

ii. Any such property with unrestricted access to an adjacent property not meeting the requirements of subsection 510.02.a. shall restrict access to such adjacent property. (4-17-95)T

e. The minimum Barrier requirements for properties that are not frequently used by children (zero (0) to twelve (12) years) and/or pregnant women are as follows: (4-17-95)T

i. All soil which contains lead in excess of one thousand (1000) ppm and lies within six inches (6") of the final grade shall be removed, replaced, or covered as appropriate with clean earthen material such that, after all work is completed, the soil remaining in the top six inches (6") has less than one thousand (1000) ppm lead, and the replacement material meets the requirements listed in Section 510.02.f. (4-17-95)T

ii. Acceptable soil removal and Barrier thicknesses for these properties are set forth in Appendix 6. (4-17-95)T

g. No earthen materials containing, on average, more than one hundred (100) ppm of lead or arsenic, nor more than five (5) ppm of cadmium, with no individual sample containing more than one hundred fifty (150) ppm of lead, shall be utilized for a Barrier. (4-17-95)T

h. Should any inconsistency exist between the wording of these rules and the wording in any appendix, the wording in the rule shall supercede the wording in the appendix. (4-17-95)T

03. ICP Permits Required. (4-17-95)T

a. ICP Permits shall be required for: (4-17-95)T

i. Large projects; (4-17-95)T

ii. Building renovations. (4-17-95)T

b. A permit is required for a change in use of property which has Contaminants located thereon to a use which requires an additional or more substantial Barrier; constructing or establishing such additional Barriers shall be required, unless waived by the District. (4-17-95)T

c. A single annual permit covering a specific list of projects may be obtained from the District by entities eligible under Section 015 at the beginning of each year's construction season. (4-17-95)T

511. -- 519. (RESERVED).

520. PERMIT APPLICATION AND ADMINISTRATION.

01. Application for ICP Permit. Application for an ICP Permit shall be made in writing at the Kellogg office of the District. Application shall be on forms provided by the District. (4-17-95)T

02. Required Applicant Information. All Applicants shall provide the following information when applying for an ICP Permit with the District: (4-17-95)T

a. Name, address and telephone number of the Applicant and the property owner. (4-17-95)T

b. Location of the work and whether the work is being done on private or public property, or both. (4-17-95)T

c. Description of work. The description must include methods of handling or storing, and transporting contaminated materials. A site plan may be required by the District if one has not been provided pursuant to the permit process. (4-17-95)T

d. Dates work will be started and completed. (4-17-95)T

- e. Such other information as the District shall require. (4-17-95)T
03. District Requirements for Projects. If the work is to be performed within the jurisdiction of a city or county government which has not adopted standards and a permitting process consistent with these rules, the District may require, as appropriate for a particular project, the following: (4-17-95)T
- a. Large Projects: (4-17-95)T
- i. Name, signature, license number, seal and address of engineer, land surveyor, architect, professional planner, landscape architect, or contractor as applicable, involved in preparation of the application or any materials or documents pertaining thereto; (4-17-95)T
- ii. Copies of other government permits or permit applications (i.e. County or City) and the supporting documents and materials pertaining thereto; (4-17-95)T
- iii. A key map showing location of tract with reference to surrounding properties including owners, streets and city boundaries; (4-17-95)T
- iv. Existing and/or proposed zoning; (4-17-95)T
- v. North arrow and scale; (4-17-95)T
- vi. Site plan showing dimensions, boundaries, existing and/or proposed structures; (4-17-95)T
- vii. Date of current property survey; (4-17-95)T
- viii. Standardized sheet size; (4-17-95)T
- ix. Copies of existing and/or proposed restrictions or covenants; (4-17-95)T
- x. List of ordinance variances required or requested (PHD or local government); (4-17-95)T
- xi. Requested or obtained design waivers or exceptions; (4-17-95)T
- xii. Payment of fee; (4-17-95)T
- xiii. Identification of surrounding water courses, flood plains (floodway and one hundred (100) year floodplain), wetlands, and environmentally sensitive areas on-site and within two hundred (200) feet; (4-17-95)T
- xiv. Soil information as required to determine levels of contamination; (4-17-95)T
- xv. Location and description of all existing Barriers on-site and bordering the site; (4-17-95)T
- xvi. Barrier Option Plan, as required; (4-17-95)T
- xvii. Existing rights-of-way and/or easements on and adjacent to the tract (i.e. streets, utilities); (4-17-95)T
- xviii. Existing and proposed contour intervals based on U.S.G.S. datum, contours to extend fifty (50) feet beyond the project site borders (additional distance may be required in the case of subdivisions, PUD's and special use permit situations), contour intervals shall be as follows: for sites with grades of less than three percent (3%) - one (1) foot intervals; for sites with grades of three percent (3%) to ten percent (10%) - two (2) foot intervals; for sites with grades over ten percent (10%) - five (5) foot intervals; (4-17-95)T
- xix. Existing system of site drainage and of any larger tract or basin of which the site is a part; (4-17-95)T

