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IDAPA 41
TITLE 01
CHAPTER 01

IDAPA 41 - PUBLIC HEALTH DISTRICTS

41.01.01 - RULES OF IDAHO PUBLIC HEALTH DISTRICT #1

000. LEGAL AUTHORITY.
The rules and standards set forth hereinafter shall be known as the Environmental Code of Panhandle Health District 1. This Code shall supersede and replace any county sanitary codes in existence prior to July 1, 1971. This Code is adopted pursuant to the authority granted to the District Board of Health under Chapter 4, Title 39, Idaho Code, and in the manner required in Chapter 52, Title 67, Idaho Code. The provisions of the Code are supplementary, and should be interpreted in a manner consistent with Chapter 1, Title 39, Idaho Code and any state or federal laws which establish exclusivity or primacy in a field of rule for another public entity as a matter of law. (7-1-93)

01. Conflict. In the event of any conflict between city or county ordinances or heretofore existing rules of county health boards and departments and this Code, the respective provision which more completely protects public health or the environment, shall prevail. Nothing in this Code shall be deemed to prevent the enforcement of any standard, or rule relating to air, water, or health quality now existing or hereinafter adopted by the State Board of Health and Welfare or any interested agency of the federal government. Nothing in this Code shall be deemed to conflict with the enactment by any city or county in the District of any ordinance or rule placing additional restrictions or limitations which contribute to enhancement of water, air, land, or health quality. Where the provisions of this Code conflict with state or federal statues or rules which preempt regulation of a particular subject or application of this Code in a particular manner, the preemptive state rule or federal regulation shall prevail to the extent that application of the conflicting rules cannot be accommodated. (7-1-93)

02. Policy. This Environmental Health Code is based on the recognition that pollution of the air, land, and waters of this district constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish, and other aquatic life, and impairs domestic, agricultural, industrial, recreational, and other beneficial uses of air, land, and water. It is the duty of the Board to establish the quality standards of the environment in the interest of health, individual and community alike, and to prevent the outbreak and spread of dangerous and infectious disease. (7-1-93)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 41.01.01, "Rules of Idaho Public Health District #1." (3-27-07)

02. Scope. These rules shall govern issues concerning the mission of Idaho Public Health District #1 as established by the Idaho Legislature, in particular addressing matters of local concern in order to protect public health and the environment in the counties that comprise the District. (3-27-07)

002. WRITTEN INTERPRETATIONS.
Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking in the adoption of these rules are available for public inspection and copying at cost in the principal place of business of this agency. (3-27-07)

003. ADMINISTRATIVE APPEALS.
All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-27-07)

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

01. Office Hours. The main office of the District is open from 8 a.m. to 5 p.m., except Saturday,

Sunday and legal holidays. (3-27-07)

02. Mailing and Street Address. The District's mailing/street address is: Panhandle Health District, 8500 N. Atlas Road, Hayden, ID 83835. (3-27-07)

005. PUBLIC RECORDS.
Subject to Idaho Code provisions and applicable Federal statutes and regulations, official documents of the Panhandle Health District may be examined after filing of proper written request filed in the office of the Director at the address above. Among others, health-related and personnel- related records are generally not subject to public disclosure. Additional public records information may be obtained by contacting the Director's office. (3-27-07)

006. -- 009. (RESERVED)

010. DEFINITIONS.
The terms used in this Code shall be interpreted consistent with the definitions set forth in this section. The Board may, by rule, provide such other definitions as may be necessary to clarify this Code or to supplement definitions established by state laws or rules. (7-1-93)

01. Board. The Board of Panhandle Health District 1. (7-1-93)

02. Code. Environmental Health Code of Panhandle Health District 1, including the several sections which follow and the entire series of rules now and hereinafter adopted by the Board and by the State Board of Health and Welfare. (7-1-93)

03. Floathouse. A watercraft that is not self-propelled and with a dwelling place on it for habitation by human beings, whether said habitat is seasonal, itinerant, temporary, or permanent; and whether the floathouse is attached to land, floating free in the water, or tied to a fixed structure. (7-1-93)

04. Health Officer. As used in this Code shall mean the Director of Panhandle Health District 1, or any agent or employee thereof whose duties include enforcement of any provision of this Code. (7-1-93)

05. Public Sewage Treatment Facility. Any sewage collection and treatment system with more than two (2) individual service connections. (7-1-93)

06. Variance. A grant of relief from the literal application of a Panhandle Health District 1 rule upon a showing that undue hardship, related to unique characteristics of a site, would result from literal adherence to such rule. (7-1-93)

011. -- 099. (RESERVED)

100. WATER QUALITY CONTROL.

01. Sewage and Waste Disposal: Political Subdivisions. Any political subdivision within the District may enter into a sewage management plan agreement with the District, the purpose of which will be to establish permanent sewage disposal practices that will fulfill the needs and goals of the political subdivision and the responsibilities of the District. The Board shall have authority to enforce the provisions of sewage management plan agreements. (7-1-93)

02. Sewage and Waste Disposal: Private Sewage Disposal. No residence, place of business, or other building where persons congregate, reside, or are employed shall hereafter be constructed or altered until the owner or builder or agent thereof shall have first been issued a permit to construct sanitary disposal facilities by the Health Officer. (7-1-93)

a. This rule shall not apply to any construction on a street or alley in which there is a public sanitary sewer or to any construction within two-hundred (200) feet of a public sanitary sewer where connection with such sewer is actually made. In such case, the residence, place of business, or other building shall connect to the sewer. (7-1-93)

b. The application for a permit to construct sanitary disposal facilities shall include all applicable information as set forth in the Idaho Department of Environmental Quality Rules for Individual and Subsurface Sewage Disposal Systems, and by a fee as set in the fee schedule. (3-27-07)

c. No drywells or drainfields deeper than four (4) feet below ground level shall be permitted for the disposal of domestic sewage waste. No sewage holding or retention tanks shall be allowed as a method of sewage disposal for residential purposes unless the operation and maintenance, including pumping of the facility, is conducted by or under the authority of a political subdivision as defined in Idaho Code. (7-1-93)

d. No dwelling or building shall be occupied until the sanitary disposal facilities have been constructed, inspected, and approved by the Health Officer or his agents. The sanitary disposal facilities shall not be covered with dirt or otherwise completed until inspected and approved. (7-1-93)

