖ **PLEASE NOTE THAT THE RECORDING TAPE FOR THE MEETING MINUTES FAILED AND THERE IS NO TAPE OR DETAILED MINUTES FOR THIS MEETING. ALL MOTIONS AND VOTING WERE RECORDED MANUALLY.**

PUBLIC COMMENT PERIOD

Chair Nick Purdy called the meeting to order and opened the floor to public comments on topics not specifically included on the agenda. No comments were received.

AGENDA ITEM NO. 1: DIRECTOR'S REPORT

Director Toni Hardesty updated the Board on several issues.

AGENDA ITEM NO. 2: ADOPTION OF MEETING MINUTES

Consideration of the adoption of the minutes of October 6, 2010 was rescheduled to the next Board of Environmental Quality meeting of April 25, 2011.

AGENDA ITEM NO. 3: RULES FOR THE RECLAMATION AND REUSE OF MUNICIPAL AND INDUSTRIAL WASTEWATER DOCKET NO. 58-0117-1001 (PENDING RULE - RULEMAKING TO REVISE HIGHLY TREATED WASTEWATER REQUIREMENTS, CLARIFY LANGUAGE IN CERTAIN SECTIONS OF THE RULES AND INCREASE EFFICIENCY IN PROCESSING REUSE PERMITS.) BARRY BURNELL AND OLGA CUZMANOV

Barry Burnell, Administrator, Water Quality Division, introduced Olga Cuzmanov, Compliance Specialist, and Rick Huddleston, Wastewater Program Manager. Mr. Burnell mentioned this is a pending rule. He turned the floor over to Ms. Cuzmanov to explain the rule further.

Mr. Burnell and Mr. Huddleston responded to questions from Board members.

- **MOTION:** Craig Harlen moved the Board adopt Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater, Docket No. 58-0117-1001
 - **SECOND:** Joan Cloonan
- VOICE VOTE:** Motion carried unanimously.

AGENDA ITEM No. 4: WATER QUALITY STANDARDS, DOCKET NO. 58-0102-1001 (PENDING RULE - ANTIDegradation Implementation Procedures.) BARRY BURNELL AND DON ESSIG

Chairman Purdy turned the floor over to Mr. Burnell, who introduced Mr. Essig, water Quality Standards Lead. Mr. Burnell went on to explain the Clean Water Act requires Idaho to protect the existing uses of all state waters and to protect high quality waters from degradation.

Several individuals testified on the proposed rules:

Alan Prouty, Idaho Association of Commerce & Industry (IACI)
Ms. Christine Psyk, Associate Director, Office of Water and Wastersheds, U.S. Environmental Protection Agency Region 10 and Mr. Bill Beckwith, U.S. Environmental Protection Agency Region 10
Justin Hays, Idaho Conservation League (ICL)
Bob Tridle, ETS Representing HECLA
Robin Finch, Water Quality Manager, City of Boise, Public Works/Association of Idaho Cities
Senator Robert Geddes, Idaho State Senate, District 31, President Pro Tem, Monsanto
Kevin Beaton, Stoel Rives, representing Idaho Mining Association
Liz Paul, Idaho Rivers United

Upon completion of testimony. The Board continued discussion and were presented with four options for consideration regarding the pending rule. (See Attached)

The options were reviewed and discussed by the Board Members and the Board Members proceeded with motions and voting.

- **MOTION ON ACCEPTANCE OF OPTION:** Craig Harlen moved the Board accept Option I changes into the Water Quality Standards under Docket No. 58-0102-1001,
 - **SECOND:** Joan Cloonan
- VOICE VOTE:** Motion carried unanimously.

Chairman Purdy asked if we should proceed to adopt the rule on hand.

- **MOTION:** Joan Cloonan moved the Board adopt the Water Quality Standards presented in the final proposal under Docket No. 58-0102-1001, with the addition of Option No. 1 changes.
- SECOND:** Craig Harlen

VOICE VOTE: Motion carried unanimously.

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

Paula Wilson, Rules Coordinator, reviewed the current contested case and rule docket status report. A reference copy of the promulgation Status Report is attached to the minutes on file.

AGENDA ITEM NO. 6: SET 2011 BOARD MEETING SCHEDULE

The Board scheduled meetings in 2011 for April 25 and 26, October 12 and 13, and, November 9 and 10.

AGENDA ITEM NO. 7: LOCAL REPORTS AND ITEMS BOARD MEMBERS MAY WISH TO PRESENT

No items were presented.

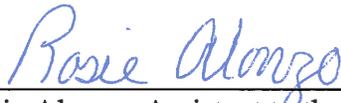
The meeting adjourned at 1:35 p.m.



Nick Purdy, Chairman



Joan Cloonan, Secretary



Rosie Alonzo, Assistant to the Board and Recorder