- xx. Drainage calculations; (4-17-95)T
- xxi. Existing and proposed utility infrastructure locations; (4-17-95)T
- xxii. Locations of existing and/or proposed activities on-site (i.e. lawn, garden, landscaping areas, pathways, driveways, storage areas, structure locations, etc.); (4-17-95)T
- xxiii. Soil erosion and sedimentation control plan if surface is to be disturbed; (4-17-95)T
- xxiv. Dust control plan if surface is to be disturbed; (4-17-95)T
- xxv. Plan for transporting Contaminants, means for transportation, proposed disposal site, and proposed route; (4-17-95)T
- xxvi. Access control plan for construction period; (4-17-95)T
- xxvii. Construction schedule; (4-17-95)T
- xxviii. Contractor bonding information; (4-17-95)T
- xxix. Health and safety plan. (4-17-95)T
- b. Building Renovations: (4-17-95)T
 - i. Name, signature, license number, seal and address of engineer, architect, or contractor, as applicable, involved in preparation of the application or any materials or documents pertaining thereto; (4-17-95)T
 - ii. Type of contaminated material to be handled (i.e. soil, insulation etc.); (4-17-95)T
 - iii. Dust control plan; (4-17-95)T
 - iv. Access control plan; (4-17-95)T
 - v. Worker precautions (health and safety plan); (4-17-95)T
 - vi. Transportation information, including means, method of containment of material, and proposed disposal site; (4-17-95)T
 - vii. Contractor bonding information; (4-17-95)T
 - viii. Construction schedule. (4-17-95)T
- 04. Use of Discretion on Requirements by District. The District may, at its own discretion, waive certain application requirements or information, or require additional actions or information, depending upon the type and extent of the project. (4-17-95)T
- 05. Site Inspection or Waiver When Permit Required. Work which requires a permit shall not commence until a site inspection has been made or waived by the District and a permit has been issued. (4-17-95)T
- 06. Time Specifications. The permit shall provide that all work be completed and the permit shall be void if work is not commenced and completed within the times specified for the type and kind of permit as approved by Resolution of the Board. An extension of time may be granted by the District upon a showing of good cause. (4-17-95)T
- 07. Other Inspections and Requirements. All permits granted pursuant to this Rule remain subject to such other inspections and requirements prescribed by state or local governments. (4-17-95)T

08. Work Involving Public Right-of-Way. If the permit involves work within any public right-of-way, the appropriate agencies will be notified of the work by the entity receiving the permit. (4-17-95)T

521. INSPECTION.

The Applicant shall notify the District by telephone when work is completed. Applicants shall call for inspection in accordance with the terms of the permit; forty-eight (48) hours notice (excluding weekends and holidays) to PHD shall be provided. The inspector shall note approval of the work in writing and shall enter same in the database tracking system, or shall note reasons for disapproval and steps which must be taken to complete the work. Upon completion of the work to the District's satisfaction, the District's final approval shall be noted in the database tracking system. Such entry shall constitute the Record of Compliance for such project. All work governed by these regulations shall be subject to inspection by the District or its designated agents and it shall be unlawful to obstruct or hinder any official, inspector or designated agent making an inspection. The District may obtain an inspection warrant if access to the property is refused. The District reserves the right to waive the inspection requirement. (4-17-95)T

522. PERMIT REVOCATION OR STOP WORK ORDER.

Any Permit may be revoked or a Stop Work Order may be issued, without notice by the District, for non-compliance with or violation of any of the provisions of this chapter or any requirement or limitation of the Permit. If a Permit is revoked, the District may take such steps as are necessary to eliminate any danger from contamination, including completion of work by the District. The Applicant, contractor and/or Owner may be required to pay all costs and expenses for abatement of any danger and/or completion of the project, including legal fees incurred by the District to obtain compliance. (4-17-95)T

523. RECORD OF COMPLIANCE.

A Record of Compliance for Small Projects which documents compliance with the performance standards established by these rules will be entered into the database tracking system based upon an inspection requested of PHD by the property owner or tenant. The Record signifies the property owner or tenant was informed of and provided with applicable performance standards and guidelines and complied with the same. (4-17-95)T

524. -- 529. (RESERVED).