03. Sewage and Waste Disposal: Septage Disposal Site. It shall be unlawful for any person engaged in the business, firm or corporation to clean any septic tank, sewage pit, or other means of sewage disposal, or to operate a septage disposal site within the limits of Panhandle Health District 1 without first having been issued a registration permit by the Health Officer. (7-1-93)

a. Application shall be made upon a form provided by the Health Officer and shall be accompanied by a fee as set in the fee schedule. The registration permit shall be issued yearly and shall be revocable for failure to comply with the rules governing sewage disposal. Each permit shall be only for the unexpired portion of the calendar year for which the permit is issued, and at the end of the calendar year all permits shall expire becoming void and of no further effect. (7-1-93)

b. Any person engaged in the business of removing and transporting sewage shall comply with all applicable rules governing removal, transportation, and disposal of sewage or sewage sludge issued by the Idaho State Department of Health and Welfare and with all applicable rules hereinafter adopted. (7-1-93)

c. All applications for permits to operate septage land disposal sites must be accompanied by a plan of operations which shall include details relative to application rates and methods, access control, odor control, control of surface water runoff, cropping, and vegetation. All land disposal sites must not be closer than three-hundred (300) feet from a property line, nor closer than one quarter (l/4) mile from a residence at the time the site is established. All disposal sites must provide access for all-weather operation. All land disposal sites established after the effective date of these rules may be required to have an engineering report prepared by a licensed engineer detailing such items as site topography, site boundaries, property boundaries, direction and distance to nearest residence(s), depth, and type of soil strata, depth to ground water, direction of prevailing winds, and such other information as may be deemed necessary by the Health Officer. All required information must be submitted to and approved by the Health Officer prior to the issuance of a permit. (7-1-93)

04. Sewage and Waste Disposal: Prohibited Conditions. (7-1-93)

a. Domestic sewage, septage, sanitary sewage, industrial waste, agricultural waste, sewage effluent, or human excreta shall not be allowed to remain open to the atmosphere or on the surface of the ground in such a manner so as to be a source of noxious or offensive odors, to be dangerous to health, or to be a public nuisance. (7-1-93)

b. Domestic sewage, sanitary sewage, septage, industrial sewage, industrial waste, agricultural waste, sewage effluent, or human excreta shall not be allowed to endanger any source or supply of drinking water, or cause damage to any public or private property. (7-1-93)

c. Raw or untreated sewage, septage, or industrial waste, or agricultural waste shall not be allowed in any body of water, water course, or any underground water drain, any storm water drain, channel, or other surface water drain. (7-1-93)

05. Sewage and Waste Disposal. Authorization to Connect to an Installed System. (3-27-07)

a. This applies to connection to an approved drainfield installation that has never received wastewater flows. (3-27-07)

b. Application must be made, and an authorization to connect permit issued, to determine that the site has not been compromised and continues to meet the standards under which the original permit was issued. A fee for such inspection may be set by the Board. A drainfield that is installed, inspected and approved shall be valid to be connected to under the conditions of the original permit for which it was issued, for five (5) years from the date of permit application, provided that the site and its surroundings are not substantially modified. (7-1-09)

101. -- 109. (RESERVED)

110. SEWAGE DISPOSAL ON THE RATHDRUM PRAIRIE IN KOOTENAI COUNTY, IDAHO.
The Board has determined that extensive use of subsurface wastewater disposal on the Rathdrum Prairie presents a threat to the public health by contamination of the Rathdrum Aquifer, which is a drinking water source. It is the intent of the Board to adopt rules to govern subsurface sewage disposal on the Rathdrum Prairie. (7-1-93)

01. Title. These rules, within this Section, shall be known and cited as the "Rathdrum Prairie Sewage Disposal Rules." (7-1-93)

02. Scope. The provisions of this Section shall apply to subsurface sewage disposal systems installed on the Rathdrum Prairie. (7-1-93)

03. Definitions. The following definitions shall apply to the Rathdrum Prairie sections of these rules. (7-1-93)

a. Sewage Loading. The total liquid volume of sewage produced on any given parcel of land and expressed as gallons/day. (7-1-93)

b. Dwelling Equivalent. The total sewage loading from a single family dwelling. When applied to structures or facilities other than housing units, a dwelling equivalent shall be equal to two-hundred and fifty (250) gallons per day or shall be equal to twenty (20) persons using a non-residential facility on forty (40) hour per week basis, with no wastewater generation except from restrooms. (7-1-93)

c. Rathdrum Prairie. That area of land situated in Kootenai County and more particularly defined by the USGS map describing the boundaries of the Rathdrum Prairie Aquifer identified and designated under the authority of Section l424(e) of the Safe Drinking Water Act (PL 93-523) (Federal Register, Vol. 43, No. 28 -Thursday, February 9, l978). (7-1-93)

d. Approved Subdivision. A legally platted parcel of land that has been signed and approved by the Panhandle Health District 1 as meeting the requirements of the Code. (7-1-93)

e. Sewage Management Plan. A method of action, procedure, or arrangement approved by the Panhandle Health District 1 describing how collection, treatment, and disposal of sewage shall be addressed within the boundaries of a political subdivision and shall include a map of the area affected by the Sewage Management Plan. (7-1-93)

