

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.06 – SOLID WASTE MANAGEMENT RULES

DOCKET NO. 58-0106-2601 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This rulemaking action is authorized by Sections [39-105](#), [39-107](#), [39-7424](#), and [39-7425](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to agency address below.

DESCRIPTIVE SUMMARY: The 2026 Legislature adopted [House Bill 555](#) (H555) which removes municipal solid waste (MSW) regulatory responsibility from public health districts and transfers those responsibilities to DEQ for provisions within the Idaho Solid Waste Facilities Act, Title 39, Chapter 74, Idaho Code. Transferred responsibilities include enforcing statutory and rule based solid waste management operational requirements; review and approval of operations plans, closure plans and activities, post-closure plans and activities, and corrective action plans; and the establishment and collection of fees. Industry stakeholders, not DEQ, developed and lobbied for the fees to support DEQ's assumption of the health districts' solid waste authorities under the SWFA and the Memorandum of Understanding (MOU) with DEQ and the corresponding increased solid waste program workload. Section 39-7426(3), Idaho Code, indicates that the solid waste regulatory fund is for DEQ expenditures for implementing the chapter and rules. While not explicitly stated by industry in the SWFA or H555 fiscal note, the fees are also intended to fund the work previously done by the health districts under a MOU with DEQ, as well as additional technical staff for the solid waste program to better manage the technical engineering workload. For DEQ to take on the additional workload, approximately \$400,000 in additional funding is needed for the solid waste program. The fees authorized to be written into rule for applications and non-municipal solid waste (NMSW) annual inspections are anticipated to provide approximately half of the funding needed. The other half is anticipated to be funded specifically by the municipal solid waste (MSW) annual inspection fee and the MSW disposal fee of \$0.07 per ton.

This proposed rulemaking is limited in scope to the assessment and collection of the fees H555 directs DEQ to establish by rule.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: As a result of the amendments to the Solid Waste Facilities Act by H555, these rules repeal the IDAPA 58.01.06.994 Commercial Solid Waste Siting License Fee and establishes a new section, IDAPA 58.01.06.996, Fee Schedule. The fees included in the Fee Schedule are: 1) annual inspection fees for MSW and Tier III landfills, Tier III processing, incinerators, non-hazardous solid waste impoundments, and all Tier II facilities; 2) MSW and Tier III landfill application fees; and 3) Tier II facilities, NSWI, and all other Tier III facility application fees. The referenced MSW disposal fee per ton of waste disposed and the MSW annual inspection fee were established by H555 and became effective on July 1, 2026.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

IDAHO CODE SECTION 39-107D STATEMENT: IDAPA 58.01.06, Solid Waste Management Rules, are part of the requirements for Idaho's EPA approved Solid Waste Program. These rules regulate activities that are not specifically detailed by the federal government and are broader in scope than federal regulations for determining an open dump. The federal government does provide specific criteria for MSW landfills and open dumps; however, the federal regulations do not provide the same level of detail for non-municipal solid waste facilities (NMSWLF) in Idaho. In Idaho, the Solid Waste Management Rules are more facility-specific and comprehensive for NMSW and establish facility classifications/tiers and state requirements for siting, design, operation, and closure. These rules address the technical requirements for solid waste facilities other than MSW landfills.

The revisions in this proposed rule are administrative in nature and add fees for both municipal and non-municipal solid waste facility applications and inspections. The revisions do not set a standard based on science.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted. On July 1, 2026, the Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the Idaho Administrative Bulletin, [Volume 26-7 pages 93-94](#). Six scoping meetings were held prior to, and two public meetings were held during the negotiated rulemaking process on July 13, 2026, and August 4, 2026.

At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at [Solid Waste: Docket No. 58-0106-2601 | Idaho Department of Environmental Quality \(DEQ\)](#).

INCORPORATION BY REFERENCE: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Amanda Henderson amanda.henderson@deq.idaho.gov, (208) 528-2620, or Ben Jarvis at ben.jarvis@deq.idaho.gov, (208) 373-0146.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 28, 2026. Submit written comments to: amanda.henderson@deq.idaho.gov, or ben.jarvis@deq.idaho.gov.

Dated this 7th day of October, 2026.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 58-0106-2601
(Only Those Sections With Amendments Are Shown.)

58.01.06 – SOLID WASTE MANAGEMENT RULES

000. LEGAL AUTHORITY.

Sections 39-105, 39-107, ~~and 39-7408C~~ 39-7403, 39-7419, 39-7424, and 39-7425, Idaho Code. ~~(7-1-26)~~()

(BREAK IN CONTINUITY OF SECTIONS)

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. ~~Municipal Solid Waste Landfill~~ MSWLF Applicability. Sections 000 through 005, and Sections ~~994 through 995~~ 996 apply to all MSWLFs, as specified therein. (7-1-26)()

