58.01.06 – SOLID WASTE MANAGEMENT RULES

000. LEGAL AUTHORITY.
Sections 39-105, 39-107, 39-7403, 39-7419, and 39-7424 Idaho Code.

001. SCOPE.
These rules establish requirements applicable to all solid waste and solid waste management facilities in Idaho, except as specifically provided in Subsections 001.01 and 001.02. (7-1-26)

01. Wastes Not Regulated Under These Rules. (3-24-22)

a. These rules do not apply to the following solid wastes: (3-24-22)

i. Liquid wastes when the discharge or potential discharge of the liquid waste is regulated under a federal, state or local water pollution discharge or wastewater land application permit, including management of any solids if management of the solids are addressed in a permit term or condition; (3-24-22)

ii. Hazardous wastes regulated by the Hazardous Waste Management Act of 1983, Chapter 44, Title 39, Idaho Code, (HWMA) and the rules adopted thereunder; (7-1-26)

iii. Polychlorinated biphenyl (PCB) waste regulated under the Toxic Substances Control Act, as amended, 15 U.S.C. 2601, et seq., PCB waste authorized by federal law to be disposed of at a nonhazardous waste landfill that is permitted, licensed, or registered under Idaho Law is regulated under these rules; (7-1-26)

iv. Slash or slashing areas resulting from the harvesting of timber and the disposal of which is managed pursuant to the Idaho Forestry Act, Chapter 1, Title 38, Idaho Code or log landings or sorting sites; (7-1-26)

v. Wastes used, managed, stored and disposed of in accordance with The Wood and Mill Yard Debris Technical Guidance Manual, as amended, published by the Department and developed pursuant to Sections 39-171 through 39-174, Idaho Code; (7-1-26)

vi. Clean soils and clean dredge spoils as regulated under Section 404 of the federal Clean Water Act provided that they are not hazardous wastes regulated by (HWMA) and the rules adopted thereunder; (7-1-26)

vii. Septage taken to a sewage treatment plant permitted by either the U.S. Environmental Protection Agency or the Department pursuant to IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks"; (7-1-26)

viii. All radioactive waste and radioactive materials regulated pursuant to Section 39-4405(9), Idaho Code and rules adopted thereunder, and radioactive waste and materials regulated under the authority of the Atomic Energy Act of 1954, as amended; (7-1-26)

ix. Petroleum Contaminated Soils (PCS) from a leaking petroleum storage tank system managed as a one (1) time remediation pursuant to IDAPA 58.01.24, "Rules for Petroleum Release Corrective Action"; (7-1-26)

x. Asbestos as regulated by the Toxic Substances Control Act, as amended, 15 U.S.C. 2601, et seq., or asbestos as regulated by the Clean Air Act, as amended, 42 U.S.C. 7412; (7-1-26)

xi. Nonhazardous wastes disposed of in a permitted hazardous waste treatment, storage and disposal unit regulated by HWMA and rules adopted thereunder; or (7-1-26)

xii. Waste otherwise regulated under Department authorities. (3-24-22)

b. These rules do not apply to the following solid waste unless these wastes are mixed with more than incidental quantities of regulated waste: (7-1-26)

i. Inert wastes; (3-24-22)

ii. Manures and crop (plant) residues ultimately returned to the soils at agronomic rates; (3-24-22)

iii. Any agricultural solid waste which is managed and regulated pursuant to rules adopted by the Idaho Department of Agriculture. The Department reserves the right to use existing authorities to regulate agricultural waste that impacts human health or the environment; (3-24-22)

iv. Overburden, waste dumps, low-grade stockpiles, tailings and other materials uniquely associated with mineral extraction, beneficiation or processing operations; (3-24-22)

v. Slag from the production of elemental phosphorus; (3-24-22)

vi. Phospho-gypsum from the production of phosphate fertilizers, which includes the production of phosphoric acid; and (3-24-22)

vii. Wood waste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes. (3-24-22)

02. Solid Waste Management Facilities Not Regulated Under These Rules. These rules do not apply to the following solid waste management facilities: (7-1-26)

a. Solid waste management facilities accepting only solid waste excluded by Subsection 001.01; (7-1-26)

b. Recycling centers; or (3-24-22)

c. Backyard composting sites. (3-24-22)

002. (RESERVED)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal agency actions authorized under this chapter pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records." (3-24-22)

004. APPLICABILITY.
These rules apply to all solid waste unless excluded by Subsection 001.03 and to all solid waste management sites in Idaho unless excluded by Subsection 001.02. Compliance with these rules does not relieve owners and operators from the obligation to comply with other applicable state or federal laws, including but not limited to the IDAPA 58.01.02, "Water Quality Standards," IDAPA 58.01.11, "Groundwater Quality Rule," and IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho." (7-1-26)

01. Solid Waste Facility Other Than Municipal Solid Waste Landfills (MSWLF) Applicability. Sections 000 through 032 apply to all solid waste facilities other than MSWLF, as specified therein. (7-1-26)

02. MSWLF Applicability. Sections 000 through 005, and Sections 994 through 995 apply to all MSWLFs, as specified therein. (7-1-26)

DEFINITIONS.
The terms "Department," "Director," "Person," and "Solid Waste" are defined in Section 39-103, Idaho Code. The terms "Co-located waste facilities" (CWF), "Commercial solid waste", "Cover material", "Facility", "Groundwater", "Household waste", "Industrial solid waste", "Inert waste", "MSWLF", "Nonmunicipal solid

waste" (NMSW), "Nonmunicipal solid waste landfill" (NMSWLF), "Open burning", "Owner", "Qualified professional", and "Septage" are defined in Section 39-7403, Idaho Code. ~~The term "Ground water" (Groundwater) is defined in Section 39-121, Idaho Code.~~ The terms "Land Application Unit," "Leachate," "Surface Impoundment or Impoundment," and "Waste Pile or Pile" are defined in 40 CFR 257.2. The term "Very Small Quantity Generator" (VSQG) is defined in 40 CFR 260.10. (7-1-26)

~~**01. Active Portion**. That part of a unit where waste had been, or may be, disposed of, treated, or otherwise managed, and that has not been closed in accordance with applicable rules. (3-24-22)~~

02. Backyard Composting. Composting operations used only by the owner or person in control of a residential dwelling unit to process garbage and yard waste generated at that dwelling unit. (3-24-22)

03. Beneficial Use. Various uses of ground water in Idaho including, but not limited to, domestic water supplies, industrial water supplies and agricultural water supplies. A beneficial use is defined as actual current and projected future uses of ground water. (3-24-22)

05. Composting Facility. See definition of Processing Facility. (3-24-22)

~~**06. Contamination**. The introduction of a substance into the surface or groundwater causing: (7-1-26)~~

~~**a.** At or beyond the point of compliance, the concentration of that substance in groundwater resulting in significant degradation, as determined by "Groundwater Quality Rule," or in an exceedance of the maximum contamination level (MCL) specified in the Groundwater Quality Rule; (7-1-26)~~

~~**b.** The concentration of that substance in surface water exceeds a numerical criteria or fails to protect designated beneficial uses specified in, "Water Quality Standards"; (7-1-26)~~

~~**c.** A statistically significant increase in the concentration of that substance in the groundwater at or beyond the point of compliance, or in surface water, where the existing concentration of that substance exceeds the contamination level specified in Subsections 005.08.a. or 005.08.b. of this rule; or (7-1-26)~~

~~**d.** A statistically significant increase in the concentration of that substance in groundwater at the point of compliance, or in surface water, above background of a substance which; (7-1-26)~~

~~i. Is not specified in Subsections 005.08.a. or 005.08.b.; (7-1-26)~~

~~ii. Is a result of the disposal of solid waste; and (3-24-22)~~

~~iii. Has been determined by the department to present a substantial risk to human health or the environment in the concentrations found in the groundwater at the point of compliance, or in surface water. (7-1-26)~~

07. Decontamination. As used in Subsections 010.01, 011.01, 012.03, and 013.03, "decontamination" is the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal. (7-1-26)

08. Degradation. The lowering of groundwater quality as measured in a statistically significant and reproducible manner. (7-1-26)

09. Disposal. Discharge, deposit, injection, dumping, spilling, leaking, leaching, migration or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater. (7-1-26)

~~**10. Facility**. Any area used for any solid waste management activity, including, but not limited to,~~

~~storage, transfer, processing, separation, incineration, treatment, salvaging, or disposal of solid waste.~~ ~~(3-24-22)~~

11. Garbage. Any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from households, markets, storage facilities, handling and sale of produce and other food products. (7-1-26)

~~**12. Household Waste**. Any solid waste, including kitchen wastes, trash and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas.~~ ~~(3-24-22)~~

13. Incinerator. Any source consisting of a furnace and all appurtenances thereto designed for the destruction of solid waste by burning. "Open Burning" is not considered incineration. (3-24-22)

~~**14. Inert Waste**. Noncombustible, nonhazardous, and non putrescible solid wastes that are likely to retain their physical and chemical structure and have a de minimis potential to generate leachate under expected conditions of disposal, which includes resistance to biological attack. "Inert waste" includes, but is not limited to, rock, concrete, cured asphaltic concrete, masonry block, brick, gravel, dirt, inert coal combustion by-products, inert precipitated calcium carbonate and inert component mixture of wood or mill yard debris.~~ ~~(3-24-22)~~

15. Lift. A vertical rise of compacted solid waste that is complete when it is no longer practical to add additional height without the addition of a cover layer to provide structural stability. (3-24-22)

16. Modification. Any change in the physical characteristics, waste types managed, method of operation, or lateral expansion beyond the boundaries of a site. The following is not considered a modification: (3-24-22)

a. Major modification:

b. Minor modification:

c. The following is not considered a modification: Repair and replacement of existing equipment;(3-24-22)

i. Increase in production rate that does not exceed the Tier level criteria or approved facility capacity; (3-24-22)

ii. An increase in hours of operation if more restrictive hours of operation are not specified in an approved operating plan; or (7-1-26)

iii. Acquisition of property that is not to be used for the processing or disposal of solid waste. (3-24-22)

~~**17. Municipal Solid Waste Landfill Unit (MSWLF)**. As regulated under Chapter 74, Title 39, Idaho Code, a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, or waste pile, as those terms are defined in 40 CFR 257.2. A MSWLF unit also may receive other types of Resource Conservation and Recovery Act (RCRA) subtitle D wastes, such as commercial solid waste, nonhazardous sludge, very small quantity generator (VSQG) waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.~~ ~~(7-1-26)~~

xx. Non-Hazardous Solid Waste Impoundment (NSWI). An impoundment facility that receives pumpable solid waste where 1) the waste does not pass the paint filter test prior to acceptance of liquid or pumpable waste for disposal, and 2) operations are not otherwise regulated under a discharge or land application permit.