04. Subsurface Sewage Disposal Systems. (7-1-93)

a. All installations of subsurface sewage disposal systems must be made in compliance with the Code and the rules of the Idaho Department of Environmental Quality. (3-27-07)

b. A subsurface sewage disposal system for one (1) dwelling equivalent may be installed without requirements other than Subsection 110.04.a., if the system is on a single parcel of land of five (5) acres or larger in surface area and the total loading for that parcel does not exceed one (1) dwelling equivalent per five (5) acres, except where one (1) system is replacing another. Every parcel of land created after December 20, 1977, except as otherwise permitted by these rules, shall maintain the dwelling equivalent(s) allowed for the original parcel of land. (7-1-93)

c. No subsurface sewage disposal system shall be installed on any parcel of land of less than (5) five acres in surface area except under the following conditions: (7-1-93)

i. The parcel of land is located within the boundaries of a public sewer district or municipality where the governing board has adopted a Sewage Management Plan approved by the Board which will result in the construction and operation of, or connection to, a central sewage treatment plant. The Sewage Management Plan area must be entirely within the boundaries of the municipality, and the Sewage Management Plan must include a map delineating the boundaries of the Sewage Management Plan Area; (7-1-93)

ii. Parcels of land less than five (5) acres in size and acquired or established prior to December 20, 1977, will be permitted for a subsurface sewage disposal system for a single-dwelling equivalent, provided such parcels meet all other rules governing individual and subsurface sewage disposal systems; or (7-1-93)

iii. Where one (1) subsurface sewage disposal system is replacing another with no increase in sewage loading. (7-1-93)

d. On all developments subject to the provisions of Subsection 110.04.c.iii., the subsurface sewage disposal system shall have the dry or wet sewer system with necessary laterals installed within the development. All installations shall be done in coordination with local government planning, and approved by the state Department of Environmental Quality where applicable. (7-1-93)

e. Upon notification by the Health Officer the owner of any parcel of land utilizing a subsurface sewage disposal system shall disconnect such system from any buildings on his parcel of land and shall connect the building sewer from the buildings to a collection and treatment system whenever it becomes available for service to his parcel. (7-1-93)

111. -- 199. (RESERVED)

200. OPEN WATER PROTECTION.

01. Boats and Houseboats. (7-1-93)

a. It is unlawful for any boat, motorboat, floathouse, sailboat, or any other kind of boat containing wastewater facilities to be on the waters of any stream, river, or lake in Panhandle Health District 1 unless such wastewater facilities shall be sealed to prevent a discharge into any waters. The method of sealing such wastewater facilities shall be subject to the approval of Panhandle Health District 1. (7-1-93)

b. Any person authorized by the Health Officer or any law enforcement person may stop and board any boat on the said waters and examine the wastewater facilities on such boats to see that such facilities are properly closed and sealed. (7-1-93)

c. It shall be unlawful for any person to throw overboard, dump, or otherwise dispose of or discharge, or cause, permit, or suffer to be discharged, any garbage, refuse, rubbish, waste, or sewage from any boat into or upon the waters of any stream, river, lake, or other body of water within the boundaries of Panhandle Health District 1. (7-1-93)

d. If any watercraft located upon the waters of this District is found to have a marine toilet which is not in compliance with the requirements of this section, the Health Officer shall have the following alternative or cumulative powers to: (7-1-93)

i. Cause the marine toilet to be locked and sealed to prevent usage; (7-1-93)

ii. Require such watercraft to be removed from the waters of Panhandle Health District 1 until the marine toilets are made to conform with the requirements of this Code. (7-1-93)

02. Public and Private Marinas. (7-1-93)

a. Any marinas, whether public or private, providing moorage for vessels equipped with on-board wastewater facilities shall provide sewage waste disposal facilities. These facilities shall consist of a pump station that is capable of adequately cleaning waste retention tanks on the largest boat that could reasonably use the moorage. Such plans must be approved by the Department of Environmental Quality. (3-27-07)

b. All marinas, whether public or private, must provide shore-based toilet facilities for their users. (7-1-93)

03. Floathouses. (7-1-93)

a. All floathouses must have approved wastewater facilities. (7-1-93)

b. All discharges from all floathouses, whether old or new, regardless of source, are prohibited. (7-1-93)

c. All floathouses must obtain a sewage permit from Panhandle Health District 1. (7-1-93)

d. The cost of the permit shall be set in the fee schedule. (7-1-93)

201. -- 299. (RESERVED)

300. LAND QUALITY CONTROL.

01. Solid Waste Collection. It shall be unlawful for any person, private franchisee, or contract collector haulers to engage in the business of collection, transporting, hauling, or conveying any refuse over the roads, highways, streets, or alleys of Panhandle Health District 1, or to dump or dispose of the same unless and until each person obtains an annual permit from Panhandle Health District 1. (7-1-93)

02. Animals and Fowl. (7-1-93)

a. Every pen, yard, kennel, coop, warren, stable, or other enclosure or structure wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odor. (7-1-93)

b. No manure shall be allowed to accumulate such that it will be a source of flies or fly breeding, or a source of noxious or offensive odors, dangerous to health, or an unhealthy nuisance. (7-1-93)

c. No person owning or controlling the possession of horses, mules, cattle, sheep, goats, hogs, or other animals shall willfully or negligently keep or maintain such animal(s) in enclosures or permit such animal regularly to graze so as to constitute a public health hazard and/or a hazard to water quality. (7-1-93)