530. CONTRACTOR LICENSING.

01. License Required. Any contractor performing Large Projects, Building Renovation or transportation or disposal of Contaminants which is likely to expose the contractor, workers or others to Contaminants, must be licensed by the District. There will be no charge for a contractor's license. It shall be unlawful for a contractor to work on a project requiring an ICP permit without a current contractor's license issued by PHD. A contractor's license will not be required of an owner working on his or her own property. (1-1-96)T

02. Training. In order to obtain a contractor's license from the District, the Contractor must have those supervisors involved in activities dealing with Contaminants participate in training approved by the District and pass an annual examination focusing on the reasons for, and methods of, controlling Contaminants. The purpose of the examination is to assure that all of the Contractor's employees are aware of and observe the procedures and standards that will protect themselves and the public from the Contaminants. The District will create and administer the test. The trained supervisor must pass information on to employees as is necessary to protect their health and safety and assure compliance with these rules. The District will provide training which owners and employees may participate in. (1-1-96)T

03. Bonding. Any contractor whose license has been revoked by the District within the past three (3) years must, as a condition of reinstatement and maintaining the status of a licensed contractor, be bonded in the minimum amount of two-thousand dollars (\$2000). Said bond shall be at least five percent (5%) of the cost of any contract the contractor is engaged in. Said bond shall be in a form approved by the District and must be suitable to insure payment for completion of Barrier work not completed by the Contractor. A cash deposit or other security acceptable to the District may be utilized in lieu of a bond. The District may establish a bonding program for all contractors, if deemed necessary to carry out these Rules. (1-1-96)T

04. Suspension or Revocation of License. (1-1-96)T

a. Upon a showing that a licensee has violated any provision of these Rules, or has violated any other health or building code within the boundaries of the Site, suspension or revocation of license may be imposed. Suspension may be made by any District health officer. Revocation may be made by the Director upon recommendation of the District health officer. Notification of suspension or revocation must be in writing. No suspension may be made for more than thirty (30) days without approval of the Director. Revocation of license may be made by the Director upon a showing of good cause. (1-1-96)T

b. Appeal. Suspension or revocation may be appealed by the licensee to the Board in writing within thirty (30) days of receipt of notice of suspension or revocation. Appeal shall stay the suspension or revocation unless the Director makes a finding that such stay is likely to present a health risk to a person or persons. Appeals shall follow the procedures set forth in Section 020 of these rules. (1-1-96)T

c. Any decision by the Board pertaining to a suspension or revocation of a license shall be made only after a licensee has been accorded an opportunity for hearing at which the licensee has a right to appear and be heard, to be represented by counsel, to testify, to present evidence, to call witnesses and to rebut any evidence presented. A transcribable recording of all such hearings shall be made and retained for at least six months. Such hearing may be conducted by a hearing officer designated by the Board or by the Board itself. (1-1-96)T

d. If a license is revoked, the contractor may, upon payment of any cleanup or remediation costs related to past work, reapply for reinstatement of license after one (1) year, however, a contractor whose license has been revoked may not obtain a new license under a different corporate or partnership status until this provision is satisfied. (1-1-96)T

531. LICENSES FOR PUBLIC UTILITIES AND GOVERNMENT ENTITIES.

Upon a demonstration that supervisory employees of a public utility or government entity (city, county, special purpose district, or state of Idaho) have participated in an education program approved by, or provided by, the District, a utility company or government entity may receive an annual license which will allow their employees to make Excavations without obtaining individual Contaminant management permits. This license may be granted by the District and will require that the utility comply with performance standards and all other regulations contained herein or adopted by Resolution of the Board. All supervisory employees involved in and responsible for Excavations shall have participated in a District approved education program. The trained supervisor must pass information on to employees as is necessary to protect their health and safety and assure compliance with these rules. The District will provide training which owners and employees may participate in. Entities licensed under this section shall maintain a log of all excavations on a form approved by the District. Such logs will be forwarded to the District on a regular basis determined by the District. All licensees shall telephone the Shoshone County one-call locating service prior to any excavation. Licenses shall be renewed annually upon a showing that the utility or government entity has operated in compliance with this rule. This license may also be revoked as provided in the prior Subsection 530.04. (4-17-95)T

532. -- 539. (RESERVED).

