

## ***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 the health of 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 Rules may be adopted, amended, or repealed by the Board.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 restrict 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 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.

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 five 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, Technical Services, and Environmental Management and Information.

Day-to-day, on-the-ground agency services are provided more locally 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 (FY).

- **Air Quality:** DEQ ensures compliance with federal and state health-based air quality standards by collecting air quality information, monitoring, developing and issuing permits, 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 permits, and providing grants and loans for constructing drinking water and wastewater treatment facilities (Title 39, Chapters 1, 36, 64, 66, 76, Idaho Code; Title 37, Chapter 21, Idaho Code; Clean Water Act).
- **Waste Management and Remediation:** DEQ ensures management and disposal of waste generated in or entering Idaho 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, 44, 58, 65, 71, 74, 81, 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 for waste treatment, remediation, and removal and compliance with applicable environmental regulations. 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 routinely keeps the public informed about INL activities impacting Idaho's environment (Title 39, Chapter 1, Idaho Code).

### Revenues and Expenditures

Revenue	FY 2011	FY 2012	FY 2013	FY 2014
Air Quality Permitting	\$1,119,172	\$1,098,133	\$792,672	\$1,599,417
Public Water System Oversight	\$1,627,995	\$1,631,539	\$1,578,148	\$1,622,637
Water Pollution Control	\$4,823,076	\$4,819,577	\$4,805,124	\$4,803,399
Environmental Remediation	\$1,801,509	\$1,783,296	\$1,696,245	\$1,801,896
Cooperative DEQ-Federal	\$31,406,828	\$33,179,790	\$34,601,836	\$29,968,418
Cooperative DEQ-General	\$14,278,100	\$13,799,400	\$14,276,200	\$14,839,100
Cooperative DEQ-Other	\$1,889,651	\$1,181,092	\$1,497,662	\$1,699,390
Bunker Hill Consent Decree	\$248,155	\$17,381,077	\$143,441	\$307,916
<b>Total</b>	<b>\$57,194,486</b>	<b>\$74,873,904</b>	<b>\$59,391,328</b>	<b>\$56,642,173</b>
Expenditure	FY 2011	FY 2012	FY 2013	FY 2014
Personnel Costs	\$23,793,600	\$24,055,400	\$25,159,800	\$25,391,100
Operating Expenditures	\$26,420,200	\$25,412,400	\$25,448,000	\$22,475,000
Capital Outlay	\$253,900	\$748,100	\$361,100	\$430,100
Trustee/Benefit Payments	\$4,621,300	\$4,427,600	\$3,559,300	\$4,264,400
<b>Total</b>	<b>\$55,089,000</b>	<b>\$54,643,500</b>	<b>\$54,528,200</b>	<b>\$52,560,600</b>

**Profile of Key DEQ Services Provided**

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

Key DEQ Services Provided	FY 2011	FY 2012	FY 2013	FY 2014
<b>Air Quality Division</b>				
Air Quality Permits to Construct Issued	161	66	49	20
Air Quality Tier I (Title V) Permits Issued	21	16	12	5
Air Quality Tier II Permits Issued	6	3	2	1
Air Inspections Conducted	95	104	102	126
Number of Crop Residue Acres Burned	66,573	71,902	61,208	51,859
<b>Water Quality Division</b>				
Wastewater Grants Awarded	\$255,201	\$590,461	\$249,269	\$327,393
Wastewater Loans Awarded	\$41,078,440	\$30,215,542	\$49,398,445	\$15,934,713
Drinking Water Grants Awarded	\$253,393	\$413,398	\$245,727	\$250,000
Drinking Water Loans Awarded	\$18,604,556	\$10,753,416	\$8,578,551	\$15,219,193
401/404 Water Quality Certifications Issued	166	81	69	50
Wastewater Reuse Permits Issued	15	21	17	22
Total Wastewater and Drinking Water Engineering Plan and Specification Reviews Completed	934	369	489	466
Source Water Assessments Completed	52	55	92	133
Drinking Water Sanitary Surveys Completed	369	381	356	439
Active Nonpoint Source Projects Administered (Previous Calendar Year)	68	66	75	61
Nonpoint Source Projects Completed (Previous Calendar Year)	15	12	18	15
Beneficial Use Reconnaissance Program (BURP) Sites Surveyed	242	239	264	282
<b>Waste and Remediation Division</b>				
Leaking Underground Storage Tank Cleanups Completed	16	20	15	19
Underground Storage Tank Training and Inspections Completed	436	402	344	399
Hazardous Waste Inspections Conducted (Regulatory and Compliance Assistance)	181	145	119	110
Phosphate Mine Sites with Planned or Ongoing Investigation/Cleanup with DEQ Involvement	23	25	27	27
Snake River Plain Environmental Samples Analyzed (for INL)	4,909	4,570	4,290	5,073
Pollution Prevention Technical Assistance Efforts	86	52	93	116