03. Subdivisions. (7-1-93)

a. All plats as defined in Title 50, Chapter 13, Idaho Code or local subdivision ordinance, shall bear a sanitary restriction in compliance with Sections 50-1326 to 50-1329, Idaho Code. The Health Officer shall be the delegate of the State Board of Environmental Quality authorized to provide the certificate required in Section 50-1326, Idaho Code. (3-27-07)

b. Every person or corporation intending to file any plat with the office of any County Recorder in the District shall first present a copy of the proposed plat to the Health Officer and shall submit a written application for a permit, accompanied by fee as set in the fee schedule. Said application shall state the proposed method of water supply and sewage disposal for each site intended for sale in said plat. The Health Officer may require such additional information as he feels necessary to determine whether the sanitary restriction is satisfied. (7-1-93)

c. The Health Officer may require that a plat be served by a public water or sewer system prior to providing a certificate of approval in accordance with Section 50-1325, Idaho Code. (7-1-93)

d. In geographic locations where the cost of sewer facilities is presently economically prohibitive, and apparently will remain economically prohibitive during the next ten (10) years, the Health Officer may issue a certificate of approval when the following conditions are satisfied: (7-1-93)

i. Soil studies, such as a study of test borings, indicate that proper treatment and disposal can be achieved as determined by the Health Officer; (7-1-93)

ii. Groundwater, even under the most extreme conditions, will not be closer than six (6) feet from the ground surface; (7-1-93)

iii. The sewage disposal area has not been filled with more than two (2) feet of material within two (2) years of the date when the permit is requested; (7-1-93)

iv. At least two (2) drainfield systems can be provided within each lot. (7-1-93)

e. Nothing in this section shall be deemed to waive or modify in any respect any of the other rules of this Code. Approval of a plat shall not bar or stop the Health Officer at any later time from enforcing any of the rules of this Code. (7-1-93)

f. All plats shall bear the signature of the Health Officer or his representative before filing. (7-1-93)

04. Vector Control. The Health Officer may require the control or eradication of any rodent, insect, or other arthropod on public or private property which is known to be a vector of human disease when the vector is present in sufficient numbers to represent a health hazard or public nuisance. (7-1-93)

301. -- 399. (RESERVED)

400. CRITICAL MATERIALS AT FIXED FACILITIES ON THE RATHDRUM PRAIRIE IN KOOTENAI COUNTY, IDAHO.

01. Purpose and Intent. The purpose and intent of this section is to provide agencies that are currently involved with emergency planning and emergency response duties and businesses with duties to report their handling of chemicals and other potentially hazardous materials, with a mechanism to meet the mandate of existing rules by facilitating channels of communication. It is also intended to aid in protection of the Rathdrum Prairie Aquifer in Kootenai County, designated as a sole source aquifer by the United States of America, from potential sources of contamination from materials handling and storage at facilities located over or adjacent to the Aquifer. The rules strive to achieve such protection through proper use of secondary containment systems at Fixed Facilities that use, store, manufacture or handle Critical Materials. Reporting these chemicals to the concerned agencies will facilitate coordination among industry, government agencies and response personnel so that they may more successfully meet the requirements of the following: (7-1-93)

a. Title III of the Superfund Amendments and Reauthorization Act of l986 (SARA III). (7-1-93)

b. The International Fire Code. (3-27-07)

c. The International Building Code. (3-27-07)

d. Local building, planning and zoning codes applicable to lands which overlie the Aquifer. (7-1-93)

e. Any applicable rules administered by any other state, federal or local agency which has jurisdiction over matters related to Critical Materials. (7-1-93)

02. Definitions. The following terms shall be construed throughout this Section in a manner consistent with the following definitions: (7-1-93)

a. Container. Any vessel used to hold critical materials. A single container is one not connected to any other container by way of valves, piping, etc. (7-1-93)

b. Critical Material. Any liquid, semi-liquid, flowable, or water soluble solid that is listed on the most current Superfund Amendments and Reauthorization Act, Title III (SARA III) List of Lists published by the Office of Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C. or is required by the U.S. Occupational Safety and Health Administration to have a material safety data sheet (MSDS). (7-1-93)

c. Critical Materials Compliance Certificate (CMCC). A certificate indicating compliance with the reporting and secondary containment requirements of this rule. (7-1-93)

d. Critical Materials Use Activity. Any undertaking that involves the use, storage, manufacture or handling of Critical Materials at a Fixed Facility above the secondary containment quantity set forth in this rule, or incorporated into this rule by reference. (7-1-93)

e. Director. The Director of Panhandle Health District 1 or his designee. (7-1-93)

f. Fixed Facility. Any established land use, building, dwelling, structure or site upon which or wherein a Critical Material Use Activity is conducted. (7-1-93)

g. Key Box. A durable, locked box that holds keys firefighters or other emergency personnel may use to gain entry into a structure. The key box shall be a type approved by the local fire chief pursuant to Section 10.209 of the Uniform Fire Code. (7-1-93)

h. Local Emergency Planning Committee (LEPC). A standing committee established by the Office of the Governor through the State Emergency Response Commission (SERC) to fulfill Emergency Planning and Community Right to Know requirements pursuant to SARA III. (7-1-93)

i. Material Safety Data Sheets (MSDS). Documentation required by OSHA to provide a description of the characteristics and potential hazards of a wide range of substances that are potentially Critical Materials. (7-1-93)

j. NFPA 704. The National Fire Protection Association's placarding system used to identify the health hazard, flammability, reactivity and potential to react with water of a particular substance. (7-1-93)

k. Secondary Containment Quantity. The quantity of a Critical Material that requires compliance with this rule. For those Critical Materials specifically listed in the SARA III List of Lists (or as otherwise noted) the following quantities of qualifying substances shall be subject to this rule: (7-1-93)

i. SARA Section 302 Extremely Hazardous Substances - ten (10) pounds in the aggregate, exclusive of solvent or other medium or, one hundred (100) pounds in the aggregate, inclusive of solvent or other medium. (7-1-93)

