

## ***Part I – Agency Profile***

### **Agency Overview**

The Idaho Department of Environmental Quality (DEQ) was established by the Environmental Protection and Health Act, Chapter 1, Title 39, Idaho Code, to protect human health and the environment. As the state's environmental regulatory agency, DEQ is responsible for implementing and enforcing delegated federal programs under the Clean Air, Clean Water, Safe Drinking Water, and Resource Conservation and Recovery Acts, as well as many state environmental laws and rules. This regulatory responsibility covers a broad range of activities to ensure Idaho's air, water, land, and Idaho citizens are protected from the adverse impacts of pollution.

The Environmental Protection and Health Act also established the Board of Environmental Quality. The board is the administrative body charged with making decisions on rules proposed by the department to carry out provisions of the act and to enforce state environmental laws. DEQ drafts rules with assistance from the Office of the Attorney General following a negotiated rulemaking process involving interested stakeholders. Rules may be adopted, amended, or repealed by the board. All administrative rules adopted by the board are subject to legislative review. The board also functions as the agency's administrative appeals board. Decisions of the agency can be appealed to the board, which may choose to hear the case or designate a hearing officer. Final determinations of the board are subject to judicial review.

To protect human health and the environment, DEQ's primary activities include monitoring, permitting, conducting inspections, performing remediation, and providing a wide range of oversight, technical assistance, and outreach.

- Environmental monitoring is performed to assess conditions and ensure health-based standards are met.
- Permits are issued to facilities that manage wastes or release pollutants to limit discharges to safe levels.
- Inspections of pollution sources are conducted and complaints are investigated to ensure compliance with environmental regulations and standards. When necessary, enforcement action is taken.
- Remediation is conducted to remove or neutralize contaminants in soil, ground water, and surface waters. Compliance with remedial activities is typically voluntary, but when necessary, enforcement action is taken.
- Oversight is maintained for a variety of projects including environmental cleanups, pollution reduction efforts, and drinking water and wastewater infrastructure improvements.
- Technical support, outreach, and education are offered to facilitate compliance with environmental requirements for air quality, water quality, and waste management and remediation.

DEQ works closely and collaboratively with a wide range of public and private partners including the legislature; the Board of Environmental Quality; federal and state agencies; city, county, and tribal governments; businesses; community organizations; and citizens. These partnerships are critical to accomplishing the agency's mission.

DEQ's headquarters in Boise is organized into four divisions focused on developing and administering programs and policies, providing technical support to the divisions and regions, and providing agency-wide administrative support. The divisions include Air Quality, Water Quality, Waste Management and Remediation, and Technical Services.

Day-to-day, on-the-ground agency services are provided by six regional offices located in Boise, Coeur d'Alene, Idaho Falls, Lewiston, Pocatello, and Twin Falls. DEQ also maintains smaller satellite offices in Kellogg and Grangeville. Regional and satellite offices are charged with implementing agency programs and policies and providing direct services to citizens, communities, businesses, and industries.

### **Core Functions/Idaho Code**

DEQ's core functions and regulatory authorities are summarized below, followed by a table detailing the department's revenues and expenditures for the past four fiscal years.

- **Air Quality:** DEQ ensures compliance with federal and state health-based air quality standards by collecting air quality information, monitoring, developing and issuing permits, conducting inspections at facilities, responding to complaints, and coordinating air quality improvement efforts among communities, citizen groups, businesses, industries, other state agencies, tribes, and the US Environmental Protection Agency (EPA) (Title 39, Chapter 1, Idaho Code; Clean Air Act).
- **Water Quality:** DEQ protects the surface and ground waters of the state to support beneficial uses and provide safe drinking water supplies by setting water quality standards, certifying project compliance with standards, monitoring, reporting on water quality, developing and implementing improvement plans, issuing wastewater reuse and direct discharge permits, and providing grants and loans for constructing drinking water and wastewater treatment facilities (Title 39, Chapters 1, 36, 66, 76, 79, 85, Idaho Code; Title 37, Chapter 21, Idaho Code; Title 50 Chapter 13 Idaho Code; Clean Water Act).
- **Waste Management and Remediation:** DEQ ensures management and disposal of waste generated in or entering Idaho is conducted in a manner protective of human health and the environment. DEQ responds to releases of hazardous substances to surface waters, ground waters, or soils and conducts, oversees, and negotiates cleanups of contaminated sites. DEQ works with communities to rehabilitate contaminated sites to return them to a safe and developable condition (Title 39, Chapters 1, 30, 44, 58, 65, 71, 72, 74, 81, 88, Idaho Code; Resource Conservation and Recovery Act; Comprehensive Environmental Response, Compensation, and Liability Act).
- **INL Oversight:** DEQ oversees activities at the Idaho National Laboratory (INL) to ensure compliance with legal agreements and environmental regulations for waste treatment, remediation, and removal. DEQ maintains an independent environmental monitoring program designed to verify and supplement monitoring programs carried out by the INL. Working with other state agencies, DEQ assists local governments statewide in planning and responding to emergencies involving radiological materials. DEQ also routinely informs the public about INL activities impacting Idaho's environment (Title 39, Chapter 1, Idaho Code).