**Performance Highlights**

**Air Quality Division**

**Smoke Management Program**

The Smoke Management Program includes all types of open burning from weed control to prescribed burning in forests to responding to smoke from wildfires. The principles of the smoke management program are to (1) protect human health, especially among sensitive populations; (2) maintain burning as a tool; (3) ensure burning

is conducted using proper techniques and under optimal atmospheric conditions; and (4) make burning-related information readily available to the public.

The primary focus of the Smoke Management Program during FY2014 was response to smoke impacts resulting from wildfires during another severe fire season. DEQ led daily conference calls to assist agency coordination and deployed four emergency monitors throughout the state to better forecast and report air quality conditions to the public. Southern Idaho was the most heavily impacted area of the state with smoke from fires in Idaho, California, Oregon, and Washington. The communities of Hailey, Ketchum, and Sun Valley were particularly impacted. DEQ assisted the Idaho Department of Health and Welfare to provide face masks to these communities in addition to increased monitoring efforts.

### **Water Quality Division**

#### **Source Water Program**

In addition to completing 133 source water protection assessments during FY2014, DEQ's Source Water Program launched an interactive *Source Water Protection Activity Guide*. This guide identifies potential sources of contamination that could threaten public drinking water sources and provides a range of activities for protecting source water from contamination. DEQ also formalized the Idaho Source Water Protection Collaborative consisting of various federal, state, local, and nonprofit organizations and water purveyors that play a role in protecting Idaho's drinking water sources. The collaborative is committed to working together to prevent source water contamination as the best method for safeguarding drinking water in Idaho. More information is available on the collaborative's new website: [www.protectthesource.org/](http://www.protectthesource.org/).

#### **Reduced Reuse Permit Backlog**

During FY2014, DEQ was able to reduce the wastewater reuse permit backlog from 40 to 15. This success may be attributed to a series of steps taken to improve permitting efficiency. A formal "kaizen" process was conducted in 2012 to identify and eliminate duplicative and unnecessary steps in the permit application process for regulated entities. Prospective improvements identified have now been fully implemented with the most noticeable improvement being a revamped process for providing guidance to new and renewing permit applicants. By rule, DEQ has six months from the time a complete permit application is received until a final permit is issued. Previously, however, this timeframe was often unmet due to facility confusion on what information actually needs submitted to DEQ. Now, DEQ meets with facilities a full year in advance during a pre-application conference to convey what information is needed and to provide a road map for success in the reuse permitting process. A suite of other measures have also improved efficiencies, including recently updated reuse permit application forms, a new comprehensive Permit Writer's Guide and associated trainings as well as other updates to manuals, protocols, and the launching of a statewide reuse permit database.