ii. CERCLA Hazardous Substances (listed in 40 CFR 302, Table 302.4) - one hundred (100) pounds in the aggregate, exclusive of solvent or other medium or, one thousand (1000) pounds in the aggregate, inclusive of solvent or other medium. (7-1-93)

iii. SARA Section 313 Toxic Chemicals - one hundred (100) pounds in the aggregate, exclusive of solvent or other medium or, one thousand (1000) pounds in the aggregate, inclusive of solvent or other medium. (7-1-93)

iv. SARA Section 311 and 312 Chemicals (Not listed in the List of Lists) for which OSHA MSDS must be developed pursuant to OSHA Hazard Communication Standards - five thousand (5000) pounds in the aggregate, inclusive of solvent or other medium. (7-1-93)

l. Secondary Containment System. Site improvements and/or development criteria that are designed to isolate and prevent Critical Materials from entering the soil or surface or ground waters. (7-1-93)

m. Rathdrum Prairie Aquifer (Aquifer). The underground water source identified and designated under

the authority of Section l424(e) of the Safe Drinking Water Act (PL 93- 523) (Federal Register, Vol. 43, No. 28 - Thursday, February 9, l978). (7-1-93)

03. Applicability. (7-1-93)

a. This rule shall apply to any person, firm, corporation, or government agency owning, operating, or proposing to locate, establish, or operate a Fixed Facility over the Aquifer or within a recognized Aquifer recharge area in Kootenai County, Idaho. Any Fixed Facility so located shall comply with the requirements of this rule prior to initiation of operation or engaging in any Critical Materials Use Activity, if established after the effective date of this rule. Fixed Facilities in operation or engaging in Critical Materials Use Activity on or before September 18, 1990 shall attain compliance by the threshold dates established herein. Every owner or operator of a Fixed Facility shall be required to show compliance with this rule by obtaining a Critical Materials Compliance Certificate appropriate for current operations. (7-1-93)

b. The following activities shall require a new application to the Panhandle Health District 1 to determine compliance with this rule: (7-1-93)

i. Establishing a new use that could qualify as a Fixed Facility. (3-27-07)

ii. Remodeling, operating changes, or expansion of an existing Fixed Facility which would modify the type or quantity of Critical Materials Use Activity. (7-1-93)

iii. Changes in the location or method of use, storage, manufacture or handling of Critical Materials in any Fixed Facility. (7-1-93)

iv. A change in ownership or addition of new Critical Materials meeting the quantity thresholds established by this rule at a Fixed Facility. (7-1-93)

c. Any CMCC granted is specific to that action and the application filed therefore. Subsequent actions, meeting the criteria set by Subsection 400.03.b., shall require separate plan reviews and approvals to obtain compliance. (7-1-93)

d. Fixed Facilities in existence prior to September 18, 1990, shall comply with reporting requirements established herein on or before one (1) year from September 18, 1990, and shall implement secondary containment systems, on or before three (3) years from September 18, 1990. Upon proper showing by an applicant that good cause exists, the director may authorize a compliance agreement which allows the applicant up to one (1) additional year to install secondary containment systems. (7-1-93)

e. All businesses over the Rathdrum Prairie Aquifer in Kootenai County are subject to inspection in order to determine if they are governed by this rule. (3-27-07)

04. Application Requirements of Fixed Facilities Engaged in Critical Materials Use Activities. Each applicant for a Critical Materials Compliance Certificate must provide. (7-1-93)

a. Sufficient information to allow the Director to determine the type, quantity, and physical state of all Critical Materials that are used, stored, manufactured, or handled at the Fixed Facility location. The Director may require the applicant to provide a complete list of Critical Materials present at the Fixed Facility. (7-1-93)

b. Sufficient information about the Fixed Facility to allow classification in accordance with the Standard Industrial Classification system of the U.S. Department of Commerce. (7-1-93)

c. Building plans and site development drawings showing compliance with the secondary containment requirements established by this rule. Such plans shall also provide confirmation that the secondary containment methods are compatible with the materials to be contained and that Critical Materials at the Fixed Facility are isolated from storm water or other surface waters on the site. The Director may require that any such plans be certified by a licensed engineer. The required building and/or site plans shall show at least the following: (7-1-93)

i. Location of Critical Materials in buildings and other designated site areas. (7-1-93)

ii. Location of Key Box if required by the local fire chief. (7-1-93)

iii. Location of NFPA 704 placards if required by the local fire chief. (7-1-93)

d. Proof of contact and resultant acknowledgment from the agencies named below which have codes, standards, and/or rules which must be met by the applicant with respect to handling of Critical Materials. The Director will designate the agencies needing contact for each Fixed Facility based upon information provided by the applicant. (7-1-93)

i. Local Fire Department. (7-1-93)

ii. Local Emergency Planning Committee. (7-1-93)

iii. Kootenai County Department of Planning and Zoning. (7-1-93)

iv. Kootenai County Building Department. (7-1-93)

v. Applicable City Building Department. (7-1-93)

vi. Applicable City Planning and Zoning Department. (7-1-93)

vii. Bureau of Pesticides, Department of Agriculture. (7-1-93)

ix. Department of Environmental Quality. (7-1-93)

x. Idaho Department of Water Resources. (7-1-93)

e. An opportunity for Panhandle Health District 1 to perform an inspection to assure compliance with secondary containment criteria previously approved through the plan review. If approved, and the agency review and reporting checklist (Subsection 400.04.d.) has been completed, a CMCC will be issued. The Director may delegate site inspection duties to officials of a cooperating agency. (7-1-93)

f. Payment of the review fee for CMCC issuance established by Resolution of the Board in order to reimburse costs of administering the Critical Materials program. (7-1-93)

