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**IDAPA 16
TITLE 01
Chapter 06**

16.01.06 - SOLID WASTE MANAGEMENT RULES AND STANDARDS

000. LEGAL AUTHORITY.

Title 39, Chapters 1, 65 and 74, Idaho Code, grants authority to the Board of Health and Welfare to adopt, and to the Director, Department of Health and Welfare, to administer solid waste management and waste tire disposal rules. (12-25-92)

001. TITLE.

These rules are to be known and cited as Idaho Department of Health and Welfare Rules, IDAPA 16, Title 01, Chapter 06, "Solid Waste Management Rules and Standards." (12-25-92)

002. SCOPE.

These rules establish requirements applicable to solid waste management and waste tire disposal. (12-25-92)

003. DEFINITIONS.

01. Account. The Waste Tire Grant Account as established pursuant to Section 39-6505, Idaho Code. (12-25-92)
02. Board. The Idaho State Board of Health and Welfare. (12-31-91)
03. Composting. The biological decomposition of organic waste under controlled conditions. (12-31-91)
04. Conditional Use Permit. A written authorization issued by a District which, by its conditions, may authorize the permittee to construct, install, or operate facilities and conduct specific activities in accordance with specified limitations. (12-25-92)
05. Cover Materials. Any soil or other suitable material that is used to protect the active portion of the solid waste management site. (12-25-92)
06. Department. The Idaho Department of Health and Welfare. (12-25-92)
07. Director. The director of the Department of Health and Welfare or his designee. (12-25-92)
08. Districts. One (1) of the seven (7) district health departments which were created by Title 39, Chapter 4, Idaho Code. (12-25-92)
09. Division. The Idaho Department of Health and Welfare Division of Environmental Quality. (12-25-92)
10. Domestic Solid Waste. All solid waste which normally originates in the household. (12-31-91)
11. Hazardous Solid Waste. A solid waste that may, by itself or in combination with other solid waste, be infectious, explosive, poisonous, highly flammable, caustic, or otherwise dangerous or injurious to human, plant, or animal life. (12-31-91)
12. Idaho Retreader. A person who accepts passenger and light truck tires generated in Idaho and retreads such tires in Idaho and is registered with the Division in accordance with Subsection 100.02. (12-25-92)
13. Incinerator. A combustion device specifically designed for the volume reduction by burning of combustible community solid wastes. (12-31-91)
14. Land Fill. An area of land or excavation in which solid wastes are placed for permanent disposal

- and that is not a land application unit, surface impoundment, injection well or waste pile. (12-25-92)
15. Leachate. A liquid that has passed through or emerged from waste and contain soluble, suspended, or miscible materials removed from such waste. (12-25-92)
16. Lift. A compacted layer of solid waste plus its overlying cover material in a sanitary landfill. (12-31-91)
17. Motor Vehicle. Any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination or other vehicle operated on the roads of this state, used to transport persons or property and propelled by power other than muscular power, but motor vehicle does not include bicycles. (12-25-92)
18. Municipal Solid Waste Landfill (MSWLF). A discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR 257.2. A MSWLF unit may also receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, small quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit also may be a new MSWLF, an existing MSWLF, or lateral expansion. (12-25-92)
19. Open Dump. A landfill which lacks proper management and is not operated with compaction and cover. (12-25-92)
20. Passenger and Light Truck Tire. Any motor vehicle tire with a rim diameter of twelve (12) inches through sixteen (16) inches. (12-25-92)
21. Person. Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal government department, agency or instrumentality, or any other legal entity which is recognized by law as the subject of rights and duties. (12-25-92)
22. Public Waters. Includes lakes, ponds, reservoirs, springs, wells, rivers, streams, creeks, marshes, canals, drainage ditches, and all other bodies of surface or underground waters, natural or artificial, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters) which are wholly or partially within or bordering the State or within its jurisdiction. (12-31-91)
23. Recycling. The reclamation of solid waste and its subsequent introduction into an industrial process by which the materials is transformed into a new product in such a manner that the original identity as a product is lost. (12-31-91)
24. Residue. All of the solid material remaining after combustion of solid waste. (12-31-91)
25. Retail Seller of Motor Vehicle Tires and Wholesale Seller of Motor Vehicle Tires. Includes those persons who sell or lease motor vehicles to others in the ordinary course of business. (12-25-92)
26. Reuse. The reintroduction of a product into the economic stream without total loss of the original identity. (12-31-91)
27. Review Committee. An advisory committee appointed by the Administrator of the Division of Environmental Quality to establish and/or review the percentages in Subsections 100.05.a. and 100.10.a. and review proposals submitted under Subsections 100.05 and 100.06. (12-25-92)
28. Salvage. The reclamation of solid waste at a disposal site. (12-31-91)
29. Sanitary Landfill. A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards. (12-31-91)
30. Site. A solid waste management site. (12-25-92)