~~**18. Non-Municipal Solid Waste (NMSW)**. A solid waste that is:~~ ~~(3-24-22)~~

~~**a.** Not mixed with household waste; or~~ ~~(3-24-22)~~

~~**b.** Not excluded from these rules by Subsection 001.01. (7-1-26)~~

~~**19. Non-Municipal Solid Waste Landfill (NMSWLF).** A landfill that accepts only non-municipal solid waste. (3-24-22)~~

~~**20. Open Burning**. The combustion of solid waste without: (3-24-22)~~

~~**a.** Control of combustion air to maintain adequate temperature for efficient combustion; (3-24-22)~~

~~**b.** Containment of the combustion reaction in an enclosed device so as to provide sufficient residence time and mixing for complete combustion; and (3-24-22)~~

~~**c.** Control of the emission of the combustion products. (3-24-22)~~

~~**21. Operator**. The person(s) responsible for the overall operation of all or part of a site or facility. (3-24-22)~~

~~**22. Owner**. The person(s) who owns land or a portion of the land on which a site or facility is located. (3-24-22)~~

xx. ~~**Pilot Project.**~~ A controlled demonstration of a solid waste process or technology designed to test its feasibility, performance, potential benefits, and regulatory compliance before full-scale implementation at a facility.

23. Point of Compliance. A vertical surface located no more than one hundred fifty (150) yards hydraulically down gradient from the active portion of a facility or site, located at the facility boundary down gradient of the land area, or located at the point of diversion of an identified beneficial use within the site, whichever is the smallest distance from the active portion. (3-24-22)

24. Processing Facility. A facility that uses biological or chemical decomposition to prepare solid waste for reuse, including compost facilities excluding waste handling at transfer stations or recycling centers. (7-1-26)

25. Projected Waste Volume. The total actual or potential solid waste volume measured in tons per day, cubic yards per day, or an equivalent measurement, proposed to be received or processed at a solid waste facility. (3-24-22)

26. Pumpable Waste. Wastes, including non-domestic septage, sludge, wastewater and non-municipal solid wastes, which are pumped from a holding area or container into a watertight tank truck or equivalent and transported for processing or disposal. (3-24-22)

~~**27. Qualified Professional**. Qualified professional means a licensed professional geologist or licensed professional engineer, as appropriate, holding current professional registration in good standing and in compliance with applicable provisions of Chapter 12, Title 54, Idaho Code. (3-24-22)~~

28. Recyclables. Used, end, or waste products with useful properties that can be reused. (3-24-22)

29. Recycling. The reclamation of solid waste and its subsequent introduction into an industrial process by which the materials are transformed into a new product in such a manner that the original identity as a product is lost. (3-24-22)

30. Recycling Center. A materials recovery facility that receives recyclables, then sorts, bales, loads, or physically alters the material and transports the commodities to markets. (3-24-22)

31. Regulated Waste. As used in Subsections 010.01, 011.01, 012.03, and 013.03, "regulated waste" is liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood

or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials. (7-1-26)

32. Salvage. The reclamation of solid waste at a disposal site. (3-24-22)

33. Scavenge. The unauthorized removal of materials from a facility. (3-24-22)

~~**34. Septage**. A semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system. (3-24-22)~~

35. Site. Any contiguous geographic area with one (1) or more facilities owned or operated by the same person used for any solid waste management activity, including, but not limited to, storage, transfer, processing, separation, incineration, treatment, salvaging, or disposal of solid waste. (3-24-22)

36. Site Size. The sum in acres of all proposed or existing facilities. (3-24-22)

37. Speculative Accumulation. Stockpiles of materials or recyclables to be processed for reuse or disposal when fifty percent (50%) of the material is not reused or disposed by the end of the following calendar year after the date of first receipt by the facility, and which may create a nuisance or public health impact. (7-1-26)

38. Storm Water. Accumulation of water from natural precipitation, including snow melt. (3-24-22)

39. Surface Water. All surface accumulations of water, natural or artificial, public or private, or parts thereof which are wholly or partially within, which flow through or border upon the state, unless such waters are an integral part of the facility's operation for storm water control and or leachate management. (3-24-22)

40. Tipping Floor. An area at a transfer station, processing facility, VSQG management facility or incinerator that receives and contains all waste materials. (3-24-22)

41. Toxic Leachate or Gas. Concentrations of leachate or gas that will cause contamination, as defined by these rules, or that will exceed standards in IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho." (7-1-26)

42. Transfer Station. A facility or portion thereof where solid wastes are transferred from a vehicle or container and subsequently transported off-site to another facility. A transfer station does not include an authorized rural drop-box or other facilities where persons are authorized to store individual waste for ultimate collection and disposal, or any other facility that stores solid waste generated at the facility for collection and disposal off-site. (3-24-22)

43. Wood or Mill Yard Debris Facility. A facility that manages exclusively, solid wood, bark, or wood fiber generated from the process of manufacturing wood products that may include ash from the burning of wood waste in amounts and in conformity with the provisions of the Wood & Mill Yard Technical Guidance Manual, components of soil, rock, or moisture. (7-1-26)

44. Yard Waste. Weeds, straw, leaves, grass clippings, brush, wood, and other natural, organic, materials typically derived from general landscape maintenance activities. (3-24-22)

45. Very Small Quantity Generator (VSQG) Management Facility. A facility or portion thereof where household hazardous waste or VSQG wastes are transferred from a vehicle or container and subsequently transported to another facility. A VSQG management facility does not include temporary drop off locations or other facilities where individuals or businesses are authorized to store waste for ultimate collection and disposal. (7-1-26)

006. (RESERVED)

007. INCORPORATION BY REFERENCE.

01. Detection Monitoring Program. 40 CFR 257.24(a), revised as of July 1, 2025. (7-1-26)

02. Wetlands. 40 CFR 257.9, revised as of July 1, 2025. (7-1-26)

03. Definitions. 40 CFR 260.10, revised as of July 1, 2025. All definitions included in 40 CFR 260.10 are excluded from incorporation except the definition of "Very Small Quantity Generator" is incorporated by reference in these rules. (7-1-26)

04. Definitions. 40 CFR 257.2, revised as of July 1, 2025. All definitions included in 40 CFR 257.2 are excluded from incorporation except the definitions of "Land Application Unit," "Leachate," "Surface Impoundment or Impoundment," and "Waste Pile or Pile" are incorporated by reference into these rules. (7-1-26)

008. (RESERVED)

009. SOLID WASTE MANAGEMENT FACILITY CLASSIFICATION.

01. Below Regulatory Concern (BRC) Facilities. A facility is BRC provided it is a processing facility that does not manage PCS or pumpable waste, and the cumulative volume of solid waste at the facility at any one (1) time is less than or equal to three hundred (300) cubic yards. (7-1-26)

02. Tier I Facilities. Tier I facilities must comply with the requirements identified in Section 011. A facility will be classified as a Tier I facility if the Department determines the facility is: (7-1-26)

a. A landfill that only accepts, for disposal, materials that are not likely to produce leachate including, but not limited to, glass, plastic, cardboard, wood, composition roofing material, roofing paper, or ceramics, and which has a total disposal capacity of less than or equal to two thousand (2000) cubic yards; (7-1-26)

b. A processing facility that only processes wastes including, but not limited to, untreated or unpainted wood, yard waste, sheet rock, clean paper products, animal manures, plant or crop residues, or garbage without meats or animal fats, and the cumulative volume of wastes at the facility at any one time is less than or equal to six hundred (600) cubic yards; (7-1-26)

c. A processing facility that only manages PCS not excluded under Subsection 001.01.a.ix. or pumpable wastes and the cumulative volume of material at the facility at any one (1) time is less than or equal to two hundred (200) cubic yards; or (7-1-26)

d. An emergency solid waste management facility that only accepts debris resulting from a natural disaster. (3-24-22)

03. Tier II Facility. Tier II facilities must comply with the Tier II general siting, operational and closure requirements and any applicable Tier II facility specific requirements. Tier II facilities are not required to install groundwater monitoring wells, leachate collection systems or liners. Facilities will be classified as a Tier II facility if the Department determines the facility is not: (1) landfilling or disposing of VSQG hazardous waste; (2) landfilling or disposing of materials with a high human pathogenic potential; (3) managing solid waste in a manner or volume that will form toxic leachate or gas; or (4) managing solid waste in a manner or volume that is likely to pose a substantial risk to human health or the environment. A Tier II facility is one that meets the four (4) above criteria and is identified below: (7-1-26)

a. A NMSW landfill which has a total disposal capacity greater than two thousand (2000) cubic yards; (7-1-26)

b. A processing facility or incinerator that has a cumulative volume of wastes at the facility at any one time that is greater than six hundred (600) cubic yards; (7-1-26)

c. A processing facility that only manages PCS not excluded under Subsection 001.01.a.ix or pumpable wastes and the cumulative volume of material at the facility at any one (1) time is greater than two hundred (200) cubic yards; or (7-1-26)

d. A transfer station or VSQG waste management facility. (3-24-22)