05. Performance Standards for Fixed Facilities. Each Fixed Facility, as defined in this rule, shall conform to the following performance standards: (7-1-93)

a. Shall construct and maintain a secondary containment system for all Critical Materials. Said secondary containment system shall be designed to prevent infiltration of any Critical Materials into the ground in the event that they are released from their original storage containers. (7-1-93)

b. The secondary containment system and methods must be non-reactive and resistant to the materials to be contained and must isolate the Critical Materials at the Fixed Facility from storm water, other surface waters on the site, and from reactive critical materials present in the same Fixed Facility. (7-1-93)

c. Secondary containment systems must be sized to contain at least one-hundred and ten percent (110%) of the volume of the largest container, or ten percent (10%) of the aggregate volume of all containers, whichever is greater, in any containment area within a Fixed Facility. (7-1-93)

d. The owner or operator of any Fixed Facility shall report the presence of any Critical Materials Use Activities to the responsible local, state, and federal agencies as required by statutes, rules, and provisions of this rule. (7-1-93)

e. Any spilling, leaking, emitting, discharging, escaping, or leaching of any Critical Material into the secondary containment system or the environment must be reported to Panhandle Health District 1 or the local fire department immediately upon discovery of the release. (7-1-93)

f. Should conflict arise among the applications of local, state rules, and federal regulations regarding Critical Materials Use Activities, the rule that provides the greatest degree of protection to the Aquifer shall prevail, except where legal preemption of regulatory authority by state or federal agencies may require application of a different standard of protection. (7-1-93)

g. Each Fixed Facility shall be subject to biennial inspection to verify continued compliance with these rules. A fee for such inspection may be set by the Board. (3-27-07)

06. Violation. Any owner or operator of a Fixed Facility shall be deemed to have violated this rule if: (7-1-93)

a. A Fixed Facility is operated or if Critical Materials Use Activities are conducted on any site without first procuring a Critical Materials Compliance Certificate or if changes are made to Critical Materials Use Activities at a Fixed Facility as set forth in Section 400.03.b. without reapplying for a CMCC for the Fixed Facility. (7-1-93)

b. An owner or operator of a Fixed Facility submits knowingly false or incomplete reports to the Panhandle Health District or other responsible agencies or officials concerning the nature or quantity of Critical Materials present at a Fixed Facility governed by this rule. (7-1-93)

c. An owner or operator fails to implement or maintain secondary containment of Critical Materials at a Fixed Facility as required by this rule. (7-1-93)

d. An owner or operator fails to comply with time and reporting standards for any Critical Materials Use Activities or fails to report any discharge of Critical Materials into the secondary containment system required by this rule. (7-1-93)

401. -- 499. (RESERVED)

500. CONTAMINANT MANAGEMENT IN THE BUNKER HILL SUPERFUND SITE, SHOSHONE COUNTY, IDAHO.

01. Legal Authority. The Idaho Legislature has given the Board of Health of the District the authority to promulgate rules governing contaminant management pursuant to Section 39-416, Idaho Code. (3-20-97)

02. Purpose. The purpose of these rules is to ensure that activities involving excavations, building development, construction and renovation and grading within the Bunker Hill Superfund Site provide for the installation and maintenance of Barriers and implementation of other Contaminant management standards to preclude the migration of, and particularly, human exposure to Contaminants within the Site as necessary to protect the public health and the environment. It is imperative that redevelopment and future development proceed in a manner which minimizes the release of Contaminants into the air or water to minimize exposure to workers, Site residents and the communities. Further, it is the purpose of these rules to complement existing land use authorities and permitting processes, and to provide a screening process to determine whether proposed activities are subject to these rules. (3-20-97)

03. Written Interpretations. This agency may have written statements and standards which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. If available, written statements and standards can be inspected and copied at cost at the Panhandle Health District Office, 114 West Riverside Avenue, Kellogg, Idaho. (3-20-97)

04. Administrative Appeals. Persons may be entitled to appeal final agency actions authorized under this chapter pursuant to IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-20-97)

05. **Definitions**. The following terms shall be construed throughout these rules in a manner consistent with these definitions: (3-20-97)

a. Applicant. Any person, contractor, public utility, government or other entity that is required to apply for an ICP Permit. (3-20-97)

b. Barrier. Any physical structure, material or mechanism which breaks the pathway between contaminants and human receptors, including but not limited to walls, floors, ceilings, soil, asphalt, concrete, fences, control over access, or other structure or covering which separates contaminants from contact with people or keeps contaminants in place. (3-20-97)

c. Board. The Board of Health of the District. (3-20-97)

d. B.O.P. Barrier Option Plan, which will be provided by an Applicant when required; such plans shall set forth the location and type of Barrier which the Applicant intends to construct as part of the permitted work. (3-20-97)

e. Building Renovation. Construction activity to be performed on any structure involving any ceiling or insulation removal or disturbance of soil in basements or crawl spaces. (3-20-97)

f. Contaminants. Soil or other materials containing, or likely to contain, lead in excess of the levels established in Section 510 of these rules. (3-20-97)

g. Director. The Director of the District. (3-20-97)

h. Disposal. The placement of Contaminants into an authorized permanent repository. (3-20-97)

i. District or PHD. The Idaho Public Health District No. 1 (also the Panhandle Health District). (3-20-97)

j. Excavation. Any digging, breaching or disruption of a soil or other protective Barrier which may expose Contaminants to the environment. (3-20-97)

k. Hearing Officer. A lawyer, engineer or other professional trained in conducting hearings, appointed by the Board for purposes of conducting hearings authorized by these rules. (3-20-97)

l. ICP. The Institutional Controls Program for the Site. (3-20-97)

m. ICP Permit. The Contaminant management authorization for projects subject to these rules. (3-20-97)