### **Waste Management and Remediation Division**

#### **Former Goodman Oil Site, Grand View**

In 2012, the mayor of the City of Grand View initiated efforts to convert a long-abandoned and blighted property on the southern bank of the Snake River into a riverside public park. The site's owner, Goodman Oil, previously used the site for bulk storage and distribution of petroleum products but any impacts of contamination remained unknown. Goodman Oil was willing to gift the property to the city, however, officials recognized the potential risk and cleanup liability associated with the property and lacked adequate funding to perform needed environmental assessments. The community applied for and received a \$50,000 Idaho Gem Grant from the Idaho Department of Commerce to cover demolition of existing structures, site preparation, park development and a small remediation project if necessary. The mayor approached DEQ about performing an assessment on the property and applied to the Brownfields Assessment Program. Once accepted to the program, both Phase I and Phase II environmental site assessments were completed, concluding that approximately 450 cubic yards of petroleum contaminated soils needed removed. The city developed a remediation plan with DEQ as well and negotiated an agreement for disposal of the contaminated soil with U.S. Ecology. Activity and use limitations were established through an environmental covenant which restricts extraction of groundwater and excavation of deeper contaminated soils on the property. The park site has since been re-graded, seeded for grass, and planted with donated trees and shrubs. In addition, the Idaho Department of Parks donated \$37,000 for construction and installation of a fishing pier. Through use of DEQ's Brownfields Program and other partners, Grand View's mayor leveraged \$97,000 in State of Idaho

grants and in-kind donations to address a problematic property within city limits. The resulting riverside park is now an asset to the community and no longer an immediate threat to human health or the environment.

### **Bunker Hill Remediation Program**

*Paved Roads:* In FY2013, DEQ and EPA issued the Roadway Surface Remediation Strategy (Strategy) for the Bunker Hill Superfund Site. The objective of this Strategy is to provide assistance to local communities and road jurisdictions in repairing and maintaining paved roads that serve as barriers to underlying contaminated soil. It is recognized that truck traffic from remedial work has contributed to the deterioration of existing roads. The Strategy helps to offset these damages by providing funding based on roadway inventory and remaining service life identified in the Silver Valley Transportation Plan and the Eastside Highway District planning documents. EPA and DEQ will be implementing the Strategy but local jurisdictions are responsible for program and project planning, project construction and documentation of completed work. The cost to fully implement the Strategy is estimated at \$54 million with each road jurisdiction allocated a specific amount to be used for eligible roads. In FY2014, several projects were approved and approximately \$7 million in construction sub-grants were issued to local road jurisdictions for construction during the 2014 season.

*Remedy Protection Projects:* EPA issued a Record of Decision (ROD) Amendment in 2012 calling for implementation of stormwater and snowmelt runoff control projects to protect completed cleanup work using upgraded drainage structures and channels. These projects, referred to as Remedy Protection Projects, involve culvert and bridge replacements, channel improvements, small diversion structure upgrades and construction of stabilized ditches. The ROD Amendment identified Remedy Protection Projects as necessary in the eight primary Upper Coeur d'Alene Basin communities. Once implemented, these projects will protect installed barriers from being damaged by intensive stormwater runoff and side drainage flood events that deposit contaminated material on the clean barrier or scour away the barrier entirely. Five Remedy Protection Projects were completed in the 2013 construction season. Four more projects are slated for construction during the 2014 calendar year as well. The total cost of Remedy Protection Projects in both urban areas and side drainages is estimated at \$33.8 million.

Paved Road and Remedy Protection Projects have the dual benefit of protecting against contamination and recontamination in the areas addressed and also to assist communities with the operations, deferred maintenance and upgrading of their local infrastructure.

### **Education and Outreach**

#### **Chemical Roundup Program**

The Chemical Roundup program started as means for assisting teachers with removing hazardous chemicals from school labs. Teachers participating in the program were given basic instruction on preferable purchasing options for chemicals as well as preferred storage methods to reduce the risk of spills or chemical reactions. To make the program more sustainable, the Pollution Prevention Program enrolled four chemistry teachers in an online green chemistry course being taught this summer through the Colorado School of Mines. The course emphasizes green chemistry labs and instruction methods teachers can bring back to their respective schools. In the next year, the Pollution Prevention Program will use these four teachers to develop preferable purchasing plans, continuing education plans, and chain of custody plans for their schools and other schools and districts throughout the state to improve green chemistry learning and reduce chemical safety hazards in school labs.