31. Solid Waste. Any material defined by Sections 39-103(10) and 39-7403(51), Idaho Code. (12-25-92)
32. Solid Waste Management Site. Any land area used for storage, transfer, processing, separation, incineration, composting, treatment, recycling, reuse, or disposal of solid wastes. (12-31-91)
33. Solid Waste Management System. The entire process, method, or technique used to control solid waste--including generation through reuse, recycling, or disposal, also including the plans, maps, specifications, sites and facilities for the same. (12-31-91)
34. Tire. Shall have the meaning contained in Section 49-121, Idaho Code. (12-25-92)
35. Transfer Station. A fixed or mobile facility used as an adjunct to a solid waste management system whereby solid wastes may be recompacted or otherwise processed and transferred from one (1) vehicle or container to another for transportation to another place. (12-31-91)
36. Waste Tire. A tire that is no longer suitable for its original intended purpose because of wear, damage or defect. (12-25-92)
37. Waste Tires Generated In Idaho. Tires which first became waste tires in Idaho. (12-25-92)
38. Waste Tire Collection Site. A site where waste tires are collected before being offered for recycling or reuse and where more than one thousand five hundred (1,500) tires are kept on site on any day. (12-25-92)
39. Working Face. That portion of a sanitary landfill where solid waste is being dumped and compacted prior to placement of daily cover material. (12-31-91)

004. REGULATIONS.

01. Solid Waste Management. All solid wastes shall be managed, whether it be during storage, collection, transfer, transport, processing, separation, incineration, composting, treatment, reuse, recycling, or disposal, to prevent health hazards, public nuisances, or pollution of the environment. (12-25-92)
02. Requirements. Solid wastes shall be managed such that they shall not: (12-25-92)
- a. Provide sustenance to rodents or insects which are capable of causing human disease or discomfort. (6-28-73)
 - b. Cause or contribute to the pollution of air. (6-28-73)
 - c. Cause or contribute to the pollution of surface or underground waters. (6-28-73)
 - d. Cause excessive abuse of land. (6-28-73)
 - e. Cause or contribute to noise pollution. (6-28-73)
 - f. Abuse the natural aesthetic quality of an area. (6-28-73)
 - g. Physically impair the environment to the detriment of man and beneficial plant life, fish, and wildlife. (6-28-73)

005. GENERAL SOLID WASTE MANAGEMENT SITE OPERATION STANDARDS.

01. Standards. All solid waste management sites must comply with the standards established in this chapter. (12-25-92)
02. Compliance Requirements. Solid waste management sites shall comply with the following:

- (12-25-92)
- a. All-weather access roads negotiable by loaded collection vehicles shall be provided to the entrance of the site where a public road does not exist. (6-28-73)
 - b. Provisions shall be made for weighing or measuring all solid waste delivered to the site. (6-28-73)
 - c. Communication devices shall be available at or readily accessible to the site. (6-28-73)
 - d. Necessary measures shall be taken to prevent and extinguish fires. (6-28-73)
 - i. Adequate equipment for controlling fires shall be available at the site or readily available to the site. (6-28-73)
 - ii. All equipment and buildings shall be equipped with functional fire extinguishers. (6-28-73)
 - e. Access to the site shall be limited to those times when an attendant is on duty. (6-28-73)
 - i. Hours of operation and other limitations shall be prominently displayed at the entrance. (6-28-73)
 - ii. The site shall be fenced or otherwise blocked to access when an attendant is not on duty. (6-28-73)
 - iii. Unauthorized vehicles and persons shall be prohibited access to the site. (6-28-73)
 - f. Live domestic animals brought to the site in vehicles shall be confined to the vehicle, and livestock shall be excluded from the site by adequate fencing or other acceptable methods. (6-28-73)
 - g. Unloading of solid wastes shall be controlled for proper operation. (6-28-73)
 - h. Salvaging or recycling operations will require a conditional use permit from the District. Recycling or salvaging of discarded foods and drugs and scavenging is prohibited. (12-25-92)
 - i. Vector control procedures shall be carried out to prevent or control vectors which may cause health hazards or nuisances. (6-28-73)
 - j. Adequate sanitary facilities shall be provided for employees. (12-25-92)
 - k. A daily written log, which lists the types and quantities of solid waste received, special provisions made for hazardous waste disposal, and any deviation from the operating plans and specifications shall be maintained by the site operator. Operational plans and specifications and daily log entries shall be made available during inspections of the operation to determine compliance with the pertinent rules, regulations, and standards. (12-25-92)