n. Large Project. A project within the Site where one (1) cubic yard or more of soil containing Contaminants is disturbed or removed. Large Projects also include, but are not limited to, new building construction, demolition of existing buildings and construction of subdivisions and planned unit developments (PUD's) (and the infrastructure necessary to serve them) and construction within and maintenance of rights-of-way. (3-20-97)

o. Owner. Any person, partnership, or corporation having ownership, title, or dominion over property for which an ICP permit is sought. (3-20-97)

p. Record of Compliance. The record maintained by the District pursuant to Section 011 of these rules for Small Projects. (3-20-97)

q. Site. The Area within the boundaries of the Bunker Hill Superfund Site Allocation Map dated December 10, 1993 attached as Appendix 1 to these rules. (3-20-97)

r. Small Project. A project where less than one (1) cubic yard of soil containing Contaminants is

disturbed or interior work that is not Building Renovation. (3-20-97)

s. Working Day. Monday through Friday, but shall not include any holiday recognized as such by the state of Idaho. (3-20-97)

06. Statement of Intent. It is the intent of Idaho Public Health District No. 1 (the 'District') to work with local governments, the state of Idaho, the United States Environmental Protection Agency and private parties in managing Contaminants within the regulated area by way of an Institutional Controls Program (herein referred to as the ICP). These rules establish standards for Barrier installation and maintenance, and other Contaminant management practices. These rules govern management of Contaminants by: (3-20-97)

a. Requiring ICP permits and requiring barriers for certain construction and excavation activities; (3-20-97)

b. Licensing contractors, utilities, and government entities which may disrupt or install Barriers, or otherwise disturb Contaminants; (3-20-97)

c. Adopting performance standards; (3-20-97)

d. Inspecting for project compliance as required; (3-20-97)

e. Regulating the movement and disposal of Contaminants; (3-20-97)

f. Making it unlawful to knowingly disrupt a barrier in a fashion likely to expose persons to contaminants. (3-20-97)

07. Additional Provisions by District. In conjunction with these Rules it is the intent of the District to provide, as needed: (3-20-97)

a. Technical assistance and testing; (3-20-97)

b. Health screening and intervention; (3-20-97)

c. That there will be a readily available repository for Contaminants; (3-20-97)

d. Clean soil to restore Barriers for Small Projects; (3-20-97)

e. Disposal containers to assist in removing contaminated soil for Small Projects and transport and disposal of such soil; (3-20-97)

f. Health and safety information and education to licensees and the public; (3-20-97)

g. Plastic, gravel and use of vacuums for interior projects; (3-20-97)

h. A database tracking system to assist the public, lenders, and potential purchasers of property within the Site; and (3-20-97)

i. Guidelines for managing Contaminants. (3-20-97)

501. -- 509. (RESERVED)

510. THE BUNKER HILL SUPERFUND SITE; APPLICATION OF REGULATIONS.
These rules shall apply to the Bunker Hill Superfund Site in Shoshone County, Idaho, more particularly as shown on the Bunker Hill Superfund Site Allocation Map identified as Appendix 1 to these rules. These rules shall not apply to operations undertaken at the direction of, under the supervision of, and subject to inspection by, the United States Environmental Protection Agency. (3-20-97)

01. Standards Adopted. (3-20-97)

a. All Barriers now or hereinafter constructed within the Site shall be maintained and protected. (3-20-97)

b. Except as otherwise provided in this section, Contaminant management is required in connection with any Large or Small Project or Building Renovation involving the breaching or disturbance of a Barrier or the disturbance or migration of Contaminants exceeding one thousand (1000) ppm lead. (3-20-97)

c. No new PUD or subdivision shall be occupied where the average concentration of Contaminants exceeds three hundred fifty (350) ppm lead or a single lot exceeds one thousand (1000) ppm lead without Contaminant management on any portion of the property that exceeds these levels. (3-20-97)

d. As necessary to protect public health and the environment, PHD may impose Contaminant management requirements, other than Barrier installations, on projects where soils exhibit lead concentrations in excess of three hundred fifty (350) ppm lead, particularly where a property has been remediated with either six (6) or twelve (12) inches of clean fill but Contaminants in the three hundred fifty to one thousand (350 - 1000) ppm lead range remain below the six (6) or twelve (12) inch depth and those Contaminants may be disturbed by a Large or Small Project. (3-20-97)

e. No person shall conduct, except in accordance with these rules, any activity within the Site which breaches a Barrier, may breach a Barrier, or disturbs the same, or otherwise results in a threat to public health or the environment from the migration of Contaminants through tracking on tires or vehicles, visible airborne dust, excavation, transport, disposal, remodeling, demolition, or run-on or run-off from stormwater or in any other manner. (3-20-97)

02. Barriers; Construction and Maintenance Required. (3-20-97)

a. Barriers are required as necessary to attain the standards described in Section 510. Temporary Barriers also may be required to prevent the migration of Contaminants during construction activities. (3-20-97)

b. Types of acceptable Barriers for specific uses and activities are set forth in Appendices 3, 4, and 5. (3-20-97)

c. All twelve (12) inch permanent permeable exterior Barriers required to be installed under the ICP which overlay soils having lead levels in excess of one thousand (1000) ppm shall have an underlying visual delineator at the twelve (12) inch depth. Visual delineators are not required if the soil underlying the Barrier has tested under one thousand (1000) ppm lead. Permanent impermeable Barriers such as concrete and asphaltic concrete do not require delineators. (3-20-97)

d. The minimum Barrier requirements for residential properties and other properties that are frequently used by children (zero (0) to twelve (12) years) and/or pregnant women are as follows: (3-20-97)

i. All soil which contains lead in excess of one thousand (1000) ppm and lies within twelve inches (12") 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 twelve inches (12") has less than one thousand (1000) ppm lead. Replacement material must meet the requirements listed in Section 008.06. Acceptable soil removal and Barrier thicknesses for these properties are set forth in Appendix 6. (3-20-97)