04. Tier III Facility. Tier III facilities must comply with the Tier III general siting, operating and closure requirements, groundwater monitoring requirements, install leachate collection systems, liners, air contaminant control systems and any applicable Tier III facility specific requirements. Facilities will be classified as a Tier III facility if the Department determines the facility is: (1) a facility landfilling or disposing of VSQG hazardous waste; (2) a facility landfilling or disposing of materials with a high human pathogenic potential; (3) a facility managing solid waste in a manner or volume that will form toxic leachate or gas; or (4) a facility managing solid waste in a manner or volume that is likely to pose a substantial risk to human health or the environment. (7-1-26)

05. Wood or Mill Yard Debris Facilities. All Wood and Mill Yard Debris Facilities that are not exempt from these rules as provided in Section 001.01 must be regulated as Tier I Facilities unless, based on site-specific criteria including but not limited to site geology, site soils, groundwater characteristics, distance to surface waters, and site climatic data, the Department determines the facility is more appropriately regulated under a different tier classification. Facilities not regulated as a Tier I Facility will be regulated as a Tier II Facility unless the Department determines the facility manages waste in a manner that will form toxic leachate or gas. (7-1-26)

06. Site Specific Classification. An owner or operator of a facility classified as a Tier I, Tier II or Tier III facility may request to be regulated pursuant to the requirements of a lower classification. An owner or operator requesting site specific classification must submit information demonstrating to the Department that, when in compliance with the requirements of a lower classification, the facility would not cause contamination, toxic leachate or gas, or concentrations of a substance that exceed standards in the IDAPA 58.01.01 "Rules for the Control of Air Pollution in Idaho." The information included in any request under this subsection must include: (7-1-26)

a. Characterization of waste and expected quantities of waste; (3-24-22)

b. Site characterization including; (3-24-22)

i. Site geology report; (3-24-22)

ii. Site soils report; (3-24-22)

iii. Groundwater report; (7-1-26)

iv. Site climatic data; (3-24-22)

c. Facility design plan; (7-1-26)

d. Operating plan; and (7-1-26)

e. Closure plan. (7-1-26)

07. General and Site Specific Classification Process. The Department's review of a request for a site specific classification will be conducted pursuant to the process set forth in Section 032. (7-1-26)

010. BRC FACILITIES.

01. Applicable Requirements. The owner and operator of a BRC facility must comply with the following prior to accepting waste. (7-1-26)

a. The following activities are prohibited: (7-1-26)

i. Disposal in a landfill of regulated waste from any business that provides health care, support to health care businesses, or medical diagnostic services without having gone through the decontamination process; (7-1-26)

ii. Speculative accumulation, unless otherwise approved by the Department in writing; and (3-24-22)

iii. Disposal of radioactive waste except in a facility regulated pursuant to Section 39-4405(9), Idaho Code, and rules adopted thereunder, or a facility regulated under the authority of the Atomic Energy Act of 1954, as amended. (7-1-26)

b. The owner and operator will control nuisances, including but not limited to: (7-1-26)

i. Operations at any facility will not provide sustenance to rodents or insects that cause human disease or discomfort; (7-1-26)

ii. Vector control procedures will prevent or control vectors that may cause health hazards or nuisances; (7-1-26)

iii. The facility will be operated to control odors and malodorous gases; and (7-1-26)

iv. Effective measures will be taken to minimize the loss of debris from the facility. Debris blown from or within the facility will be collected and properly disposed to prevent objectionable accumulations. (7-1-26)

c. No facility may handle putrescible wastes in such a manner that may attract birds and increase the likelihood of bird/aircraft collisions. Facilities that are located within ten thousand (10,000) feet of any airport runway used by turbojet aircraft, or within five thousand (5,000) feet of any airport used by only piston-type aircraft will operate the facility in such a manner that birds are not a hazard to aircraft. (7-1-26)

d. Open burning and fires are prohibited at facilities except as authorized by Section 061. (7-1-26)

02. Application Content, Review and Approval. The owner and operator of a BRC facility are not required to apply. (7-1-26)

03. Documentation. The owner and operator must maintain on site documentation, such as a daily log of the quantity and type of waste received or managed, that verifies the facility's BRC status. (7-1-26)

011. APPLICABLE REQUIREMENTS FOR TIER I FACILITIES.

01. Applicable Requirements. The owner and operator of a Tier I facility must comply with the following prior to accepting waste. (7-1-26)

a. The following activities are prohibited: (7-1-26)

i. Disposal in a landfill of regulated waste from any business that provides health care, support to health care businesses, or medical diagnostic services without having gone through the decontamination process; (7-1-26)

ii. Speculative accumulation, unless otherwise approved by the Department in writing; and (3-24-22)

iii. Disposal of radioactive waste except in a facility regulated pursuant to Section 39-4405(9), Idaho Code, and rules adopted thereunder or a facility regulated under the authority of the Atomic Energy Act of 1954, as amended. (7-1-26)

b. Facilities open to the public will clearly post visible and legible signs at each entrance to the facility. The signs will specify at a minimum the name of the facility, the hours of operation, the waste accepted at

the facility and an emergency phone number. (7-1-26)

c. The owner and operator will control nuisances, including but not limited to: (7-1-26)

i. Operations at any facility will not provide sustenance to rodents or insects that cause human disease or discomfort; (7-1-26)

ii. Vector control procedures will prevent or control vectors that may cause health hazards or nuisances; (7-1-26)

iii. The facility will be operated to control odors and malodorous gases; and (7-1-26)

iv. Effective measures will be taken to minimize the loss of debris from the facility. Debris blown from or within the facility will be collected and properly disposed to prevent objectionable accumulations. (7-1-26)

d. Unauthorized vehicles and persons will be prohibited access to the facility. A facility open to the public will accept waste only when an attendant is on duty. The facility will be fenced or otherwise blocked to access when an attendant is not on duty. The owner and operator will maintain the fencing or other access controls for a period of ten (10) years after closure, or another timeframe approved in writing by the Department. (7-1-26)

e. No facility may handle putrescible wastes in such a manner that may attract birds and increase the likelihood of bird/aircraft collisions. Facilities that are located within ten thousand (10,000) feet of any airport runway used by turbojet aircraft, or within five thousand (5,000) feet of any airport used by only piston-type aircraft will operate the facility in such a manner that birds are not a hazard to aircraft. (7-1-26)

f. Open burning and fires are prohibited at facilities except as authorized by Section 061. (7-1-26)

g. Implement sufficient storm water management provisions, which may incorporate a National Pollution Discharge Elimination System (NPDES) storm water pollution prevention plan, to prevent contamination of surface or groundwater and prevent the spread and impact of contamination beyond the boundary of the facility. (7-1-26)

h. An owner and operator may submit a written variance request for a variance from the requirements listed in Section 011. The owner and operator must demonstrate to the Department that the variance is at least as protective of human health and the environment as the requirements listed in Section 011. (7-1-26)

02. Application Content, Review and Approval. The owner and operator of a Tier I facility must submit notification to the Department prior to operating. The notice must include; the owners name, operators name, physical location of site, mailing address, facility phone number and type of solid waste management facility. (7-1-26)

03. Documentation. The owner and operator must maintain on site documentation, such as a daily log of the quantity and type of waste received, that verifies the facility's Tier I status. (7-1-26)

012. APPLICABLE REQUIREMENTS FOR TIER II FACILITIES.

The owner and operator of a Tier II facility must establish compliance with the requirements of Section 012 by obtaining Department approval of the applications required in Subsection 012.02 before beginning construction and Subsection 012.04 prior to accepting waste. The owner and operator of a Tier II facility must meet the requirements of Subsection 012.05 prior to facility closure. (7-1-26)

01. General Siting Requirements. The owner and operator of a Tier II facility must comply with the following: (7-1-26)

a. A facility will not be located within a one hundred (100) year flood plain if the facility will restrict the flow of the one hundred (100) year flood, reduce the temporary water storage capacity of the flood plain, or result in a washout of solid waste so as to pose a hazard to human health and the environment. (7-1-26)

b. The facility will not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17. (7-1-26)

c. The active portion of a facility will be located such that the facility will not cause contamination of surface waters, unless such surface waters are an integral part of the non-municipal solid waste management facility's operation for storm water and leachate management. (7-1-26)

d. The active portion of a facility will not be located closer than one thousand (1,000) feet from the boundary of any state or national park, or land reserved or withdrawn for scenic or natural use including, but not limited to, wild and scenic areas, national monuments, wilderness areas, historic sites, recreation areas, preserves and scenic trails. (7-1-26)

e. An owner or operator of a facility that cannot meet the siting requirements of Section 012 may apply for a variance from the Department. The Department will approve a written request for a variance provided the owner and operator demonstrate to the Department that the variance is at least as protective of public health and the environment as the siting requirements in Section 012. (7-1-26)

02. Siting Application. Documentation must be submitted to the Department demonstrating compliance with the requirements and restrictions specified in Subsection 012.01 within the time frames specified in Section 012. If the documentation has been certified by a qualified professional, the Director will approve the siting application unless the Director finds the evidence supports a contrary opinion. A map indicating the following must also be submitted to the Department as part of a siting application: (7-1-26)

a. Highways, roads, and adjacent communities; (3-24-22)

b. Property boundaries; (3-24-22)

c. Total acreage of the site; (3-24-22)

d. Off-site and on-site access roads and service roads; (3-24-22)

e. Type(s) of land use adjacent to the facility and a description of all facilities on the site; (3-24-22)

f. All water courses, ponds, lakes, reservoirs, canals, irrigation systems, and existing water supplies, within one-quarter (1/4) mile of the proposed facility property lines; (3-24-22)

g. High tension power line rights-of-way, fuel transmission pipeline rights-of-way, and proposed and existing utilities; (3-24-22)

h. Proposed or existing fencing; (3-24-22)

i. Proposed and existing structures at the facility and within five hundred (500) feet of the facility boundary. This includes location of employee buildings, and scales (if provided); and (7-1-26)

j. Direction of prevailing winds. (3-24-22)

