

Minutes of Meeting
DEQ and BNSF Discussion
October 7, 2014
11:00 a.m.

The Kootenai County Board of Commissioners: Chairman Todd Tondee, Commissioner Dan Green, and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Community Development Director David Callahan, and Deputy Clerk Daniel Robertson.

A. Call to Order: Chairman Tondee called the meeting to order at 11:03 a.m.

B. Introductions: There were no introductions made.

C. Changes to the Agenda: There were no changes to the agenda.

D. Old Business: There was no old business discussed.

E. New Business:

Chairman Tondee reported that the Aquifer Protection Memorandum of Agreement (MOA) between the Board of County Commissioners (BOCC), The Idaho Department of Environmental Quality (DEQ), and Burlington Northern Santa Fe (BNSF) Railroad has expired. This agreement memorialized Condition 7.20 of the Conditional Use Agreement (CUP) between the BOCC and BNSF, which required BNSF to fund a staff position at DEQ for the inspection and monitoring of the Hauser Refueling Station for a period of 10 years. Chairman Tondee reported that BNSF has stated that they do not wish to remain a party to the MOA, as the CUP has been amended so that BNSF now sends quarterly payments to the Aquifer Protection District for these services.

Chairman Tondee stated that it would be in the County's interest to memorialize continued involvement by the DEQ in these services. He recommended that an updated MOA be drafted between DEQ and the Aquifer Protection District. He suggested meeting with the DEQ to discuss the scope of work for the new agreement. Commissioner Nelson recommended that the Board draft an agreement for consideration by DEQ, rather than meet with them.

The Board discussed potential terms for the agreement, as well as possible challenges in reaching an agreement with DEQ. The Board was not in favor of amending the expired agreement, as had been suggested by some members of DEQ. A Letter of Intent will be drafted to inform DEQ of the Boards' decision to continue funding and support for aquifer protection services at the Hauser Refueling Station.

F. Staff Reports: There were no staff reports.

G. Public Comment: This section is reserved for citizens wishing to address the Board regarding a County related issue. There was no public comment.

The meeting was adjourned at 11:21 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: _____
Daniel Robertson, Deputy Clerk