**Revenues and Expenditures**

Revenue	FY 2016	FY 2017	FY 2018	FY 2019
Air Quality Permitting	\$1,009,266	\$1,110,118	\$931,006	\$1,126,068
Public Water System Oversight	\$1,585,711	\$1,627,025	\$1,651,657	\$1,620,766
Water Pollution Control	\$4,804,394	\$4,810,218	\$4,829,865	\$4,823,587
Environmental Remediation	\$1,846,547	\$1,869,668	\$1,970,968	\$2,110,912
Cooperative DEQ-Federal	\$24,645,797	\$24,536,640	\$20,838,643	\$23,280,316
Cooperative DEQ-General	\$16,449,600	\$17,908,000	\$19,621,100	\$20,751,696
Cooperative DEQ-Other	\$2,131,707	\$2,342,849	\$1,921,310	\$2,115,232
Bunker Hill Consent Decree	\$470,272	\$480,546	\$568,222	\$179,326
Underground Storage Tank Fees	---- <sup>a</sup>	---- <sup>a</sup>	---- <sup>a</sup>	\$196,085
<b>Total</b>	<b>\$52,943,294</b>	<b>\$54,685,064</b>	<b>\$52,332,771</b>	<b>\$56,203,988</b>
Expenditures	FY 2016	FY 2017	FY 2018	FY 2019
Personnel Costs	\$27,402,600	29,859,100	\$30,425,221	\$30,856,108
Operating Expenditures	\$16,405,500	13,209,200	\$12,234,514	\$13,397,042
Capital Outlay	\$450,800	640,700	\$475,410	\$542,398
Trustee/Benefit Payments	\$5,149,800	7,558,500	\$5,880,173	\$6,368,776
<b>Total</b>	<b>\$49,408,700</b>	<b>51,267,500</b>	<b>\$49,015,318</b>	<b>\$51,164,325</b>

a. FY 2019 is the first year DEQ has received this revenue source.

### Profile of Cases Managed and/or Key Services Provided

The following table summarizes some of the key services DEQ provides to communities, businesses, industries, and the citizens of Idaho.

Cases Managed and/or Key Services Provided	FY 2016	FY 2017	FY 2018	FY 2019
<b>Air Quality Division</b>				
Air Quality Permits to Construct Issued	56	89	90	72
Air Quality Tier I (Title V) Permits Issued	9	15	15	18
Air Quality Tier II Permits Issued	2	1	1	1
Air Quality Permits by Rule Issued	---- <sup>a</sup>	---- <sup>a</sup>	---- <sup>a</sup>	26
Inspections of Stationary and Portable Air Pollution Sources	161	193	125	197
Number of Crop Residue Acres Approved and Burned	36,760	41,411	34,247	40,104
<b>Water Quality Division</b>				
Wastewater Grants Awarded	\$246,152	\$325,000	\$347,500	\$343,500
Wastewater Loans Awarded	\$27,876,605	\$18,305,461	\$66,972,863	\$53,423,000
Drinking Water Grants Awarded	\$293,443	\$331,172	\$398,958	\$248,935
Drinking Water Loans Awarded	\$14,985,992	\$6,165,007	\$21,015,156	\$6,058,650
401/404 Water Quality Certifications Issued	43	40	87	48
Wastewater Reuse Permits Issued	19	12	19	23 <sup>b</sup>
IPDES Direct Discharge Permits Issued	---- <sup>a</sup>	---- <sup>a</sup>	---- <sup>a</sup>	1
Total Wastewater Engineering Plan and Specification Reviews Completed	233	238	302	256
Total Drinking Water Engineering Plan and Specification Reviews Completed	315	279	296	409
Drinking Water Sanitary Surveys Completed	397	417	394	441
Source Water Assessments Completed	102	94	110	102
Active Nonpoint Source Projects Administered (Previous Calendar Year)	57	49	32	45
Nonpoint Source Projects Completed (Previous Calendar Year)	15	20	8	9
Beneficial Use Reconnaissance Program (BURP) Sites Surveyed	284	240	280	242
<b>Waste Management and Remediation Division</b>				
Leaking Underground Storage Tank Cleanups Completed	7	31	16	16
Underground Storage Tank Training and Inspections Completed	357	399	407	338
Hazardous Waste Inspections Conducted	93	95	102	111
Total Phosphate Mine Projects with Agreements for Remediation and/or Operations with DEQ Involvement	26	123	133	na <sup>b</sup>
Three-to-five-year inspections of municipal solid waste landfills completed (three are required)	---- <sup>a</sup>	---- <sup>a</sup>	---- <sup>a</sup>	6
Snake River Plain Environmental Samples Analyzed (for INL)	4,713	7,100	5,780	6,027
Pollution Prevention Technical Assistance Efforts	93	104	98	110

a. New key service—data are not available for FY 2016–FY 2018.

b. This key service will no longer be tracked.