03. General Operating Requirements. The owner and operator of a Tier II facility must comply with the following: (7-1-26)

a. The following activities are prohibited: (7-1-26)

i. Disposal in a landfill of regulated waste from any business that provides health care, support to health care businesses, or medical diagnostic services without having gone through the decontamination process; (7-1-26)

ii. Speculative accumulation, unless otherwise approved in an operating plan; and (3-24-22)

iii. Disposal of radioactive waste except in a facility regulated pursuant to Section 39-4405(9), Idaho Code, and rules adopted thereunder or a facility regulated under the authority of the Atomic Energy Act of 1954, as amended. (7-1-26)

b. Facilities open to the public will clearly post visible and legible signs at each entrance to the facility specifying, at a minimum, the name of the facility, the hours of operation, the waste accepted at the facility and an emergency phone number. (7-1-26)

c. Only the solid waste types listed in the approved operating plan may be accepted for disposal or processing. (7-1-26)

d. Provisions will be made for monitoring or measuring all Solid Waste delivered to a facility. The waste monitoring program will include: (7-1-26)

i. A daily written log listing the types and quantities of wastes received; (3-24-22)

ii. A plan for monitoring and handling receipt of unauthorized wastes; (3-24-22)

iii. Routine characterization of the wastes received; and (3-24-22)

iv. Other measures included in an approved operating plan. (7-1-26)

e. Communication devices will be available or reasonably accessible at the site. (7-1-26)

f. Adequate provisions will be made for preventing and controlling or managing fires at the site. (7-1-26)

g. Unauthorized vehicles and persons will be prohibited access to the facility. A facility open to the public will accept waste only when an attendant is on duty. The facility will be fenced or otherwise blocked to access when an attendant is not on duty. (7-1-26)

h. Scavenging by the public at a facility is prohibited; however, salvaging may be conducted in accordance with a written operating plan and only by the owner, operator or an authorized agent. (7-1-26)

i. The owner and operator will control nuisances, including but not limited to: (7-1-26)

i. Operations at any facility will not provide sustenance to rodents or insects that cause human disease or discomfort; (7-1-26)

ii. Vector control procedures will prevent or control vectors that may cause health hazards or nuisances; (7-1-26)

iii. The facility will be operated to control odor and malodorous gases; and (7-1-26)

iv. Effective measures will be taken to minimize the loss of debris from the facility. Debris blown from or within the facility will be collected and properly disposed to prevent objectionable accumulations. (7-1-26)

j. No facility may handle putrescible wastes in such a manner that may attract birds and increase the likelihood of bird/aircraft collisions. Facilities that are located within ten thousand (10,000) feet of any airport runway used by turbojet aircraft, or within five thousand (5,000) feet of any airport used by only piston-type aircraft will operate the facility in such a manner that birds are not a hazard to aircraft. (7-1-26)

k. Open burning and fires are prohibited at facilities except as authorized by Section 061. (7-1-26)

l. The operating plan will include sufficient storm water management provisions, which may incorporate a NPDES storm water pollution prevention plan, to prevent contamination of surface and groundwater and prevent the spread and impact of contamination beyond the boundary of the facility. (7-1-26)

m. An owner and operator of a facility may submit to the Department a written request for a variance from the operating requirements listed in Section 012. The Department will approve a written request for a variance provided the owner and operator demonstrate to the Department that the variance is at least as protective of human health and the environment as the requirements listed in Section 012. (7-1-26)

04. Operating Plan. The owner and operator of a Tier II facility must submit to the Department an operating plan containing the information specified in Subsection 012.03, within the time frames stated in Section 012. An operating plan must include a description of the wastes to be accepted, the methods for maintaining compliance with each of the applicable general operating requirements of Subsection 012.03, and complies with any applicable facility specific requirements in Subsections 012.09 through 012.11. (7-1-26)

05. Closure. The owner and operator of a Tier II facility must comply with the following closure and post-closure care requirements: (7-1-26)

a. For a facility open to the public, the owner and operator will publish a public notice of the facility's closure in the local newspaper and post signs at the facility's entrance: (7-1-26)

i. At least thirty (30) days and no more than ninety (90) days prior to the date of last receipt of waste for a facility that has reached disposal capacity; or (3-24-22)

ii. If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional waste, a notice will be published and signs posted at least thirty (30) days and no more than ninety (90) days prior to closure. (7-1-26)

b. Unless the Department establishes otherwise, the owner and operator will close the facility within six (6) months of the Department's approval of the closure plan. The facility will be closed in accordance with the approved closure plan. (7-1-26)

c. The owner and operator will close the facility by managing or removing all solid waste to prevent impact to human health or the environment and install a gate or other device to prevent public access after the last receipt of waste. (7-1-26)

d. The owner and operator will install appropriate measures to control erosion and install appropriate measures to control the run-on and runoff from a twenty-five (25) year, twenty-four (24) hour storm event and to provide for the diversion of other surface waters from the closed facility. (7-1-26)

e. Within thirty (30) days of closure, the owner and operator will notify the Department in writing that the facility was closed in accordance with the approved closure plan. If closure of the facility is different from the approved closure plan, the owner and operator will submit for Department review and approval documents, such ass-built" plans, showing the final conditions of the facility. (7-1-26)

06. Closure Plan Application. Except as specified in Subsection 012.10, the owner and operator of a Tier II facility must submit to the Department a closure plan application containing the following information no later than ninety (90) days before the date on which the facility receives the known final receipt of wastes or, if the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional wastes, no later than one (1) year after the most recent receipt of wastes: (7-1-26)

a. A complete and accurate legal description of the facility; (3-24-22)

b. A map of the facility, showing pertinent facility features, including: (3-24-22)

i. Facility boundaries, drainage patterns, location of fill areas, and location of access control measures; (3-24-22)

ii. All water courses, ponds, lakes, reservoirs, canals, irrigation systems, and existing water supplies, within one-quarter (1/4) mile of the facility boundary; (3-24-22)

iii. Location of disposal trenches and description of waste disposed; and (3-24-22)

iv. Proposed final contours of the closed facility, drawn to a reasonable scale with five (5) foot intervals for the operational area, and ten (10) foot intervals for the remainder of the facility; (3-24-22)

c. Estimated date of last receipt of waste; (3-24-22)

d. A description of how public access to the closed facility will be controlled; (3-24-22)

e. Estimated total cubic yards, or tons, of waste in place; (3-24-22)

f. Total acreage of the facility and acres containing waste; (3-24-22)

g. Closure equipment and procedures to be used; (3-24-22)

h. Texture, depth and permeability of final cover material; (3-24-22)

i. Design and construction plan for any necessary final cover; (3-24-22)

j. Placement, design, and management of run-on and run-off storm water controls; (3-24-22)

k. Types of vegetation and planting procedures to be used for establishing vegetative cover; and (7-1-26)

l. Other closure information the Department determines is necessary to protect human health and the environment. (3-24-22)

07. Documentation. The owner and operator of a Tier II facility must maintain on site a copy of each Department-approved application and plan required by Section 012. (7-1-26)

08. Modification Application. The owner and operator must submit to the Department for review and approval a modification application describing any proposed modification. The owner and operator of a Tier II facility must not implement the modification prior to Department approval. If a proposed modification alters the classification of a facility, the owner and operator must comply with the application content, review and approval requirements for the new classification. (7-1-26)

09. Tier II Processing Facilities. In addition to the provisions listed in Subsections 012.01 through 012.08, the owner and operator of a Tier II processing facility must also comply with the following: (7-1-26)

a. Siting Requirements: (3-24-22)

i. The active portion of a facility will be located, designed and constructed such that the facility will not cause contamination to a drinking water source or cause contamination of the groundwater. (7-1-26)

ii. No facility may be located on land that would threaten the integrity of the design. (7-1-26)

iii. The active portion of a facility will not be located closer than one hundred (100) feet to the property line. (7-1-26)

b. The owner and operator will provide in the Siting Application documentation that demonstrates

compliance with the siting requirements specified in Subsections 012.01 and 012.09.a. (7-1-26)

c. Operating Requirements: (3-24-22)

i. The owner and operator of a Tier II processing facility will implement a Department approved odor management plan designed to minimize malodorous gases. An odor management plan will include specific operating criteria for oxygen, moisture and temperature levels appropriate for the wastes to be processed and processing technologies to be employed, methods used to maintain the specific operating criteria and a monitoring strategy that includes the frequency and parameters for monitoring the specific operating criteria. (7-1-26)

ii. The owner and operator of a processing facility will maintain documentation of compliance with Section 012, including an operational log of the methods used to maintain the operating criteria and sampling results. (7-1-26)

d. The operating plan required in Subsection 012.04 will identify methods used for maintaining compliance with each applicable operating requirement of Subsections 012.03 and 012.09.c. (7-1-26)

10. Tier II Incinerators, VSQG Management Facility and Transfer Stations. In addition to the provisions listed in Subsections 012.01 through 012.04, 012.07, and 012.08, the owner and operator of a Tier II incinerator, VSQG management facility or transfer station must comply with the following: (7-1-26)

a. The owner and operator will comply with the following design requirements: (7-1-26)

i. A tipping floor design constructed of impermeable and durable material and designed to contain, collect, and convey any liquids to a storage or leachate management system; and (3-24-22)

ii. A leachate storage or management system. (3-24-22)

b. The following information will be submitted to the Department in a design application: (7-1-26)

i. A description of the tipping floor design; (3-24-22)

ii. A description of the storage or leachate management system design; (3-24-22)

iii. Building and construction design blueprints; (3-24-22)

iv. A map illustrating a storm water run-on/run-off system designed to prevent contamination of surface and groundwater, and prevent the spread and impact of contamination beyond the boundary of the facility; and (7-1-26)

v. Operational design and capacity information including a description of the waste types and projected daily and annual waste volumes. (3-24-22)

c. The owner and operator of a Tier II facility will comply with the following operating requirements: (7-1-26)

i. Implement cleaning procedures and waste residency times to maintain sanitary conditions on the surface of the tipping floor; and (3-24-22)

ii. Implement and operate a leachate storage or management system. (3-24-22)

d. The owner and operator of a Tier II facility will comply with the following closure and post-closure care requirements: (7-1-26)

i. For a facility open to the public the owner and operator will publish public notice of the facility's closure in the local newspaper and post signs at the facility's entrance at least thirty (30) days prior to closure;