540. PERFORMANCE OF WORK.

01. Completion of Work. All work done pursuant to an ICP Permit shall be completed in a neat and workmanlike manner and so scheduled as to cause the minimum interference with traffic or public use (if applicable) and a minimum dispersal of Contaminants. (4-17-95)T

02. Work Delayed By Applicant. If the work is unduly delayed by the Applicant, and if the public interest reasonably so demands, the District shall have the authority, upon twenty-four (24) hours' written notice to the permittee, to complete the work to the extent that the Barrier is restored and any hazardous material covered or removed. The actual cost of such work by the District (including legal fees), plus fifteen percent (15%) as an overhead charge, shall be charged to and paid by, the Applicant and/or the Owner. (4-17-95)T

541. PERFORMANCE STANDARDS.

The Board will adopt, and from time to time amend, performance standards by Resolution; said standards shall ensure

that work is performed in a safe and responsible manner and specify how work will be completed. Said standards shall be applicable to, but not be limited to, the following: materials handling; dust control; erosion/runoff control; disposal; transportation; Barrier construction; demolition; renovation; grading; and subdivision development. Performance standards so adopted shall not amend any standard adopted within these rules, and these rules shall apply should any conflict arise between a rule and a performance standard. (4-17-95)T

542. APPROVAL OF ALTERNATIVE STANDARDS.

Any person aggrieved by the substantive requirements of these rules or the performance standards, may appeal these requirements by providing a written request for approval of an alternative standard. The appeal shall be accompanied by an engineering report indicating why the appealing party should be relieved of the requirement for compliance or why the requested alternate standard is appropriate. At the Applicant's expense, the District may consult with its own engineer to confirm the applicability of the regulations to the proposed project. The District health officer may approve an alternate standard where such approval does not jeopardize the public welfare or existing Barriers. The decision of the District health officer shall be in writing, stating the reasons therefore. (4-17-95)T

543. OWNER AND APPLICANT RESPONSIBILITY FOR CLAIMS AND LIABILITIES.

Both the Owner and the Applicant shall be responsible to ensure that all rules contained herein are complied with. Applicant shall be responsible for all claims and liabilities arising out of work performed by the Applicant under the ICP Permit or arising out of the Applicant's failure to perform obligations with respect to these regulations. Owner shall be responsible for all claims and liabilities for work done by the Owner with or without a permit and for work done at the direction of the owner without a permit. Owner shall remain responsible to complete the project or restore the premises to a safe condition to the satisfaction of the District should the Applicant fail to complete or restore it. (4-17-95)T

544. -- 549. (RESERVED).

550. APPEAL TO THE BOARD.

Any person, association, public or private agency or corporation aggrieved by application of a provision of these rules or by a decision of the Health Officer or the District may appeal to the Board pursuant to the provisions of chapter 52, title 67, and chapter 4, title 39, Idaho Code, and the following procedures: (4-17-95)T

01. Filing Appeal. Any potentially affected party seeking relief under these rules must file such appeal or request to the Board in writing at the Kellogg office of the District within thirty (30) days of the Health Officer's or District's decision, or of such other action from which relief is sought. The appeal must set forth the reasons for appeal and request a hearing, if one is desired. If a hearing is not requested, the decision will be made based on the records of the District, the information in the appeal or request for relief, and any other written information filed with the Board by the Health Officer or District. A copy of any document filed with the Board shall be sent to the other party immediately. (4-17-95)T

02. Appeals Forwarded to Hearing Officer. All appeals shall be forwarded to a Hearing Officer for evaluation. If a hearing has been requested, the Hearing Officer shall designate a time and place for hearing and provide Notice to the appealing party and the Health Officer or District. (4-17-95)T

03. Hearings. If hearing is requested, the Hearing Officer shall, upon the appointed date for hearing, conduct a hearing concerning the appeal or request for relief. The appealing party, District staff, interested members of the public and public agency representatives shall be allowed to participate in such hearing. The Hearing Officer may establish time limits or other rules of procedure to expedite hearing of the request. The Hearing Officer shall establish a record of the hearing and shall see that a tape recording is made of the proceedings. Exhibits shall be identified in the record. (4-17-95)T