006. LANDFILLS.

All landfills shall conform to the standards listed under Section 005, and to the following specific standards for landfill operations: (12-25-92)

01. Operational Plan. A plan of operations shall include details relative to compaction of solid waste, application of daily cover material, elevation and grade of final cover, management of surface water, traffic control, erosion control, and revegetation procedures to be used. The plan of operation shall be adhered to throughout site utilization. A topographic map or maps shall be prepared to distinguish existing site contour characteristics and shall be drawn to a reasonable scale with two (2) foot contour intervals for the proposed operational area. Where the slope of the site is not critical, a five (5) to ten (10) foot contour interval may be acceptable. The maps shall be submitted to the District for review and approval. The map or maps shall include the following points of information and record: (12-25-92)

- a. Property boundaries and direction and distance to the nearest community. (6-28-73)

- b. Water supplies on or proposed on the site and within one-quarter (1/4) mile of the proposed landfill site property lines. (12-25-92)
 - c. Borrow areas. (6-28-73)
 - d. High tension power line rights-of-way, fuel transmission pipeline rights-of-way, and proposed and existing utilities. (6-28-73)
 - e. Water courses, ponds, lakes or reservoirs. (6-28-73)
 - f. Proposed fill area. (6-28-73)
 - g. Total acreage of the site. (6-28-73)
 - h. Proposed or existing fencing. (6-28-73)
 - i. Proposed and existing structures on the site and within five hundred (500) feet of any border of the site. (6-28-73)
 - j. Off-site and on-site access roads. (6-28-73)
 - k. Grades for proper drainage and special drainage devices. (6-28-73)
 - l. Proposed employee or public sanitary facilities. (6-28-73)
 - m. Estimated population to be served. (6-28-73)
 - n. Any special disposal trenches or areas (i.e., for hazardous wastes, animal carcasses, construction and demolition wastes, tree trunks and stumps, and car bodies). (6-28-73)
 - o. Water table test boring holes or wells or excavations and depth to water table if encountered. (6-28-73)
 - p. Weighing facilities, if present. (6-28-73)
 - q. Direction of prevailing winds. (6-28-73)
02. Location. All landfills shall be located and operated such that solid waste is not dumped directly into ground or surface waters, and adequate protection shall be provided to prevent the pollution of ground and surface waters. (12-25-92)
- a. Surface drainage waters shall be diverted from the landfill. (12-25-92)
 - b. Where there is a probability that surface waters may cause a leachate problem or if a leachate problem develops, a collection and treatment system for leachate shall be required. (6-28-73)
03. Depth of Cover. Except as provided in Subsection 006.03.c., a uniform six (6) inch compacted layer of cover material shall be placed on all exposed solid waste before the equipment operator terminates landfill operations for the day. (12-25-92)
- a. An intermediate layer of cover material, compacted to a minimum uniform depth of one (1) foot shall be placed on completed lifts in areas where there is clear intention to place another lift on top within one (1) year. Areas to be left longer than one (1) year before another lift is added will require two (2) feet of compacted cover material. (6-28-73)
 - b. A final layer of cover material, compacted to a minimum uniform depth of two (2) feet shall be placed over the entire surface of each portion of the final lift. Final cover shall be completed within one (1) week after

the placement of solid waste in the final lift. (6-28-73)

- c. MSWLF shall comply with cover requirements in Sections 39-7411(2) and 39-7415, Idaho Code. (12-25-92)

04. Grading. The entire site, including the landfill surfaces, shall be graded and provided with drainage facilities to minimize runoff onto and into the sanitary landfill to prevent erosion or washing and to prevent the collection of standing water. The grading of the final surface of the fill area must provide a slope of not less than one percent (1%), but not exceeding fifteen percent (15%), except as approved by the Department or as required in Section 39-7415(3), Idaho Code. (12-25-92)

05. Seeding. Seeding to promote stabilization of the final soil cover shall be done as soon as weather permits seed bed preparation and planting operations and when seasonal conditions are suitable for the type of vegetation to be used. Re-seeding is mandatory until adequate vegetative cover is established to prevent erosion. (6-28-73)

06. Site Closure. An inspection of the entire site of the completed sanitary landfill, or other solid waste management site that is to be vacated, shall be made by a representative of the District before earth moving equipment or other equipment vital to disposal of solid waste is removed from the site or used on other projects. Any necessary corrective work shall be performed before the operation is accepted as completed. (12-25-92)

- a. An official notice of closure of the site shall be sent to the District at the time the site is closed. (12-25-92)

