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IDAPA 02
TITLE 04
CHAPTER 31

02.04.31 - RULES GOVERNING THE STOCKPILING OF AGRICULTURAL WASTE

000. LEGAL AUTHORITY.
This chapter is adopted under the legal authority of Section 22-110, Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is "Rules Governing the Stockpiling of Agricultural Waste." (3-29-10)

02. Scope. These Rules govern the Stockpiling of Agricultural Waste at Agricultural Operations to safeguard and protect animals, man, and the environment. The official citation of this chapter is IDAPA 02.04.31.000 et seq. For example, this section's citation is IDAPA 02.04.31.001. (3-29-10)

002. WRITTEN INTERPRETATIONS.
The Idaho State Department of Agriculture may have written statements that pertain to the interpretation of the rules in this chapter. Any such written statement shall be available for review at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83712. (3-29-10)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to administrative appeal as set forth in Title 67, Chapter 52, Idaho Code. (3-29-10)

004. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, ID 83712. (3-29-10)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Standard Time, Monday through Friday, except holidays designated by the state of Idaho. (3-29-10)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, PO Box 790, Boise, Idaho 83701. (3-29-10)

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (3-29-10)

05. Fax Number. The fax number of the central office is (208) 334-2170. (3-29-10)

005. PUBLIC RECORDS ACT COMPLIANCE.
These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. (3-29-10)

006. -- 009. (RESERVED)

010. DEFINITIONS.
The following definitions shall apply in the interpretation and enforcement of this chapter: (3-29-10)

01. Agricultural Operation. Facilities that generate or receive and stockpile agricultural waste and that are not regulated under IDAPA 02.04.14, "Rules Governing Dairy Waste," or IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." (3-29-10)

02. Agricultural Waste. Agricultural waste means livestock waste. (3-29-10)

03. Department. The Idaho State Department of Agriculture. (3-29-10)

04. **Director**. The Director of the Idaho State Department of Agriculture or his designee. (3-29-10)

05. **Duration**. The length of time agricultural waste is stockpiled. (3-29-10)

06. **Dwelling**. The house, residence, abode, or other structure where a person lives. (3-29-10)

07. **Livestock**. Bovidae, suidae, equidae, captive cervidae, camelidae, ratitidae, gallinaceous birds, and captive waterfowl. (3-29-10)

08. **Livestock Waste**. Manure that may also contain bedding, spilled feed, feathers, water, or soil. It also includes wastes not particularly associated with manure, such as milking center or washing wastes, milk, feed leachate, or livestock carcasses or parts thereof. (3-29-10)

09. **Non-Compliance**. A practice or facility condition that does not comply with Section 22-110, Idaho Code, or the provisions of these rules. (3-29-10)

10. **Person**. Any individual, partnership, association, firm, joint stock company, trust, political subdivision, public or private corporation, or any other legal entity which is recognized by law as the subject of rights and duties. (3-29-10)

11. **Public Highway**. All highways open to public use in the state, whether maintained by the state or by any county, highway district, city, or other political subdivision. (3-29-10)

12. **Responsible Party**. A person who generates or receives and stockpiles agricultural waste on property the person owns, leases, or otherwise has permission to use as a stockpile site. (3-29-10)

13. **Setbacks for a Stockpile Site**. The distance from a stockpile site to a location identified in Section 020 of this rule. (3-29-10)

14. **Stockpile Staging Site**. A physical area where stockpiling occurs for a duration of no longer than thirty (30) days. (3-29-10)

15. **Stockpile Site**. A physical location where agricultural waste is stockpiled for a duration of more than thirty (30) days and that stockpiles more than fifty (50) cubic yards of agricultural waste. (3-29-10)

16. **Stockpiling**. The accumulation of agricultural waste on an agricultural operation. (3-29-10)

17. **Surface Waters of the State**. All accumulations of surface water, natural and artificial, public and private, or parts thereof that are wholly or partially within, that flow through or border upon the state. (3-29-10)

011. ABBREVIATIONS.
There are no abbreviations in this chapter. (3-29-10)

012. -- 019. (RESERVED)

020. SETBACKS FOR STOCKPILE SITES.
Stockpile sites at agricultural operations must meet the following setback requirements. (3-29-10)

01. **Setback Distances**. Stockpile sites shall maintain the following setbacks: (3-29-10)

a. Three hundred (300) feet from a non-responsible party's dwelling. (3-29-10)

b. Five hundred (500) feet from a hospital, church, or school. (3-29-10)

c. One hundred (100) feet from a domestic or irrigation well. (3-29-10)

d. One hundred (100) feet from surface waters of the State. (3-29-10)

e. Fifty (50) feet from a public highway. (3-29-10)

02. **Responsible Party's Dwellings**. Stockpile sites shall not have setbacks from a responsible party's dwelling or dwellings owned by the responsible party. (3-29-10)

03. **Stockpile Staging Sites**. Stockpile staging sites shall not be subject to the setbacks set forth in these rules. (3-29-10)

021. -- 039. (RESERVED)

040. RESPONSE TO COMPLAINTS.
Complaints regarding a stockpile site or a stockpile staging site will be investigated by the Department to determine compliance with these rules. (3-29-10)

041. -- 059. (RESERVED)

060. PENALTIES.
Penalties for violations of this chapter will be assessed in accordance with Section 22-110(3), Idaho Code. (3-29-10)

061. -- 999. (RESERVED)

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