04. Completion of Hearing and Compilation of Record. Upon completion of the hearing and compilation of the record, the Hearing Officer shall prepare a recommended decision which shall be transmitted to the Board for final action. The Hearing Officer's recommendation shall set forth facts found relevant to the decision, legal principles applicable to the recommended ruling, and conclusions drawn from the hearing process. (4-17-95)T

05. Board Review of Hearing Recommendations. At its next regular meeting, or as soon as the recommendation can be placed upon its agenda, the Board shall consider the record compiled and the Hearing

Officer's recommendation and shall decide the request without further hearing from the Board. The Board may accept the recommendation of the Hearing Officer, reverse the recommendation, or may modify the recommended decision for reasons found in the record. If the Board modifies or reverses the Hearing Officer's recommendation, it shall set forth its reasons for doing so in writing with reference to parts of the compiled record or conclusions drawn therefrom. The Board may also elect to remand the request to the Hearing Officer for clarification or for further hearing to obtain information the Board deems essential. Confirmation of the Hearing Officer's recommendation may be accomplished by Board action, adopting the Hearing Officer's decision as its own. Appeals from Board action may be taken in accord with provisions of section 39-418, Idaho Code. (4-17-95)T

551. -- 559. (RESERVED).

560. VIOLATION AND ENFORCEMENT.

Violation of any provision of these rules shall be subject to the following enforcement procedures: (4-17-95)T

01. Violation of Rules. Any person, association, or corporation, or the officers thereof, violating any of the provisions of these rules shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars (\$300), or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment. (4-17-95)T

02. Liability of Violator. In addition to fine and imprisonment, any person, association, or corporation, or the officers thereof found to be in violation of these rules shall be liable for any expense incurred by the District in enforcing this act, or in removing or terminating any nuisance or health hazard. (4-17-95)T

03. Other Action. Any person, association, or corporation, or the officers thereof shall additionally be subject to civil court action, including an injunction or restraining order, and to such penalties, costs, or fees as may be necessary to compel compliance. (4-17-95)T

04. Successive Days in Violation. Each successive day in violation shall be considered a separate offense and shall be subject to cumulative penalties. (4-17-95)T

561. -- 569. (RESERVED).

570. EFFECTIVE DATES.

01. Temporary Rule Effective Date. The Board, finding that these rules are necessary to protect the public health, safety and welfare, passes these rules as temporary rules pursuant to section 67-5226, Idaho Code, and these rules, except as otherwise provided, shall be effective April 17, 1995. (4-17-95)T

02. Other Effective Date. Any rule applicable to licensing of contractors, public utilities and government entities shall be effective as of January 1, 1996. (4-17-95)T

571. -- 899. (RESERVED).

900. ADMINISTRATIVE PROCEDURES, EXCEPTIONS, PENALTIES, AND ENFORCEMENT.

01. Responsibility of Permit Applicant. It shall be the responsibility of any person applying for, or required to apply for, a permit required by this Code, to show affirmatively, by all reasonable means, that his undertaking complies with this Code or with any related rules, statutes, or ordinances. (7-1-93)

02. Permit Revocation. Any permit or permission, actual or implied, granted by the Health Officer or his predecessors may be revoked, for cause, by written notice sent to the permit holder or his agent. Any person, association, or corporation who continues to act under such permit or permission actual or implied, more than ten days after the sending or delivery of notice of revocation shall be presumed to be in violation of this code and subject to the penalties provided herein. (7-1-93)

03. Variance Standards. A variance may be granted only upon an affirmative showing by an applicant that the undue hardship is caused by a physical characteristic of a site that is not of the applicant's making and that

approval of the variance would not be contrary to the public interest or to the purposes of the Code. (7-1-93)

04. Variance Procedures. (7-1-93)

a. An applicant for a variance shall obtain a Variance Application Form from Panhandle Health District 1 and, after completing the application form, shall return the application to the Environmental Office. The Variance Application shall require the applicant to provide, in addition to information required by the application form itself, the following: (7-1-93)

i. An accurate site plan showing development of the site in question, present and proposed, depicting all features relevant to the variance request. The Director, or his designee, shall identify information necessary to proper processing of the request if information other than that normally required must be supplied. The applicant shall describe the current and proposed use of the site in question. (7-1-93)

ii. A narrative statement addressing the efforts, including consideration of design alternatives, which the applicant has undertaken to comply with the rule from which a variance is sought. (7-1-93)

iii. A narrative statement explaining the nature of the hardship, if any, imposed by literal compliance with the rule in question. (7-1-93)