(7-1-26)

ii. The owner and operator will close the facility by removing all solid waste to prevent impact to human health or the environment and installing a gate or other device to prevent public access after the last receipt of waste; (7-1-26)

iii. Unless the Department establishes otherwise, the owner and operator will close the facility within sixty (60) days of the Department's approval of the closure plan. The facility will be closed in accordance with the approved closure plan; and (7-1-26)

iv. Within thirty (30) days of closure, the owner and operator will notify the Department in writing that the facility was closed in accordance with the approved closure plan. If closure of the facility is different from the approved closure plan, the owner and operator will submit for Department review and approval documents, such ass-built" plans, showing the final conditions of the facility. (7-1-26)

e. The owner and operator will submit to the Department a Closure Plan Application containing the following information no later than ninety (90) days before the date on which the facility receives the known final receipt of wastes: (7-1-26)

i. A complete and accurate legal description of the facility; (3-24-22)

ii. A map of the facility, showing pertinent facility features, including facility boundaries, drainage patterns, and location of access control measures; (3-24-22)

iii. Estimated date of last receipt of waste; (3-24-22)

iv. A description of how public access to the closed facility will be controlled; (3-24-22)

v. Closure equipment and procedures to be used; (3-24-22)

vi. Anticipated future uses for the facility; and (3-24-22)

vii. Other closure information the Department determines is necessary to protect human health and the environment. (3-24-22)

11. Tier II NMSWLF. In addition to the requirements in Subsections 012.01 through 012.08, the owner and operator of a Tier II NMSWLF must also comply with the following: (7-1-26)

a. Siting requirements: (7-1-26)

i. A facility will not be located in wetlands, except as provided in 40 CFR 257.9. (7-1-26)

ii. The active portion of a facility will be located, designed and constructed such that the facility will not cause contamination to a drinking water source or cause contamination of the groundwater. (7-1-26)

iii. No facility may be located on land that would threaten the integrity of the design. (7-1-26)

iv. The active portion of a facility will not be located closer than one hundred (100) feet to the property line. (7-1-26)

b. The owner and operator will provide in the siting application documentation that demonstrates compliance with the siting requirements specified in Subsections 012.01 and 012.11.a.; (7-1-26)

c. The owner and operator will provide the following information illustrated on a facility map for design approval: (7-1-26)

i. Surface water and erosion control systems; (3-24-22)

ii. Proposed fill area, including the location of waste disposal trenches or cells, noting the locations of trenches used for separated wastes such as animal carcasses, tree trunks, stumps, bulky wastes, car bodies, asbestos, and PCS; (7-1-26)

iii. Location of borrow areas; (3-24-22)

iv. Design elevation grade of final cover; (3-24-22)

v. Soil and water table test boring holes, wells, or excavations; (3-24-22)

vi. Proposed receiving, storage, and processing areas; (3-24-22)

vii. Proposed trench layout and development; and (3-24-22)

viii. Contour lines at five (5) foot intervals within the operating area and ten (10) foot intervals to the facility boundary. (3-24-22)

d. The owner and operator of a NMSWLF will comply with the following operating requirements: (7-1-26)

i. Compaction and placement of waste in locations consistent with the approved operating plan; (3-24-22)

ii. Provision for storage of waste during periods when the NMSWLF is inaccessible; (3-24-22)

iii. Application of a six (6) inch compacted soil cover layer on exposed waste as necessary to prevent nuisance and vector conditions at periods consistent with the approved operating plan. An owner and operator may request that the Department approve an alternate cover that addresses vectors, litter, fire, odor, and scavenging concerns; (3-24-22)

iv. Placement of an interim cover layer of twelve (12) inches of compacted soil between lifts to provide erosion control and structural stability. An owner and operator may request that the Department approve an alternate interim cover that addresses erosion, and stability for subsequent lifts; and (7-1-26)

v. Preservation of existing vegetation where attainable. (3-24-22)

e. The operating plan required in Subsection 012.04 will identify the methods used for maintaining compliance with each applicable operating requirement of Subsection 012.03 and Subsection 012.11.d.; (7-1-26)

f. The owner and operator of a Tier II NMSWLF will comply with the following closure requirements: (7-1-26)

i. Within seven (7) days of the date of last receipt of waste, a cover layer will be applied to prevent nuisances and vector conditions. Within one hundred and twenty (120) days of the date of last receipt of waste, a final cover layer of eighteen (18) inches of compacted soil with an approved in-place permeability designed to minimize infiltration, or its functional equivalent, and, a six (6) inch soil layer that minimizes erosion and sustains plant growth will be constructed; (7-1-26)

ii. All disturbed portions of the facility will be stabilized. Stabilization practices may include but are not limited to: establishment of vegetation, mulching, geotextiles, and sod stabilization; (7-1-26)

iii. Finished grade will be at a minimum of two percent (2%) and a maximum of thirty- three percent (33%) slope on the final surface of the completed fill area, after settlement; and (7-1-26)

iv. The completed landfill will be graded to prevent surface water ponding anderosion, and to conform to the local topography. (7-1-26)

g. The owner and operator will provide in the closure plan documentation that demonstrates compliance with closure requirements specified in Subsections 012.05 and 012.11.f. (7-1-26)

h. Environmental Covenants: (3-24-22)

i. After completion and certification of closure of a NMSWLF, the owner and operator will record an environmental covenant, pursuant to the Uniform Environmental Covenants Act (UECA) Chapter 30, Title 55, Idaho Code, on the property where the landfill facility is located, and its future use may be restricted in accordance with a post-closure care plan. A copy of the environmental covenant will be sent to the Department after recording with the county clerk. (7-1-26)

ii. The owner may request permission from the Department to remove the environmental covenant if all wastes are removed from the facility. (7-1-26)

iii. Federal agencies with responsibility for management of landfills on federal property will make an environmental covenant or notation in the federal property records for the affected property. If the subject property is ever sold or transferred by the federal government, a notation on the deed or patent will be made. (7-1-26)

i. Owners and operators of a NMSWLF will submit, in accordance with the time frames specified in Subsection 012.06, to the Department for review and approval a post-closure care plan, obtain Department approval of the plan, and conduct post-closure care in accordance with the plan. The post-closure care plan will contain the following provisions: (7-1-26)

i. The name and address of an agent authorized to accept communications or service during the post-closure period. The name may be changed during the post-closure period by providing the Department with twenty (20) days advance written notice of the change; (3-24-22)

ii. To maintain the integrity and effectiveness of the final cover; (7-1-26)

iii. To continue to maintain and operate the systems required in the operating plan including run-on/run-off control systems; (7-1-26)

iv. To maintain appropriate security of the closed facility; (7-1-26)

v. To provide for routine facility inspections by the owner and operator to ensure compliance with the post-closure care plan; and (7-1-26)

vi. A description of the planned use(s) of the property during the post-closure care period: (3-24-22)

j. Post-closure care for the NMSWLF will be conducted for a period of five (5) years, unless the Department establishes in writing an alternate facility-specific post-closure care period. (7-1-26)

k. Post-closure use or operation of the site will not disturb any final cover or storm water control systems in a manner that will increase the potential to threaten human health or the environment. (7-1-26)

l. The approved post-closure care plan shall be maintained and available for review on request by the Department. (7-1-26)

013. APPLICABLE REQUIREMENTS FOR TIER III FACILITIES.

The owner and operator of a Tier III facility must establish compliance with the requirements of Section 013 by obtaining Department approval of the application required in Subsection 013.02 before beginning construction and Subsection 013.04 prior to accepting waste. The owner and operator of a Tier III facility must meet the requirements of Subsection 012.07 prior to facility closure. (7-1-26)

01. General Siting Requirements. The owner and operator of a Tier III facility must comply with the following: (7-1-26)

a. A facility will not be located within a one hundred (100) year flood plain if the facility will restrict the flow of the one hundred (100) year flood, reduce the temporary water storage capacity of the flood plain, or result in a washout of solid waste so as to pose a hazard to human health and the environment. (7-1-26)

b. The facility will not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17. (7-1-26)

c. The active portion of a facility will be located such that the facility will not cause contamination of surface waters, unless such surface waters are an integral part of the non-municipal solid waste management facility's operation for storm water and leachate management. (7-1-26)

d. The active portion of the facility will be located, designed and constructed such that the facility will not cause contamination to a drinking water source or cause contamination of groundwater. (7-1-26)

e. No facility may be located on land that would threaten the integrity of the design. (7-1-26)

f. The active portion of a facility will not be located closer than one hundred (100) feet to the property line. (7-1-26)

g. The active portion of a facility will not be located closer than one thousand (1,000) feet from the boundary of any state or national park, or land reserved or withdrawn for scenic or natural use including, but not limited to, wild and scenic areas, national monuments, wilderness areas, historic sites, recreation areas, preserves and scenic trails. (7-1-26)

h. Any facility that does not meet the siting requirements of Section 013 may apply for a variance from the Department. The Department may approve a written request for a variance provided the owner and operator demonstrate to the Department that the variance is at least as protective of public health and the environment as the siting requirements in Section 013. (7-1-26)