## Red Tape Reduction Act

To adhere to the Red Tape Reduction Act, DEQ reduced the following chapters, words, and restrictive language. A summary for each division's progress is provided below.

	As of July 1, 2019
Number of Chapters	24
Number of Words	414,640
Number of Restrictions	6,809

**Air Quality**—The Air Quality Division proposed removing some sections of code: IDAPA 58.01.01.590–591, 845–848, and 855–859 (Docket No. 58-0101-1903). Negotiated rulemaking for this docket concluded, and the proposed rule was published in the August 2019 bulletin.

**Water Quality**—The Water Quality Division initiated negotiated rulemaking to combine the four rule chapters for wastewater and drinking water facility grants and loans into two chapters (Docket Nos. 58-0104-1901, 58-0112-1901, 58-0120-1901, and 58-0122-1901). Through simplification and consolidation, the two facility planning grant rule chapters will become a single chapter, and the two revolving loan rule chapters will become a single chapter. A negotiated rulemaking meeting is scheduled for August 27. The dockets will be introduced in the 2021 legislative session.

**Waste Management and Remediation**—The WMR Division has not completed rule revisions that incorporate Red Tape Reduction Act requirements. WMR is currently working on two dockets: 58-0106-1901 (Solid Waste Management Rules) and 58-0113-1901 (Rules for Ore Processing by Cyanidation). Both dockets will be introduced in the 2021 legislative session.

## FY 2019 Performance Highlights

**Air Quality**—In 2016, Volkswagen agreed to settle a lawsuit alleging it manufactured diesel cars sold and operated with systems intended to defeat emission tests. As a Volkswagen Settlement Beneficiary, the State of Idaho is eligible to request \$17.3 million dollars from the Volkswagen Settlement Fund for projects under Eligible Mitigation Actions, which include a vehicle replacement program and an electric vehicle supply equipment program. Through the VW Trust, DEQ has \$8 million dollars in settlement funding to award requests for 132 diesel vehicle replacements. DEQ also approved one application for funding toward two electric vehicle-charging stations and has another application under review. DEQ works closely with the Office of Energy and Mineral Resources on the electric vehicle supply equipment portion of the settlement. We anticipate an additional funding opportunity at the end of this year.

**Water Quality**—The source water protection program conducted four regional training workshops in April 2019 to provide information on how source water protection can be integrated into asset management and the tools and resources available to assist with developing source water protection plans, emergency response plans, and funding source water protection projects. Across all regions, over 190 people attended the workshops.

In partnership with EPA and the Rural Community Assistance Corporation, DEQ conducted the Cyanotoxins in Drinking Water: Protection and Response workshop. This workshop focused on increasing the participants' understanding of cyanotoxins and their impacts to public drinking water, enable public water system operators and communities to better protect source water from the threat of cyanotoxins, and learn to respond appropriately to a cyanotoxin detection in finished drinking water.

**Waste Management and Remediation**—The Hazardous Waste Program held a lean kaizen event in Boise on October 1–5, 2018, to evaluate the hazardous waste inspection process. The objectives were to reduce the number of steps required to conduct inspections and issue inspection reports, improve the quality of inspection reports, increase compliance rates of inspected facilities, increase customer interaction and satisfaction, and increase inspector retention and job satisfaction. The event identified opportunities for improvement and solutions to reduce the number of steps in the process from 74 to 55. The changes are currently being implemented.

## Part II – Performance Measures

DEQ's target performance measures are used to track and report progress in meeting the overall agency goal of protecting public health and the environment. These targets were chosen because each tracks measurable agency actions and reflects an actual environmental or public health outcome or result. Each performance measure is revisited annually through the strategic planning process to ensure its continued relevance.

### Goals and Performance Measures

In our first year with new performance measures, goals, and objectives, we successfully completed several objectives that improved air quality, prioritized impaired waters, and identified new, existing contaminated sites. As a result, the Air Quality, Water Quality, and Waste Management and Remediation Divisions developed new performance measures and objectives for the next fiscal year. Actual measured results may not be available for 2016–2019 because data were limited, not tracked, or did not exist. FY 2020 targets are provided in the Goals and Performance Measures table.

**Performance Measure 1**—The target of zero days is based on 25 days in unhealthy range in FY 2018. This performance measure is determined by any single air monitor reaching unhealthy, which is identified as *red* on the Air Quality Index (AQI) scale. If multiple air monitors reach unhealthy air quality levels on the same day, it still counts as 1 day. A vast majority of measured unhealthy days can result from exceptional events such as wildfire and dust.