iv. A narrative statement explaining the effects of the requested variance on the interests of adjoining landowners and/or of the public at large. (7-1-93)

v. A narrative statement detailing what use could be made of the site in question if the requested variance were not granted. (7-1-93)

b. The completed Variance Application shall be returned to the Environmental Office accompanied by a fifty dollar (\$50) initial filing fee. The completed application shall be submitted to the Panhandle Health District 1 Hearing Officer who shall determine whether, on its face, it sets forth a colorable claim for a variance from the Code. If the Hearing Officer determines that the application does not set forth a colorable claim for variance, he shall return the application to the applicant with a written explanation of the action taken. Said initial determination and the accompanying explanation shall be forwarded to the Board which shall act upon the Hearing Officer's initial determination by affirming it or remanding it to the Hearing Officer for further proceedings. (7-1-93)

c. If the Hearing Officer determines that the application presents a colorable claim for a variance, he shall return the application to the Environmental Office with instructions to prepare a notice of public hearing concerning the requested variance. The applicant shall pay an additional processing fee of one hundred and fifty dollars (\$150) if the Hearing Officer makes such a finding. Said fee may be adjusted as with all other Panhandle Health District 1 fees in accordance with a sliding scale coordinated with Federal poverty standards. (7-1-93)

d. The Environmental Office staff shall notify the applicant that his application has passed the initial screening and that the names and mailing addresses, on self-adhesive labels, of all owners of land located within three hundred (300) feet of the external boundaries of the site in question must be provided. Said names shall be provided or checked by a land title company or other business whose commercial purpose it is to provide such information. The applicant shall be solely responsible for the accuracy of such information. (7-1-93)

e. Using the mailing list provided by the applicant, notice of public hearing shall be sent by first class mail and posted on the site in question in a conspicuous manner. The Environmental Office shall maintain records verifying completion of the notification process. Mailing and posting shall be accomplished at least fifteen (15) days prior to the date of the hearing established by the Hearing Officer. (7-1-93)

f. Upon the appointed date, the Hearing Officer shall conduct a public hearing concerning the variance request. The applicant, Panhandle Health District 1 staff, interested members of the public, and public agency representatives shall be allowed to participate in such hearing. The Hearing Officer may establish time limits or other rules of procedure to expedite hearing of the request. The Hearing Officer shall establish a record of the hearing and shall see that a tape recording is made of the proceedings. Exhibits shall be identified in the record in order that they may be associated with the taped record of the hearing. (7-1-93)

g. Upon completion of the hearing and compilation of the record in each application, the Hearing officer shall prepare a recommended decision which shall be transmitted to the Board for final action. The Hearing Officer may recommend that the application be approved, be approved with conditions, or that the application be disapproved. His recommendation shall set forth facts found relevant to the decision, legal principles applicable to the recommended ruling, and conclusions drawn from the hearing process. (7-1-93)

h. At its next regular meeting, or as soon as the application can be placed upon its agenda, the Board shall consider the record compiled and the Hearing Officer's recommendation and shall decide the request without further hearing by the Board. The Board may accept the recommendation of the Hearing Officer, may reverse the recommendation, or may modify the recommended decision for reasons to be found in the record. If the Board modifies or reverses the Hearing Officer's recommendation it shall set forth its reasons for doing so in writing with reference to parts of the compiled record or conclusions drawn therefrom. The Board may also elect to remand the request to the Hearing Officer for clarification or for further hearings to obtain information the Board deems essential. Confirmation of the Hearing Officer's recommendation may be accomplished by Board action adopting the Hearing Officer's decision as its own. Appeals from Board action may be taken in accord with provisions of Section 39-418, Idaho Code. (7-1-93)