02. Siting Application. Documentation must be submitted to the Department demonstrating compliance with the requirements and restrictions specified in Subsection 013.01 within the time frames specified in Section 013. If the documentation has been certified by a qualified professional, the Director will approve the application unless the Director finds the evidence supports a contrary opinion. A map indicating the following must also be submitted to the Department as part of a siting application: (7-1-26)

a. Highways, roads, and adjacent communities; (3-24-22)

b. Property boundaries; (3-24-22)

c. Total acreage of the site; (3-24-22)

d. Off-site and on-site access roads and service roads; (3-24-22)

e. Type(s) of land use adjacent to the facility and a description of all facilities on the site; (3-24-22)

f. All water courses, ponds, lakes, reservoirs, canals, irrigation systems, and existing water supplies, within one-quarter (1/4) mile of the proposed facility property lines; (3-24-22)

g. High tension power line rights-of-way, fuel transmission pipeline rights-of-way, and proposed and existing utilities; (3-24-22)

h. Proposed or existing fencing; (3-24-22)

i. Proposed and existing structures at the facility and within five hundred (500) feet of the facility boundary. This will include location of employee buildings, and scales (if provided); and (7-1-26)

j. Direction of prevailing winds. (3-24-22)

03. General Operating Requirements. The owner and operator of a Tier III facility must comply with the following: (7-1-26)

a. The following activities are prohibited: (7-1-26)

i. Disposal in a landfill of regulated waste from any business that provides health care, support to health care businesses, or medical diagnostic services without having gone through the decontamination process; (7-1-26)

ii. Speculative accumulation, unless otherwise approved in an operating plan; and (3-24-22)

iii. Disposal of radioactive waste except in a facility regulated pursuant to Section 39-4405(9), Idaho Code and rules adopted thereunder or a facility regulated under the authority of the Atomic Energy Act of 1954, as amended. (7-1-26)

b. Facilities open to the public will clearly post visible and legible signs at each entrance to the facility specifying, at a minimum, the name of the facility, the hours of operation, the waste accepted at the facility and an emergency phone number. (7-1-26)

c. Only the solid waste types listed in the approved operating plan may be accepted for disposal or processing. (7-1-26)

d. Provisions will be made for monitoring or measuring all solid waste delivered to a facility. The waste monitoring program will include: (7-1-26)

i. A daily written log listing the types and quantities of wastes received; (3-24-22)

ii. A plan for monitoring and handling receipt of unauthorized wastes; (3-24-22)

iii. Routine characterization of the wastes received; and (3-24-22)

iv. Other measures included in an approved operating plan. (7-1-26)

e. Communication devices will be available or reasonably accessible at the site. (7-1-26)

f. Adequate provisions will be made for controlling or managing fires at the site. (7-1-26)

g. Unauthorized vehicles and persons will be prohibited access to the facility. A facility open to the public will accept waste only when an attendant is on duty. The facility will be fenced or otherwise blocked to access when an attendant is not on duty. (7-1-26)

h. Scavenging by the public at a facility is prohibited; however, salvaging may be conducted in accordance with a written operating plan and only by the owner, operator or an authorized agent. (7-1-26)

i. The owner and operator will control nuisances, including but not limited to: (7-1-26)

i. Operations at any facility will not provide sustenance to rodents or insects that cause human disease or discomfort; (7-1-26)

ii. Vector control procedures will prevent or control vectors that may cause health hazards or nuisances; (7-1-26)

iii. The facility will be operated to control odors and malodorous gases; and (7-1-26)

iv. Effective measures will be taken to minimize the loss of debris from the facility. Debris blown from or within the facility will be collected and properly disposed to prevent objectionable accumulations. (7-1-26)

j. No facility may handle putrescible wastes in such a manner that may attract birds and increase the likelihood of bird/aircraft collisions. Facilities that are located within ten thousand (10,000) feet of any airport runway used by turbojet aircraft, or within five thousand (5,000) feet of any airport used by only piston-type aircraft will operate the facility in such a manner that birds are not a hazard to aircraft. (7-1-26)

k. Open burning is prohibited at facilities except as authorized by Section 061. (7-1-26)

l. The operating plan will include sufficient storm water management provisions, which may incorporate a NPDES storm water pollution prevention plan, to prevent contamination of ground or surface water and prevent the spread and impact of contamination beyond the boundary of the facility. (7-1-26)

m. An owner and operator may submit to the Department a written variance request for a variance from the operating requirements listed in Section 013. The Department will approve a written request for a variance provided the owner and operator demonstrate to the Department that the variance is at least as protective of human health and the environment as the requirements listed in Section 013. (7-1-26)

04. Operating Plan. The owner and operator of a Tier III facility must submit to the Department an operating plan containing that information specified in Subsection 013.03, within the time frames stated in Section 013. An operating plan must include a description of the wastes to be accepted, the methods for maintaining compliance with each of the applicable general operating requirements of Subsection 013.03, and complies with any applicable facility specific requirements found in Subsections 013.11 through 013.13. (7-1-26)

05. Groundwater Monitoring Requirements. The owner and operator of a Tier III facility must comply with the following: (7-1-26)

a. Install and maintain groundwater monitoring wells at the point of compliance as approved by the Department; (7-1-26)

b. Within thirty (30) days of completion of each well, submit a copy of the geologic log and record of well construction to the Department; (3-24-22)

c. Monitor the groundwater quarterly, unless otherwise directed by the Department. Constituents to be monitored will be those listed in 40 CFR 257.24(a) unless otherwise authorized by the Department; and (7-1-26)

d. The owner and operator of any facility required to monitor groundwater pursuant to Section 013 will continue the approved monitoring schedule for five (5) years following facility closure, unless otherwise approved by the Department upon request of the owner and operator for a modified monitoring schedule. (7-1-26)

06. Groundwater Monitoring Application. The following information must be submitted to the Department in a groundwater monitoring application: (7-1-26)

a. A map showing soil types, depth and flow direction of groundwater, and locations of proposed groundwater monitoring wells; and (7-1-26)

b. A monitoring schedule indicating sample frequency and constituents to be analyzed. (3-24-22)

07. Closure Requirement. The owner and operator of a Tier III facility must comply with the following: (7-1-26)

a. For a facility open to the public the owner and operator will publish public notice of the facility's closure in the local newspaper and post signs at the facility's entrance. (7-1-26)

i. At least thirty (30) days and no more than ninety (90) days prior to the date of last receipt of waste for a facility that has reached disposal capacity; or (3-24-22)

ii. If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional waste, a notice will be published and signs posted at least thirty (30) days and no more than ninety (90) days prior to closure. (7-1-26)

b. Unless the Department establishes otherwise, the owner and operator will close the facility within six (6) months of the Department's approval of the closure plan. The facility will be closed in accordance with the approved closure plan. (7-1-26)

c. The owner and operator will close the facility by managing or removing all solid waste to prevent impact to human health or the environment and will install a gate or other device to prevent public access after the last receipt of waste. (7-1-26)

d. The owner and operator will install appropriate measures to control erosion and install appropriate measures to control the run-on and runoff from a twenty-five (25) year, twenty-four (24) hour storm event and to provide for the diversion of other surface waters from the closed facility. and (7-1-26)

e. Within thirty (30) days of closure, the owner and operator will notify the department in writing that the facility was closed in accordance with the approved closure plan. If closure of the facility is different from the approved closure plan, the owner and operator will submit for Department review and approval documents, such as "as-built" plans, showing the final conditions of the facility. (7-1-26)

08. Closure Plan Application. The owner and operator of a Tier III facility submit to the Department a closure plan application containing the information no later than ninety (90) days before the date on which the facility receives the known final receipt of wastes or, if the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional wastes, no later than one (1) year after the most recent receipt of wastes. The following information must be submitted to the Department in a closure application: (7-1-26)

a. A complete and accurate legal description of the facility; (3-24-22)

b. A map of the facility, showing pertinent facility features, including: (3-24-22)

i. Facility boundaries, drainage patterns, location of fill areas, and location of access control measures; (3-24-22)

ii. All water courses, ponds, lakes, reservoirs, canals, irrigation systems, and existing water supplies, within one-quarter (1/4) mile of the facility boundary; (3-24-22)

iii. Location of disposal trenches and description of waste disposed; and (3-24-22)

iv. Proposed final contours of the closed facility, drawn to a reasonable scale with five (5) foot intervals for the operational area, and ten (10) foot intervals for the remainder of the facility; (3-24-22)

c. Estimated date of last receipt of waste. (7-1-26)

d. A description of how public access to the closed facility will be controlled. (7-1-26)

e. Estimated total cubic yards, or tons, of waste in place. (7-1-26)

f. Total acreage of the facility and acres containing waste. (7-1-26)

g. Closure equipment and procedures to be used. (7-1-26)

h. Texture, depth and permeability of final cover material. (7-1-26)

i. Design and construction plan for any necessary final cover. (7-1-26)

j. Placement, design, and management of run-on and run-off storm water controls. (7-1-26)

k. Types of vegetation and planting procedures to be used for establishing vegetative cover. (7-1-26)

l. Details of any proposed changes to any existing groundwater monitoring system. (7-1-26)

m. Details of any proposed changes to any existing landfill gas control system. (7-1-26)

n. Details of any proposed changes to any existing leachate collection system; and (3-24-22)

o. Other closure information the Department determines is necessary to protect human health and the environment. (3-24-22)

09. Documentation Requirements. The owner and operator of a Tier III facility must maintain, on site, each Department-approved application required by Section 013. (7-1-26)

10. Modification Application. The owner and operator must submit to the Department a modification application describing the proposed modification no less than sixty (60) days prior to the proposed modification of the facility. The owner and operator of a Tier III facility must not implement the modification prior to Department approval. If a proposed modification alters the classification of a facility, the owner and operator must comply with the application content, review and approval requirements for the new classification. (7-1-26)

