

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.06 - SOLID WASTE MANAGEMENT RULES**

**DOCKET NO. 58-0106-1101**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality," Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-7408C, Idaho Code.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

**MEETING SCHEDULE:** The negotiated rulemaking meeting will be held as follows:

**Wednesday, September 28, 2011  
9:00 am to 12:30 MST**

**Department of Environmental Quality,  
Conference Room B  
1410 N. Hilton, Boise, Idaho**

Additional meetings may be scheduled if necessary. For information regarding participation by telephone or scheduling of additional meetings, contact the undersigned. Requests to participate by telephone must be made by September 26, 2011.

**PRELIMINARY DRAFT:** By September 7, 2011, a preliminary draft of the rule can be obtained at <http://www.deq.idaho.gov/58-0106-1101-negotiated> or by contacting Paula Wilson at [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov), (208)373-0418.

**DESCRIPTIVE SUMMARY:** Under the current Solid Waste Management Rules, IDAPA 58.01.06, owners and operators of proposed composting facilities are required to submit applications and obtain DEQ approval prior to constructing and operating a composting facility. This rulemaking has been initiated to establish a permit-by-rule program for composting facilities meeting certain requirements. The requirements will specify waste to be processed and will include site, design, operating, and closure and post-closure criteria that are intended to be protective of public health and the environment.

Composting facility owners and operators meeting the proposed requirements would be authorized to construct and operate a composting facility through a permit-by-rule.

The text of the proposed rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. County and city government, industry, generators of non-hazardous solid waste, private citizens, and environmental groups concerned with disposal of non-hazardous solid waste may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the spring of 2012 and then present the final proposal to the Board of Environmental Quality for adoption of a pending rule in the fall of 2012. If adopted by the Board, the pending rule will be reviewed by the 2013 Idaho Legislature.

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning this rulemaking, contact Dean Ehlert at [dean.ehlert@deq.idaho.gov](mailto:dean.ehlert@deq.idaho.gov), (208)373-0416.

For those who cannot participate by attending the scheduled meeting, written comments may be submitted by mail, fax or e-mail at the address below. Written comments on the preliminary draft rule must be received by September 30, 2011. For information regarding submission of written comments on subsequent drafts of the negotiated rule, to receive copies of submitted written comments, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

Dated this 18th day of August, 2011.

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