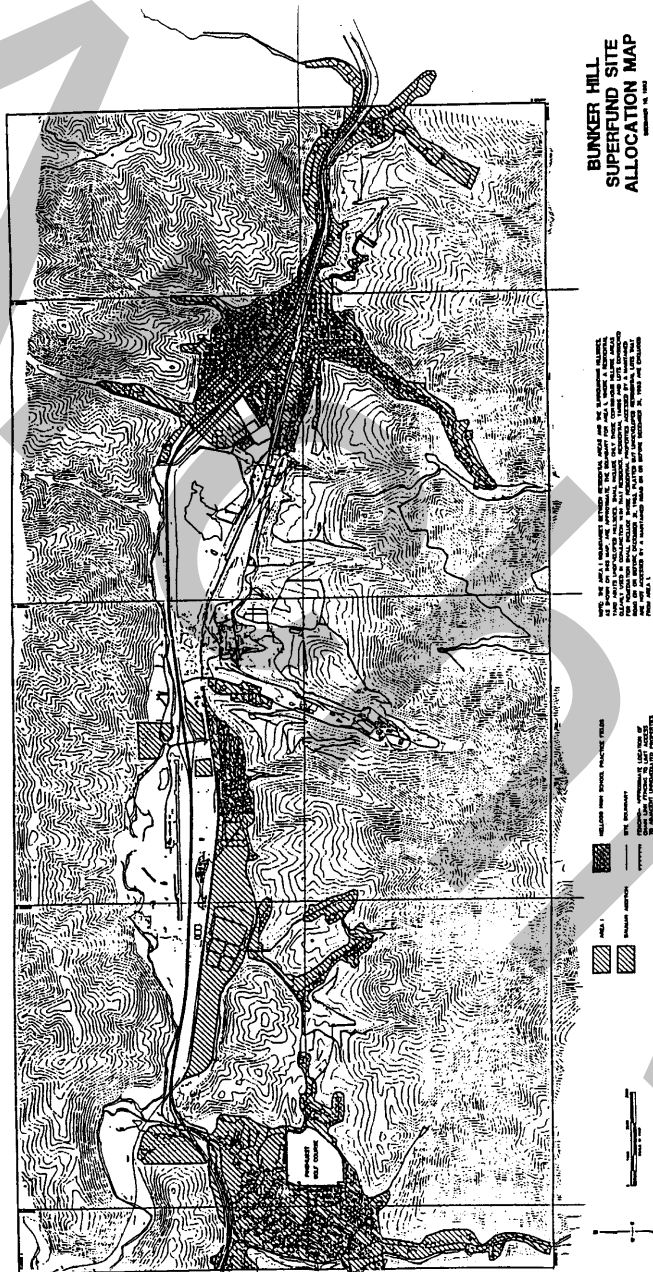
05. Penalties. Any person, association, or corporation who shall violate provisions of this rule may be penalized as follows: (7-1-93)

a. Shall be subject to a penalty as set forth in Section 39-419, Idaho Code, or as otherwise provided by Section 39-117, Idaho Code. Each day of violation of a provision of this rule shall constitute a separate offense subject to cumulative punishment. (7-1-93)

b. May be subject to a civil court judgment enjoining violation of the rule and such civil penalties, costs, and fees as may be necessary to compel compliance. (7-1-93)

901. -- 999. (RESERVED).

APPENDIX 1



Appendix 1
Larger version on file
at PHD offices in Kellogg
and Coeur d'Alene

- Includes:
- Kellogg
 - Pinehurst
 - Smeiterville
 - Wardner
 - Portions of unincorporated
Shoshone County

APPENDIX 2

APPLICABILITY OF BARRIER TYPES TO SITE USE ACTIVITIES: RESIDENTIAL

APPENDIX 2

SITE USE ACTIVITIES

Barrier Type	Building Footprint		Landscaping				Vehicle Areas				Active Public Use Areas			Open Areas	
	Exposed	Sealed w/Crawl Space	Produce & Vegetable Gardening	Flower/ Shrub Bed	Lawn Areas	Parking/ Loading Areas	Residential Streets	Rural Roads	Road Shoulders	Driveways	Walkways	Parks & School Yards	Public Outdoor Play/Equip	Outdoor Storage	Vacant Lots
12" Soil Cap	X	X			X					X	X	X	X	X	X
24" Soil Cap	X	X			X					X	X	X	X	X	X
12" Soil Cap w/ Sod & Grass	X	X			X					X	X	X	X	X	X
24" Soil Cap w/ Sod & Grass	X	X			X					X	X	X	X	X	X
12" Compacted Gravel	X	X				X			X	X	X	X	X	X	X
Synthetic Membranes Tyvek & Plastic		X													
Chip Seal on 12" Compacted Gravel Base						X	X	X	X	X	X	X	X	X	X
Lignosite Spray on 12" Compacted Gravel Base						X	X	X	X	X	X	X	X	X	X
Asphaltic Concrete	X	X				X	X	X	X	X	X	X	X	X	X
Concrete	X	X				X	X	X	X	X	X	X	X	X	X
12" Sand Cap				X											