**Performance Measure 2**—Derived from DEQ's 2016 Integrated Report, this performance measure compares the number of river and stream miles that support beneficial uses to the number of assessed river and stream miles.

**Performance Measure 3**—The target of 213 sites is a 10% reduction in the current 237 open contaminated sites (2,770 total known contaminated sites). This performance measure includes leaking underground storage tanks and general remediation sites. Contaminated site closure is complete when contaminant concentrations meet acceptable risk-based or other approved criteria through assessment or remediation activities. This performance measure excludes sites under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), including mega sites, such as the Idaho National Laboratory and Bunker Hill, Department of Defense cleanup sites, hazardous waste sites, and solid waste facilities.

**Performance Measure 4**—This performance measure is based on wastewater reuse applications, IPDES applications, drinking water and wastewater plan and specification submittals, air quality permit applications, and hazardous waste permit applications.

**Performance Measure 5**—This performance measure is based on 5-year averages across programs. Each program measures compliance differently. IPDES is excluded this year because the program does not have a full year of data to report. Annual updates will be made to the benchmark.

**Performance Measure 6**—This performance measure includes air quality permits to construct, wastewater reuse and IPDES permits, and hazardous waste permits. With startup of the IPDES Program, DEQ will inherit a permit backlog that will require 1-to-2 permit cycles (5–10 years) to meet the national goal of 90% current permits.

**Performance Measure 7**—Continuous improvement is a long-term approach to systematically target and incrementally change processes to improve efficiency and quality within the agency. Using the kaizen philosophy and a lean process focus, DEQ will examine our processes in detail and determine output improvements. All staff are encouraged to suggest and implement changes that create continuous improvement within the regions and across the agency.

Goals and Performance Measures						
Performance Measure		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>Goal 1</b>						
<i>Make recognizable and measurable environmental improvements</i>						
1. Reduce number of unhealthy days based on the Air Quality Index (AQI) throughout the state	actual	-----	-----	25 days	11 days	-----
	target	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	0 days	0 days
2. Increase the percentage of assessed rivers and streams supporting beneficial uses	actual	-----	-----	33%	33%	-----
	target	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	35%	35%
3. Reduce the number of known contaminated sites	actual	-----	-----	275 sites	237 sites	-----
	target	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	247 sites	213 sites
<b>Goal 2</b>						
<i>Provide first-class customer service as a trusted source for environmental leadership</i>						
4. Increase the percentage of complete permit applications and facility plan and specification submittal packages on initial submittal	actual	-----	-----	46%	71%	-----
	target	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	82%	82%
5. Increase the compliance rate of inspected facilities	actual	-----	-----	73%	82% <sup>b</sup>	-----
	target	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	82%	82%
<b>Goal 3</b>						
<i>Foster a culture of continuous improvement</i>						
6. Increase the percentage of permits issued before deadline	actual	-----	-----	67%	88%	-----
	target	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	81%	81%
7. Conduct one kaizen each year/Conduct 50 lean improvement projects per year <sup>c</sup>	actual	-----	-----	-----	2 events <sup>c</sup>	-----
	target	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	1 event	50 projects

a. In 2018, DEQ developed all new goals and performance measures, and data are not available.

b. IPDES is excluded this year because the program does not have a full year of data to report.

c. In 2019, under the performance measure, conduct one kaizen each year, two events were achieved: (1) source water update kaizen and (2) hazardous waste compliance/inspection kaizen. Because this performance measure was achieved in 2019, a new performance measure was developed for 2020—50 lean improvement projects per year.

**Performance Analysis**—Over past fiscal years, DEQ has met or exceeded a majority of its performance measurement targets. In the coming year, DEQ will continue to make action-based progress with updated performance measures and objectives. Along with meeting new performance measures, DEQ is faced with the additional challenges as described below:

**Air Quality**—In its strategic plan, DEQ identified a measure to reduce the number of unhealthy air quality days, as noted above, based on the AQI scale. In FY 2019, DEQ reported 11 days in the unhealthy range of which 10 days were a result of wildfires and are noted as exceptional events in DEQ’s database.

**Water Quality Grants and Loans**—Each year the goals for State Revolving Fund loans and State Planning grants are set based upon interest expressed by Idaho communities. During the course of the fiscal year, communities will sometimes change their plans for funding, by either pursuing a different funding option or by not moving forward with their plans. When communities change their plans, the DEQ Loans and Grants Program makes every effort to commit the financial resources to a new funding applicant.

**Waste Management and Remediation**—Multiple programs within the division are challenged to develop timely outreach materials and to conduct outreach activities (e.g., workshops) to improve compliance rates of regulated facilities and improve permit submittals.

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