11. Tier III Processing Facilities. In addition to the requirements in Subsections 013.01 through 013.10, the owner and operator of a Tier III processing facility must comply with the following: (7-1-26)

a. The owner and operator of a Tier III processing facility will implement a Department approved odor management plan designed to minimize malodorous gases. An odor management plan will include specific operating criteria for oxygen, moisture and temperature levels appropriate for the wastes to be processed and processing technologies to be employed; methods used to maintain the specific operating criteria and a monitoring strategy that includes the frequency and parameters for monitoring the specific operating criteria; (7-1-26)

b. Owners and operators of Tier III PCS processing facilities will comply with the following applicable requirements: (7-1-26)

i. Leachate collection and control system to prevent contamination of ground and surface waters; (3-24-22)

ii. Liner designed to prevent ground and surface water contamination. The liner design will account for the types of wastes handled and the potential for migration of liquids and gaseous contaminants to groundwater; (7-1-26)

iii. Air emission control system to prevent discharges of air pollutants; and (7-1-26)

iv. An owner and operator of a PCS processing facility may submit a written request for a variance from the leachate control and liner requirements. The owner and operator must demonstrate that the variance is at least as protective of surface and groundwater as the leachate collection system and liner. (7-1-26)

c. The following information will be submitted to the Department in a Design Application: (7-1-26)

i. Building and construction design blueprints; (3-24-22)

ii. A map illustrating a storm water run-on/run-off system designed to prevent contamination of ground or surface water or and prevent contamination beyond the boundary of the facility; (3-24-22)

iii. Operational design and capacity information including a description of the waste types and projected daily and annual waste volumes; and (3-24-22)

iv. The owner and operator of a Tier III PCS processing facility will submit for Department review and approval the following information as part of the design application: (7-1-26)

(1) A hydrogeologic evaluation, including the potential for migration of contamination to ground or surface water; (3-24-22)

(2) A detailed description of treatment methods to be used; (3-24-22)

(3) Design plans for a leachate collection and control system to prevent ground and surface water contamination from the leachate control system; (3-24-22)

(4) Design plans for an air emissions control system to prevent discharges of air pollutants; and (3-24-22)

(5) Design plans for a liner designed to prevent ground or surface water contamination. The liner design will account for the types of wastes handled and the potential for migration of liquid and gaseous contaminants to groundwater. (7-1-26)

d. The owner and operator of a PCS processing facility will submit for Department review and approval the following information as part of the Subsection 013.04, operating plan: (7-1-26)

i. A sampling plan that describes the methods and frequency that the owner and operator will use to sample and analyze the wastes when received, during processing, and on final testing of processed material; and (3-24-22)

ii. A description of how the owner and operator will maintain and operate the liner, leachate collection and control system, and air emission control system consistent with the approved design application. (3-24-22)

e. The owner and operator of a processing facility will maintain documentation of compliance with Section 013, including an operational log of the methods used to maintain the operating criteria and sampling results. (3-24-22)

12. Tier III Incinerators. In addition to the requirements in Subsections 013.01 through 013.04 and Subsections 013.09 and 013.10, the owner and operator of a Tier III incinerator must comply with the following: (7-1-26)

a. The owner and operator of an incinerator comply with the following design requirements: (7-1-26)

i. A tipping floor constructed of impermeable and durable material and designed to contain, collect, and convey any liquids to a storage or leachate management system; and (7-1-26)

ii. A storage or leachate management system. (3-24-22)

b. The following information will be submitted to the Department in a design application: (7-1-26)

i. A description of the tipping floor design; (3-24-22)

ii. A description of the storage or leachate management system design; (3-24-22)

iii. Building and construction design blueprints; (3-24-22)

iv. A map illustrating a storm water run-on/run-off system designed to prevent ground or surface water contamination, or contamination from the facility beyond the boundary of the facility; (3-24-22)

v. Operational design and capacity information including a description of the waste types and projected daily and annual waste volumes; and (3-24-22)

vi. Any facility specific design elements required by these rules. (3-24-22)

c. The owner and operator of an incinerator must comply with the following operating requirements: (7-1-26)

i. Maintain and operate the tipping floor to control odors, insects, and rodents; (3-24-22)

ii. Implement cleaning procedures and waste residency times used to maintain sanitary conditions on the surface of the tipping floor; and (3-24-22)

iii. Implement a storage or leachate management system operation. (3-24-22)

d. If it is determined that the tipping floor or leachate management system integrity has been breached, or waste has been handled or stored outside of the containment of the tipping floor, unless allowed in the facility operating plan, the owner and operator of the Tier III incinerator will comply with Subsections 013.05 through 013.08. (7-1-26)

13. Tier III NMSWLFs. In addition to the requirements in Subsections 013.01 through 013.10, the owner and operator of a Tier III NMSWLF must comply with the following: (7-1-26)

a. A facility will not be located in wetlands, except as provided in 40 CFR 257.9; (7-1-26)

b. The owner and operator will include in the siting application documentation demonstrating compliance with the requirement specified in Subsection 013.13.a.; (7-1-26)

c. The owner and operator of a NMSWLF will comply with the following design and construction requirements: (7-1-26)

i. A leachate collection and control system will be constructed to prevent ground and surface water contamination; (7-1-26)

ii. A liner designed to prevent ground or surface water contamination will be installed. The liner design will account for the types of wastes handled and the potential for migration of liquid and gaseous contamination to ground or surface water; (7-1-26)

iii. Appropriate toxic and flammable gas monitoring devices will be installed where the location, geophysical condition, and waste characteristics indicate that there is a reasonable probability that the facility will generate toxic and flammable gas: exceeding twenty-five (25) percent of the lower explosive limit for gases in facility structures (excluding gas control or gas recovery system components); exceeding the lower explosive limit at the property boundary; or otherwise presenting a potential threat to public health or the environment; and (7-1-26)

iv. An owner and operator may submit a written request for a variance from the leachate collection and control system, liner, or emission control system requirements. The Department may approve the variance upon demonstration by the owner and operator that the variance is at least as protective of human health and the environment as the leachate collection and control system, liner, or emission control system; (7-1-26)

d. The following information will be submitted to the Department in a design application: (7-1-26)

i. Design plans will address the need for and include as required a leachate collection and control system, liner, and emission control systems in Subsection 013.13.c. and; (7-1-26)

ii. A facility map illustrating: (3-24-22)

(1) Surface water and erosion control systems; (3-24-22)

(2) Proposed fill area, including the location of waste disposal trenches or cells, noting the locations of trenches used for separated wastes such as animal carcasses, tree trunks, stumps, bulky wastes, car bodies, asbestos, and petroleum contaminated soils; (3-24-22)

(3) Location of borrow areas; (3-24-22)

(4) Design elevation grade of final cover; (3-24-22)

(5) Soil and water table test boring holes, wells, or excavations; (3-24-22)

(6) Proposed receiving, storage, and processing areas; (3-24-22)

(7) Proposed trench layout and development; (7-1-26)

(8) Contour lines at five (5) foot intervals within the operating area and ten (10) foot intervals to the facility boundary; (7-1-26)

(9) Building and construction design blueprints; and (7-1-26)

(10) Operational design and capacity information including a description of the waste types and projected daily and annual waste volumes; (7-1-26)

e. The owner and operator of a NMSWLF will comply with the following operating requirements: (7-1-26)

i. Compaction and placement of waste in locations consistent with the approved operations plan; (3-24-22)

ii. Provision for storage of waste during periods when the NMSWLF is inaccessible; (3-24-22)

iii. Application of a six (6) inch compacted soil cover layer on exposed waste as necessary to prevent nuisance and vector conditions at periods consistent with the approved operations plan. An owner and operator may request that the Department approve an alternate cover that addresses vectors, litter, fire, odor, and scavenging concerns; (3-24-22)

iv. Placement of an interim cover layer of twelve (12) inches of compacted soil between lifts to provide erosion control and structural stability. An owner and operator may request that the Department approve an alternate interim cover that addresses erosion, and stability for subsequent lifts; (3-24-22)

v. Maintenance and operation of a leachate collection and control system and air emission control system consistent with the approved design application; and (3-24-22)

vi. Preservation of existing vegetation where attainable; (7-1-26)

f. The operating plan required in Section 013 will identify the methods used for maintaining compliance with each applicable operating requirement of Subsection 013.03. and Subsection 013.13.e. including but not limited to the type, the method of compaction and the frequency of application of respective cover materials;

(7-1-26)

g. The owner and operator of a NMSWLF will comply with the following closure requirements: (7-1-26)

i. Within seven (7) days of the date of last receipt of waste, a cover layer will be applied to prevent nuisances and vector conditions. Within one hundred and twenty (120) days of the date of last receipt of waste, a final cover layer of eighteen (18) inches of compacted soil with an approved in-place permeability designed to minimize infiltration, or its functional equivalent, and, a six (6) inch soil layer that minimizes erosion and sustains plant growth will be constructed; (7-1-26)

ii. All disturbed portions of the facility will be stabilized. Stabilization practices may include but are not limited to: establishment of vegetation, mulching, geotextiles, and sod stabilization; (7-1-26)

iii. Finished grade will be at a minimum of two percent (2%) and a maximum of thirty- three percent (33%) slope on the final surface of the completed fill area, after settlement; and (7-1-26)

iv. The completed landfill will be graded to prevent surface water ponding and erosion, and to conform to the local topography; (7-1-26)

h. Environmental Covenants: (3-24-22)

i. After completion and certification of closure of a NMSWLF, the owner and operator will record an environmental covenant, pursuant to the Uniform Environmental Covenants Act (UECA) Chapter 30, Title 55, Idaho Code, on the property where the landfill facility is located and its future use may be restricted in accordance with a post-closure care plan. A copy of the environmental covenant will be sent to the Department after recording with the county clerk; (7-1-26)

ii. The owner may request permission from the Department to remove the environmental covenant if all wastes are removed from the facility; and (7-1-26)

iii. Federal agencies with responsibility for management of landfills on federal property will make an environmental covenant or notation in the federal property records for the affected property. If the subject property is ever sold or transferred by the federal government, a notation on the deed or patent will be made; (7-1-26)

i. The owner and operator will provide in the closure plan documentation that demonstrates compliance with closure requirements specified in Subsections 013.07 and 013.13.g.; (7-1-26)

j. Owners and operators of a NMSWLF will submit, in accordance with the time frames specified in Subsection 013.08, to the Department for review and approval a post-closure care plan, will obtain Department approval of the plan, and will conduct post-closure care in accordance with the Plan: (7-1-26)

i. Unless the Department determines otherwise, the post-closure care plan will contain the following provisions: (7-1-26)