## ***Part II – Performance Measures***

Since FY2008, DEQ has been using the same eight benchmark performance measures to track and report annual progress in meeting the agency's primary goal of protecting human health and the environment. Each performance measure is defined below and includes a description of refinements that have been made to improve consistency and the relevance of the measure.

**Permits to construct issued, on average, in 99 days.** DEQ recognizes the importance of issuing timely permits to construct so facilities that require permits can plan and make strategic business decisions. State statute requires that permits to construct be issued within 120 days. DEQ streamlined its permitting

process in 2007 and tracks the amount of time it takes to issue a permit to construct on a 2-year, monthly rolling average. DEQ can now issue a permit to construct, on average, in 99 days and reports annually the actual 2-year rolling average number of days to issue these permits.

**Air Quality Index “Good” or “Moderate” 98% of days.** The Air Quality Index is a tool to help citizens understand the severity of air pollution and potential health implications so they may take steps to protect their health and reduce their contribution to air pollution. The index is calculated by comparing actual monitoring data to health-based standards. It is reported daily in select cities on a scale of both increasing pollution and concern for human health according to the following six categories: good, moderate, unhealthy for sensitive groups, unhealthy, very unhealthy, and hazardous.

**Hazardous waste permits and reviews.** Permits and reviews associated with hazardous wastes are completed annually according to predetermined schedules. These timeframes are established with consideration for federal regulations, project schedules, construction seasons, and company requests.

**Brownfield site assessments.** A brownfield site is a vacant or underutilized property where redevelopment or reuse is complicated by actual or perceived environmental contamination. Site assessments are completed to provide the environmental information necessary to proceed with redevelopment or reuse. This information is used to guide site cleanup to minimize public health risks and bolster the community's economic vitality.

**Monitoring of INL conditions.** Continuous air quality monitors and real-time radiation monitors on and around the INL track environmental conditions and must be operational at least 97% of the time.

**TMDLs.** DEQ is required to complete total maximum daily loads (TMDLs), or water quality improvement plans, for water bodies not meeting water quality standards or supporting beneficial uses. TMDLs are completed for water bodies based on the number of assessment units they contain and the number of individual pollutants impairing water quality. Idaho water bodies have been categorized into 5,746 assessment units based on hydrologic catalog units (subbasins) and stream order. These units encompass approximately 96,400 miles of streams and rivers and 475,457 acres of lakes and reservoirs. As an example, if a stream is made up of 3 assessment units and 4 pollutants are identified as impairing water quality in each of them, there would be 12 assessment unit/pollutant combination TMDLs to complete for that stream.

**Reviews of drinking water and wastewater engineering plans and specifications.** In 2005, the legislature established a 42-day timeframe for DEQ to review and act on engineering plans and specifications. This establishes a reasonable window to complete thorough evaluations while at the same time being responsive to business planning needs.

**Regulating community water systems to provide safe drinking water.** The total population of Idaho is estimated at 1,612,136. Idaho has 740 community water systems serving a total of 1,223,479 people. Rigorous monitoring requirements for community water systems must be met to ensure safe drinking water is provided and public health is protected.

DEQ's annual performance on these eight benchmark performance measures is shown in the table below. Targets for FY2015 are also provided.