- b. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the year following completion of fill operations. (6-28-73)

007. INCINERATORS.

- 01. Incinerators. Incinerators shall be operated under an air permit issued by the Department. (12-25-92)

- 02. Air Pollution Control Devices. Air pollution control devices shall be sufficient to meet the standards of air pollution control in Idaho. (12-25-92)

- 03. Discharge of Liquid Effluents. All liquid effluents to be discharged to surface or underground waters of the state shall meet federal and Idaho water quality standards and requirements including permit requirements. (12-25-92)

- 04. Proposed Incinerators. Any Proposed incinerator shall meet the requirements of Section 005. (12-25-92)

008. COMPOST PLANTS.

- 01. Use Permit. Compost plants shall be operated under a conditional use permit issued by the District. (12-25-92)

- 02. Air Pollution. Air pollution control devices shall be sufficient to meet Idaho Department of Health and Welfare Rules, IDAPA 16, Title 01, Chapter 01, "Rules for the Control of Air Pollution in Idaho." (12-31-91)

- 03. Requirements. Any proposed compost plant, shall meet the requirements of Section 005. (12-25-92)

009. TRANSFER STATIONS.

- 01. Use Permit. Transfer stations for solid waste shall be operated under a conditional use permit issued by the District. (12-25-92)

02. Application. Application for a conditional use permit shall include the items in Section 005. (12-25-92)

010. RECYCLING AND PROCESSING OPERATIONS.

A solid waste management site for storage or transfer of solid wastes for recycling or other processing and treatment, other than by sanitary landfilling or incineration, shall require a conditional use permit issued by the District. (12-25-92)

011. -- 099. (RESERVED).

100. DISBURSEMENTS FROM THE WASTE TIRE GRANT ACCOUNT.

01. Reimbursement for Retreading Tires. (7-1-93)
- a. Ten percent (10%) of the funds in the account at the close of the previous state fiscal year may be used for partial reimbursement for waste passenger and light truck tires generated and retreaded in Idaho during the current state fiscal year. The Review Committee may review this percentage annually and advise DEQ to adjust the percentage if necessary to promote the use of waste tires. (12-25-92)
- b. The Division may limit or eliminate reimbursements if the Division determines they are not necessary to promote the use of waste tires. (12-25-92)
- c. An Idaho Retreader may apply to the Division for partial reimbursement from the Account for retreading waste passenger and light truck tires generated in Idaho. (12-25-92)
02. Registration of Idaho Retreaders. (7-1-93)
- a. To qualify as an Idaho Retreader and be eligible for partial reimbursement for waste passenger and light truck tires generated and retreaded in Idaho, persons shall register annually with the Division on a form provided by the Division. (12-25-92)
- b. The registration shall be effective for one (1) year from the date of registration. (12-25-92)
- c. An application submitted to the Division pursuant to Subsection 100.03 shall not be considered for reimbursement by the Division if a person has not registered with the Division as an Idaho Retreader prior to or concurrent with the submittal of the application. (12-25-92)
03. Application for Partial Reimbursement for Retreading. (7-1-93)
- a. To apply for partial reimbursement for waste passenger and light truck tires generated and retreaded in Idaho, an Idaho Retreader shall: (12-25-92)
- i. Utilize a form provided by the Division; (12-25-92)
- ii. Provide adequate documentation to the Division to demonstrate that the waste passenger and light truck tires for which partial reimbursement is requested were retreaded in Idaho during the state fiscal quarter for which reimbursement is requested; (12-25-92)
- iii. Provide certification to the Division that the retreaded tires for which reimbursement is being requested utilized waste passenger and light truck tires generated in Idaho; and (12-25-92)
- iv. Submit the form and accompanying documentation to the Division no later than thirty (30) days after the end of each state fiscal quarter. The applications shall be postmarked by the following deadlines: (12-25-92)
- (a) October 30 for the first quarter (July, August, September); (12-25-92)
- (b) January 30 for the second quarter (October, November, December); (12-25-92)