005. DEFINITIONS.

The terms "Department," "Director," "Person," and "Solid Waste" are defined in Section 39-103, Idaho Code. ~~The term "Ground water" (Groundwater) is defined in Section 39-121, Idaho Code.~~ The terms "Applicant", "Co-located waste facilities" (CWF), "Facility", "Ground water" (Groundwater), "Household waste", "Inert waste", "Municipal solid waste landfill unit" (MSWLF), "Nonmunicipal solid waste" (NMSW), "Nonmunicipal solid waste landfill" (NMSWLF), "Open burning", "Operator", "Owner", "Qualified professional", and "Septage" are defined in Section 39-7403, 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~~ For purposes of this rule, the 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)

04. ~~Commercial Solid Waste Facility.~~ ~~A MSWLF owned and operated as an enterprise conducted with the intent of making a profit by any individual, association, firm, or partnership for the disposal of solid waste, but excluding a MSWLF owned or operated by a political subdivision, state or federal agency or, municipality or a MSWLF owned or operated by any individual, association, firm, or partnership exclusively for the disposal of solid waste generated by such individual, association, firm, or partnership.~~ (3-24-22)

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

065. Contamination. ~~The~~ For the purposes of this rule, 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)

06. Cover Material. For purposes of this rule, a soil or other suitable material that is used to protect the waste unit. ()

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~~ For purposes of this rule, 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:** Any change to operation or design that, as determined by a qualified professional and affirmed by the director, may appear to result in an increased risk to human health or the environment. ()~~

~~**b. Minor modification:** Other actions or modification that, as determined by a qualified professional and affirmed by the director, may not result in an increased risk to human health or the environment. ()~~

- ~~a.c.~~ The following is not considered a modification: Repair and replacement of existing equipment; (3-24-22)()
- ~~b.i.~~ Increase in production rate that does not exceed the Tier level criteria or approved facility capacity; (3-24-22)
- ~~e.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)
- ~~d.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)~~

15. Non-Hazardous Solid Waste Impoundment (NSWI). An impoundment 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)~~

16. Pilot Project. A controlled trial period 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~~**17. Point of Compliance.** A For purposes of this rule, 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)()

2418. 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)

2519. 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)

260. 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)

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

292. 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)

3023. 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)

3424. 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)

3225. Salvage. The reclamation of solid waste at a disposal site. (3-24-22)

3326. 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)

3527. 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)

3628. Site Size. The sum in acres of all proposed or existing facilities. (3-24-22)

3729. 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)

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

391. 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)

4032. 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)

~~44~~**33. 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~~**34. 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~~**35. 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~~**36. 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)

(BREAK IN CONTINUITY OF SECTIONS)

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. Application fees required by Section 996 are due at the time of submittal. (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)

(BREAK IN CONTINUITY OF SECTIONS)

062. -- 993~~5~~. (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)

996. FEE SCHEDULE.

As required by the Idaho Solid Waste Facilities Act, Chapter 74, Title 39, Idaho Code, municipal solid waste disposal facilities must pay a fee per ton of solid waste disposed in state at a MSWLF or transferred out of state, in addition to an annual inspection fee and application fees. As required by Section 39-7424, Idaho Code, 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. ()

02. Table 1 - Annual Inspection Fee.

<u>TYPE</u>	<u>FEE</u>
<u>Municipal and Tier III landfills</u>	<u>\$4,000.00</u>
<u>Tier III Processing, Incinerators, NSWI, and all Tier II facilities</u>	<u>\$2,000.00</u>

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

<u>Application Type</u>	<u>Fee</u>
<u>Siting (initial or major modification)</u>	<u>\$2,000.00</u>

<u>Application Type</u>	<u>Fee</u>
<u>MSW Preliminary Design</u>	<u>\$2,000.00</u>
<u>Design</u>	<u>\$2,000.00</u>
<u>Groundwater Monitoring Plan or No Potential for Migration Demonstration</u>	<u>\$2,000.00</u>
<u>Operations Plan</u>	<u>\$2,000.00</u>
<u>Pilot Project</u>	<u>\$500.00</u>
<u>Closure Plan</u>	<u>\$1,500.00</u>
<u>Post-closure Plan</u>	<u>\$500.00</u>
<u>Major Modifications</u>	<u>\$1,000.00</u>

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

<u>APPLICATION TYPE</u>	<u>FEE</u>
<u>Siting</u>	<u>\$1,000.00</u>
<u>Design</u>	<u>\$2,000.00</u>
<u>Operations Plan</u>	<u>\$1,500.00</u>
<u>Pilot Project</u>	<u>\$500.00</u>
<u>Closure Plan</u>	<u>\$500.00</u>
<u>Post-closure Care Plan</u>	<u>\$500.00</u>
<u>Groundwater Monitoring Plan</u>	<u>\$2,000.00</u>
<u>Corrective Action Plan</u>	<u>\$1,000.00</u>
<u>Major Modification</u>	<u>\$500.00</u>

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05. Payment.

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a. Payment of the tipping fees and annual inspection fee are due to the Department in accordance with Section 39-7425, Idaho Code. ()

b. Payment of the application fee is due at the time of submittal of an application. The Department will not review an application until the fee is paid. Failure of the applicant to pay the fee will void the start of the review timelines in Sections 39-7421 and 39-7422, Idaho Code for MSWLFs and Section 032 for NMSW facilities. ()

9967. -- 999. (RESERVED)