Performance Measures	FY 2011	FY 2012	FY 2013	FY 2014	Benchmark
1) Number of days, on a 2-year rolling average, to issue a permit to construct.	A: 76 days B: 99 days	A: 65 days B: 99 days	A: 97 days B: 99 days	A: 97 days B: 99 days	99 days
2) Percentage of days that the Air Quality Index is in the "good" or "moderate" category.	A: 99.4% B: 98%	A: 99.5% B: 98%	A: 97% B: 98%	A: 98% B: 98%	100%
3) Percentage of hazardous waste permits and/or reviews completed within established time frames.	A: 100% B: 100%	A: 100% B: 100%	A: 100% B: 100%	A: 100% B: 100%	100%
4) Number of Brownfield site assessments completed.	A: 23 B: 8	A: 26 B: 12	A: 12 B: 10	A: 12 B: 10	10
5) Percentage of time that continuous air monitoring stations and real-time radiation monitoring stations are operational to monitor INL conditions.	A: 100% B: 97%	A: 99% B: 97%	A: 99% B: 97%	A: 97% B: 97%	97%
6) Number of TMDLs completed for assessment unit/pollutant combinations.	A: 84 B: 243	A: 264 B: 230	A: 136 B: 290	A: 119 B: 270	234
7) Percentage of drinking water and wastewater plan and specification reviews completed within 42 days of receipt.	A: 97.7% B: 100%	A: 98.2% B: 100%	A: 96.3% B: 100%	A: 97.9% B: 100%	100%
8) Percentage of people on community water systems served by drinking water that meets health-based standards.	A: 94.5% B: 90%	A: 95% B: 90%	A: 94% B: 90%	A: 98% B: 95%	95%

Note: A = Actual Performance  
B = Benchmark Performance (Target)

### Performance Analysis

Over the past four fiscal years, DEQ has met or exceeded a majority of its established performance measure benchmarks. Recent focus has been to improve processes and alter resource allocations allowing the agency greater efficiencies and an increased ability to deliver services at current funding levels. These shifts are distinctly reflected in the actual performance reported for FY2014.

The average amount of time needed to issue a permit to construct (PTC) decreased dramatically from FY2010 to FY2011 and again in FY2012 but neared the benchmark of 99 days in FY2013 and FY2014. Calculated using a 2-year, monthly rolling average, decreases were due in part to a large number of general PTCs issued for automotive coating facilities. The agency devoted considerable resources to processing large numbers of these rather simple permits. Once all automotive coating facility PTCs were issued in FY2011 and FY2012, the agency returned to normal permitting practices yielding the more typical 97 day processing time.

The number of TMDLs completed for assessment unit/pollutant combinations has been below the benchmarks set for FY2013 and FY2014. It is recognized DEQ may have been overly optimistic in setting the TMDL benchmark for these fiscal years given the increased demand for staff involvement with Watershed Advisory Groups, Basin Advisory Groups and other agency priorities. Many of the pollutants currently being addressed through the TMDL assessment process are also more difficult, often more controversial and require additional time for completion. Further, DEQ completed a number of assessments during FY2014 that resulted in the delisting of water bodies, meaning a TMDL is no longer needed and the number is not tracked for performance measurement purposes. The TMDL target for FY2015 has been reduced slightly to better reflect current workload conditions.

Over the last several years, DEQ has seen steady improvement in the percentage of drinking water and wastewater plan and specification reviews completed within the goal timeframe of 42 days. This trend was primarily due to the decreased number of projects being submitted as economic lulls curbed community expansion and development. During FY2013, the number of projects submitted for review remained constant but activity increased substantially with State Revolving Fund (SRF) grant and loan plan and specifications reviews. The increase in SRF reviews created additional workloads for drinking water and wastewater engineering staff. Though the review percentage reported for FY2013 dipped slightly, the agency accomplished multiple objectives while maintaining quick turnaround times which improved once again in FY2014.

Most notably, the percentage of people on community water systems served by drinking water that meets health-based standards increased by 4% from 94% to 98% in FY2014. This increase is primarily due to the fact that through work with DEQ, the City of Twin Falls, a community of approximately 44,000 people, was brought back into compliance with the drinking water rule for arsenic. In addition, the drinking water auto-dialer which provides timely reminders for community water systems has substantially reduced systems' failure to monitor rates.

The FY2015 performance measure benchmarks listed above will continue to be representative of DEQ's progress toward achieving the overall goal of protecting human health and the environment. Like all state agencies, DEQ has refined its focus for FY2015 consistent with current funding levels. While some programs and functions were reduced or eliminated during the recession, the agency continues to fulfill its mandates and deliver core services as reflected in the performance measure targets scheduled for FY2015.

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