- (c) April 30 for the third quarter (January, February, March); and (12-25-92)
- (d) July 30 for the fourth quarter (April, May, June). (12-25-92)
- b. Applications for partial reimbursements may be submitted to the Division starting with the first complete state fiscal quarter after August 27, 1992. (12-25-92)
- 04. Processing and Approval of Applications. (7-1-93)
 - a. If an application fails to meet the requirements of Subsections 100.02 and 100.03, the application shall not be considered for reimbursement by the Division and the applicant shall be so notified in writing. (12-25-92)
 - b. The partial reimbursement shall be one dollar (\$1) for each waste passenger and light truck tire generated and retreaded in Idaho. However, in the event the amount of eligible reimbursements requested in any given quarter exceeds the remaining funds available for reimbursements as established in Subsection 100.01, the Division shall apportion and distribute the remaining funds. The apportionment shall be calculated by dividing the total amount of eligible reimbursements requested in that quarter by the remaining funds. (12-25-92)
 - c. Once the funds determined by the Division pursuant to Subsection 100.01 have been expended, no further reimbursements shall be made during that state fiscal year. (12-25-92)
- 05. Reimbursement for Other Uses of Waste Tires. (12-25-92)
 - a. A percentage of the funds in the Account at the close of the previous state fiscal year may be used for partial reimbursement for the purchase or use of waste tires generated in Idaho or tire chips, or similar materials from waste tires generated in Idaho. The Review Committee may advise DEQ on establishing and adjusting the percentage on an annual basis as necessary to promote the use of waste tires. (12-25-92)
 - b. The Division shall partially reimburse persons for the purchase or use of waste tires generated in Idaho or tire chips, or similar materials from waste tires generated in Idaho through a competitive request for proposal (RFP) process. Uses of waste tires which may be considered for reimbursement are: (12-25-92)
 - i. Constructing collision barriers. (12-25-92)
 - ii. Controlling of soil erosion or for flood control only if used in accordance with approved engineering practices. (12-25-92)
 - iii. Chopping or shredding. (12-25-92)
 - iv. Grinding for use in asphalt and as a raw material for other products. (12-25-92)
 - v. Using as playground equipment. (12-25-92)
 - vi. Incinerating or using as a fuel or pyrolysis if permitted by law, regulations or ordinances relating to burning of fuel. (12-25-92)
 - vii. Hauling to out-of-state collection or processing sites. (12-25-92)
 - viii. Energy recovery. (12-25-92)
 - ix. Any other beneficial use, reuse, or recycling of waste tires, chips or similar material from waste tires generated in Idaho which meets the criteria set forth by the Division in the RFP. (12-25-92)
 - c. The RFP issued by the Division shall include the procedures for applying for the reimbursement, the deadline for submitting proposals, and the percentage of funds available as established in Subsection 100.05.a.

(12-25-92)

d. The RFP may define a preferred hierarchy of uses of waste tires, tire chips, and other similar material which enhance markets for waste tires and may list other criteria that may be used to judge the proposals. (12-25-92)

e. The Review Committee shall review the proposals and advise DEQ on which proposals are eligible for reimbursement based on the criteria set forth in Subsection 100.05.d. (12-25-92)

f. The Division shall award reimbursements to eligible persons taking into consideration the recommendations from the review committee and within the limitation of available funding collected and maintained in the Account. (12-25-92)

g. The Division shall reimburse eligible persons or entities at the rate of twenty dollars (\$20) per ton for purchase or use of waste tires generated in Idaho or tire chips or similar materials from waste tires generated in Idaho. (12-25-92)

h. Incomplete proposals shall not be considered for reimbursement by the Division and the person shall be so notified in writing. (12-25-92)

i. The Division shall limit or eliminate reimbursements if the Division determines reimbursements are not necessary to promote the use of waste tires. (12-25-92)

06. Grants to Counties or Contracts With Private Entities. (12-25-92)

a. The Division shall award grants to counties or contracts with private entities on a competitive basis through a RFP process to do any of the following, either individually or collectively: (12-25-92)

i. Contract for a waste tire processing facility service. (12-25-92)

ii. Remove or contract for the removal of waste tires from county landfills or removal of other existing unlawful tire piles in the state. (12-25-92)

iii. Establish waste tire collection centers at solid waste disposal facilities or waste tire processing facilities. (12-25-92)

b. The RFP issued by the Division shall contain the procedure for applying for the grant or contract and the deadline for submitting proposals. (12-25-92)

c. Concurrent with releasing a RFP for grants to counties and contracts with private entities, the Division may establish criteria that may be used to judge the proposals. (12-25-92)

d. The Review Committee shall review the proposals and advise DEQ on which proposals are eligible for awards based on the criteria set forth in Subsection 100.06.c. (12-25-92)

e. The Division shall award reimbursements to eligible persons taking into consideration the recommendations from the review committee and within the limitation of available funding collected and maintained in the Account. (12-25-92)

f. Incomplete proposals shall not be considered for awards by the Division and the person shall be so notified in writing. (12-25-92)

101. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Sections 000 et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (12-31-91)

998. INCLUSIVE GENDER AND NUMBER.

For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, where appropriate. (12-31-91)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16, Title 01, Chapter 06, are severable. If any rule or regulation, or part thereof, or the application of such rule or regulation to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (12-31-91)