(1) The name and address of an agent authorized to accept communications or service during the post-closure period. The name may be changed during the post-closure period by providing the Department with twenty (20) days advance written notice of the change; (3-24-22)

(2) To maintain the integrity and effectiveness of the final cover; (7-1-26)

(3) To continue to maintain and operate the systems required in the operating plan, including: run-on/run-off control systems, leachate collection and control systems, groundwater monitoring systems, and gas monitoring systems; (7-1-26)

(4) To maintain appropriate security of the closed facility; (7-1-26)

(5) For routine facility inspections by the owner and operator to insure compliance with the Post-Closure Care Plan; and (7-1-26)

(6) A description of the planned use(s) of the property during the post-closure care period; (7-1-26)

ii. Post-closure care for the NMSWLF will be conducted for a minimum of five (5) years, but not more than thirty (30) years, as necessary to protect human health and the environment; (7-1-26)

iii. Post-closure use or operation of the site will not disturb any final cover, liner or other component of the containment system in a manner that will increase the potential to threaten human health or the environment; (7-1-26)

iv. The approved post-closure care plan will be maintained and available for review on request by the Department; and (7-1-26)

v. The requirements in Subsection 013.07 will apply to owners and operators and their successors and assigns. (7-1-26)

014. -- 031. (RESERVED)

032. TIER II AND TIER III APPLICATION AND PLAN REVIEW AND APPROVAL.

01. Application Submittal. The owner and operator must submit three (3) copies of each required application to the Department and may submit applications for siting, design, operation, or groundwater monitoring approval sequentially or concurrently. (7-1-26)

02. Preapplication Conference. The owner and operator may request that the Department convene a preapplication conference with any interested federal, state and local entities to discuss the approval procedures, application content, time tables for application processing, siting and design requirements. (7-1-26)

03. Application Review. (3-24-22)

a. On receipt of an application the Department will, within thirty (30) days, notify the owner and operator in writing whether the submission is complete and whether the application identifies an appropriate Tier level. The notice will identify any deficiencies in the application, and the information relied upon in making the determination, and will state that an applicant may submit additional information in the form of an amended application, withdraw the application or request a conference to discuss the Department's determination. (7-1-26)

b. Upon receipt of the Department's determination that a siting application is complete, the owner and operator shall publish a notice in a newspaper of general circulation as determined in Chapter 1, Title 60, Idaho Code, in the county and the immediate vicinity of the proposed facility and also provide notice to local government. The notice must include the name and location of the proposed facility, a general description of the proposed operations, the location where the application may be reviewed, and instructions directing the public to submit comments to the Department within thirty (30) days of the date of publication. The owner and operator must provide a copy of the published notice and notice to local government to the Department within five (5) business days of publication. (7-1-26)

c. The Department will approve, deny, or approve with conditions each application. Failure to issue a decision within the stated time shall be deemed approval. Approval conditions will relate to protection of human health and the environment as provided in these rules. (7-1-26)

i. For a siting application, the Department will notify the owner and operator in writing of the Department's decision within thirty (30) days of the date of the close of the public comment period. The Department and the owner and operator may agree, in writing to a longer period of time for the Department's determination. Design, Operating and Groundwater Monitoring Applications will not be reviewed until the Siting Application is

approved. (7-1-26)

ii. For the Design, Operating and Groundwater Monitoring applications, the Department will notify the owner and operator in writing of the Department's decision within sixty (60) days from the date the application is determined to be complete. (7-1-26)

d. If the Department denies an application, the written decision will state the basis for the denial, and the information relied upon in making the determination. (7-1-26)

04. Application Valid for Two Years. Unless otherwise stated in the Department's approval of the facility's application, the Department's approval will become invalid if the owner and operator fail to begin construction within two (2) years from the date of approval, or if after construction has begun, work is suspended for more than two (2) years. Owners and operators may apply for an extension provided that the written request is received by the Department no less than one (1) month prior to expiration of the approval. Within fifteen (15) days from Department receipt of extension request, the Department will approve the extension request or deny the extension request and state the basis for denial. (7-1-26)

033. -- 060. (RESERVED)

061. OPEN BURNING AND FIRES.
Open burning is prohibited at facilities except as authorized by IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho," and the following: (3-24-22)

01. No Open Burning During an Air Pollution Episode. No open burning may be conducted during an air pollution episode, declared in accordance with IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; (3-24-22)

02. Conditions Under Which Open Burning Authorized. Open burning is authorized only if it is infrequent and the materials are agricultural wastes, silviculture wastes, land clearing debris, diseased trees, or debris from emergency cleanup operations. Materials burned may not include garbage, dead animals, asphalt, petroleum products, paints, tires or other rubber products, plastics, paper (other than that necessary to start the fire), cardboard, treated wood, construction debris, metal, pathogenic wastes, hazardous wastes, or any other substance (other than natural vegetation) that when burned releases toxic emissions, dense smoke or strong odors; and (3-24-22)

03. Contact Department and Local Fire Authority Prior to Conducting Open Burning. Open burning may be conducted pursuant to conditions set forth by the Department or local fire authority. The owner and operator of the facility must contact the Department and the local fire authority prior to conducting open burning to report its nature and location. (3-24-22)

062. -- 993. (RESERVED)

~~**994. COMMERCIAL SOLID WASTE SITING LICENSE FEE.**~~
~~An application for a commercial solid waste siting license required by the Idaho Solid Waste Facilities Act, Chapter 74, Title 39, Idaho Code, (ISWFA) must be accompanied by a siting license fee in an amount established by these rules. The license fee will not exceed seven thousand five hundred dollars ($7,500) and must be submitted with the siting license application.~~ ~~(7-1-26)~~

~~**01. Commercial Solid Waste Siting License Fee Criteria**. The commercial solid waste siting license fee required by the ISWFA and these rules apply to commercial MSWLFs only and will be based on the cost of the Department's review and the characteristics of the proposed commercial solid waste facility, including the projected site size, projected waste volume, and the hydrogeological and atmospheric characteristics surrounding the site.~~
~~(7-1-26)~~

~~**02. Commercial Solid Waste Siting License Fee Scale**. The commercial solid waste siting license fee required by the ISWFA and these rules will be determined using the table below. The fee determined using the table below may then be adjusted by the Department if necessary to reflect the cost of the Department's review,~~

~~considering the hydrogeological and atmospheric characteristics surrounding the site.~~

~~COMMERCIAL SOLID WASTE SITING LICENSE FEE SCALE PROJECTED SOLID WASTE VOLUME Tons per day (TPD)~~			
~~Site Size~~	~~Up to 20 TPD~~	~~20 to 100 TPD~~	~~More than 100 TPD~~
~~5 acres or less~~	~~$3,500~~	~~$4,500~~	~~$5,500~~
~~5 to 50 acres~~	~~$4,500~~	~~$5,500~~	~~$6,500~~
~~more than 50 acres~~	~~$5,500~~	~~$6,500~~	~~$7,500~~

(7-1-26)

~~**03. Notification of Adjustment of Fee**. Within thirty (30) days of receipt of the application and fee, the Department will notify the applicant if the fee has been adjusted and the date by which any additional fee must be paid by the applicant.~~ (7-1-26)

~~**04. Expansion or Enlargement of a Commercial Solid Waste Facility**. The expansion or enlargement of a commercial solid waste facility constitutes a new proposal for which a commercial solid waste siting license is required and for which a siting license fee must be paid. All commercial solid waste facilities not in operation on March 20, 1996, must submit a commercial solid waste siting license application and fee.~~ (7-1-26)

~~**05. Commercial Solid Waste Siting License Fee Not Refundable**. The commercial solid waste siting license fee required by the ISWFA and these rules will not be refundable and may not be applied toward any subsequent application should the commercial solid waste siting license application be canceled, withdrawn or denied.~~ (7-1-26)

~~**995. COMMERCIAL SOLID WASTE SITING LICENSE APPLICATION.**~~
~~In addition to the contents of a siting license application as required in the ISWFA, these rules require the applicant to include in the application the following items:~~ (7-1-26)

~~**01. Location**. A map indicating the location of the proposed commercial solid waste facility;~~ (3-24-22)

~~**02. Copies of Application**. Ten (10) copies of the completed application; and~~ (3-24-22)

~~**03. Application Format**. A copy of the application in a format prepared for photocopying.~~ (3-24-22)

994. DISPOSAL FEES. As required by the Idaho Solid Waste Facilities Act, Chapter 74, Title 39, Section 24, Idaho Code, (IC 39-7424)municipal solid waste disposal facilities must pay a tonnage fee of $0.07 per ton of solid waste disposed in a MSW landfill or transferred out of state, in addition to an annual inspection fee and application fees. As required by IC 39-7424 NMSW facilities must pay an annual inspection fee and application fees. The tables below outline the fees for each facility and application type.

01. **Co-located Facilities**. These facilities will only be assessed one annual inspection fee based on the site classification. (7-1-27)

02. Table 1 - MSW Annual Inspection Fee.

TYPE	**FEE**
Municipal and Tier III landfills	$4,000.00
Tier III Processing, Incinerators, NSWI, and all Tier II facilities	$2,000.00

03. Table 2 - MSW and Tier III Landfill Application Fees.

APPLICATION TYPE	FEE
Siting (initial or major modification)	$2,000.00
MSW Preliminary Design	$2,000.00
Design	$2,000.00
Groundwater Monitoring Plan or No Potential for Migration Demonstration	$2,000.00
Operations Plan	$2,000.00
Pilot Project	$500.00
Closure Plan	$1,500.00
Post-closure Plan	$500.00
Major Modifications	$1,000.00

04. Table 3 - Tier II Facilities, NSWI, and all other Tier III Facilities.

APPLICATION TYPE	FEE
Siting	$1,000.00
Design	$2,000.00
Operations Plan	$1,500.00
Closure Plan	$500.00
Post-closure Care Plan	$500.00
Groundwater Monitoring Plan	$2,000.00
Corrective Action Plan	$1,000.00
Major Modification	$500.00

995. -- 999. (RESERVED)