APPENDIX 3

APPLICABILITY OF BARRIER TYPES TO SITE USE ACTIVITIES: COMMERCIAL

APPENDIX 3

SITE USE ACTIVITIES

Barrier Type	Building Footprints		Landscaping				Vehicular Areas						Active Public Use Areas			Open Areas
	Exposed	Sealed w/Crawl Space	Flower/ Shrub Bed	Lawn Areas	Parking/ Loading Areas	Streets	Rural Roads	Alleys & Road Shoulders	Outdoor Storage	Driveways	Walkways	Accessible to Children	Public Outdoor Play/Equip	Vacant Lots		
12" Soil Cap	X		X	X						X	X	X		X		
24" Soil Cap	X		X	X						X	X	X		X		
12" Soil Cap w/ Sod & Grass	X		X	X							X	X		X		
24" Soil Cap w/ Sod & Grass	X		X	X							X	X		X		
6" Compacted Gravel w/ Restricted Access	X	X			X				X	X				X		
12" Compacted Gravel	X	X							X	X				X		
6" Clay Cap w/ Restricted Access	X	X												X		
Synthetic Membranes Tyvek & Plastic			X													
Chip Seal on 12" Compacted Gravel Base	X						X	X			X	X		X		
Lignosite Spray on Gravel Base	X						X	X			X	X		X		
Asphaltic Concrete	X	X			X	X	X	X	X	X	X	X	X	X		
12" Sand Cap	X	X	X						X	X	X	X	X	X		

* Commercial classification of vehicular areas is subject to vehicle weight and trip volume.

APPENDIX 4

APPLICABILITY OF BARRIER TYPES TO SITE USE ACTIVITIES: INDUSTRIAL
APPENDIX 4

Barrier Type	SITE USE ACTIVITIES													
	Building Footprints Exposed	Sealed w/Crawl Space	Landscaping Flower/Shrub Bed	Lawn Areas	Parking/Loading Areas	Streets	Rural Roads	Alleys & Road Shoulders	Driveways	Outdoor Storage	Active Public Use Areas	Accessible to Children	Public Outdoor Play/Equip	Open Areas
12" Soil Cap	X		X	X							X	X	X	X
24" Soil Cap	X		X	X							X	X	X	X
12" Soil Cap w/ Sod & Grass	X		X	X							X	X	X	X
24" Soil Cap w/ Sod & Grass	X		X	X							X	X	X	X
6" Compacted Gravel w/ Restricted Access	X	X												X
12" Compacted Gravel	X	X				X			X	X	X	X	X	X
6" Clay Cap w/ Restricted Access	X													X
Synthetic Membranes Tyvek & Plastic		X												
Chip Seal on 12" Compacted Gravel Base	X					X				X	X	X	X	X
Lignosite Spray on 12" Compacted Gravel Base	X					X				X	X	X	X	X
Asphaltic Concrete	X	X			X	X	X	X	X	X	X	X	X	X
12" Sand Cap	X	X	X		X	X	X	X	X	X	X	X	X	X

* Industrial classification of vehicular areas is subject to vehicle weight and trip volume.

APPENDIX 5

If the soil interval tests out equal to or greater than 1000 ppm lead		The soil interval tests out less than 1000 ppm lead		The minimum soil removal and replacement depth is
0 - 1"	AND	1 - 6", 6 - 12"	THEN	6"
1 - 6"		0 - 1", 6 - 12"		6"
6 - 12"		0 - 1", 1 - 6"		12"
12 - 18"		0 - 1", 1 - 6", 6 - 12"		No Action
0 - 1", 1 - 6"		6 - 12"		6"
0 - 1", 6 - 12"		1 - 6"		12"
1 - 6", 6 - 12"		0 - 1"		12"
None		0 - 1", 1 - 6", 6 - 12"		No Action

APPENDIX 6

If the soil interval tests out equal to or greater than 1000 ppm lead		The soil interval tests out less than 1000 ppm lead		The minimum soil removal and replacement depth is
0 - 1"	AND	1 - 6"	THEN	6"
1 - 6"		0 - 1"		6"
6 - 12"		0 - 1", 1 - 6"		No Action
None		0 - 1", 1 - 6"		No Action

APPENDIX 7

If the soil interval tests out equal to or greater than 1000 ppm lead		The soil interval tests out less than 1000 ppm lead		The minimum soil removal and replacement depth is
0 - 1"	AND	1 - 6"	THEN	6"
1 - 6"		0 - 1"		6"
6 - 12"		0 - 1", 1 - 6"		No Action
None		0 - 1", 1 - 6"		No Action