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. (3-20-97)

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: (3-20-97)

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. (3-20-97)

ii. Acceptable soil removal and Barrier thicknesses for these properties are set forth in Appendix 7. (3-20-97)

f. 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. (3-20-97)

g. 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. (3-20-97)

03. ICP Permits Required. (3-20-97)

a. ICP Permits shall be required for: (3-20-97)

i. Large projects; (3-20-97)

ii. Building renovations. (3-20-97)

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. (3-20-97)

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. (3-20-97)

511. CONTAMINANT MANAGEMENT RULES IN THE BUNKER HILL SUPERFUND SITE OPERABLE UNIT #3 INSTITUTIONAL CONTROLS ADMINISTRATIVE AREA, SHOSHONE AND KOOTENAI COUNTIES, IDAHO.

01. Purpose. The purpose of these Rules is to ensure that activities associated with excavation and grading such as infrastructure development and maintenance; building construction and renovation; and land development, redevelopment and/or modification within the Institutional Controls Administrative Area of the Bunker Hill Superfund Site Operable Unit #3 (OU-3) provide for the construction and maintenance of Contaminant Barriers and implementation of other Contaminant management requirements to preclude the release and migration of Contaminants as necessary to protect the public health and the environment. It is imperative that current and future development and construction activities proceed in a manner which minimizes the release of Contaminants into the environment to minimize exposure to Area residents, communities, to workers involved in Area project work, and to environmental receptors. Further, it is the purpose of these Rules to complement existing land use regulations and permitting processes, and to provide a screening process to determine whether proposed activities are subject to these Rules. These Rules will rely upon procedures and provisions applicable to the Institutional Controls Program set forth in Section 500 of these rules. Differences identified in Sections 511 and 512 of these rules, shall be deemed applicable only to the lands encompassed by OU-3. (3-27-07)

02. Implementation Policy and Standards. Implementation policy and standards which pertain to the interpretation and enforcement of these Rules or to the documentation of compliance with these Rules have been developed by PHD and are available for inspection and/or copying at cost at the PHD office, 114 West Riverside Avenue, Kellogg, Idaho. (3-27-07)

03. Administrative Appeals. Persons may be entitled to appeal final PHD actions authorized under this chapter, pursuant to IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-27-07)

04. Definitions. The following terms shall be construed throughout Sections 511 and 512 of these rules, in a manner consistent with these definitions: (3-27-07)

a. Agricultural Land. Land used for pasturing animals or for cultivation and production of agricultural crops including conservation reserve activities. (3-27-07)

b. Applicant. Any person, contractor, public utility, government or other entity that is required to apply for an Institutional Controls Program (ICP) Permit. (3-27-07)

c. Access Restrictions. Physical barriers such as fences, barricades, curbs, barrier rocks, trenches, etc. that provide restricted access by vehicles, pedestrians, and animals to contaminated areas. (3-27-07)

d. Barrier. Any physical structure, material or mechanism which acts to break the pathway between Contaminants and human receptors, including but not limited to soil, crushed aggregate/gravel, asphalt and Portland cement concrete, fences, access restrictions, or other structure or covering which separates Contaminants from contact with people or keeps Contaminants in place. (3-27-07)

e. Board. The Board of Health of the Idaho Public Health District No. 1. (3-27-07)

f. B.O.P. Barrier Option Plan, a plan which will be provided by an Applicant, when required, that sets forth the location and type of Barrier which the Applicant intends to construct as part of the permitted work. (3-27-07)

g. Building Construction. Construction activity to be performed for any new structure involving disturbance of soil in excess of one cubic yard. (3-27-07)

h. Building Renovation. Construction activity to be performed on any existing structure involving ceiling or insulation removal, work in dirt crawl spaces or basements, or disturbance of soil in excess of one cubic yard. (3-27-07)

i. CERCLA. Comprehensive Environmental Response, Compensation, and Liability Act. (3-27-07)

j. Commercial Property. Retail, wholesale and secondhand businesses; public and common use areas; public buildings; and undeveloped properties accessed by a maintained road or street and zoned for commercial development as of the date of promulgation of these Rules. (3-27-07)

i. Type I. Commercial Property predominantly used by Sensitive Populations (e.g. daycare facilities, municipal parks, playgrounds, etc.) (3-27-07)

ii. Type II. All other Commercial Property. (3-27-07)

k. Contaminants. Soil or other material containing, or likely to contain, concentrations of lead equal to or greater than one thousand (1000) ppm or concentrations of arsenic equal to or greater than one hundred (100) ppm. (3-27-07)

l. Developed Recreation Area. Commercial and public recreation areas containing constructed features such as boat ramps, picnic areas, and campgrounds outside the city limits of incorporated communities in the Coeur d'Alene River corridor as defined in Subsection 511.04.s. of these rules. The Developed Recreation Areas of the Trail of the Coeur d'Alenes includes all constructed trail surfaces, stop and views, oases (rest stops) and trailheads, exclusive of all undeveloped areas within the trail right of way. (3-27-07)

m. Director. The Director of the Idaho Public Health District No. 1. (3-27-07)

n. Disposal. The placement of Contaminants into an authorized repository. (3-27-07)

o. Environmental Office. PHD office in Kellogg, ID. (3-27-07)

p. Excavation – Any digging, breaching or disruption of soil not including cultivation of Agricultural Lands and gardens or mining activities regulated under other state and federal programs which may release or expose

Contaminants to the environment. (3-27-07)

q. Health Officer. The Director or designee. (3-27-07)

r. Hearing Officer. An attorney, engineer or other professional trained in conducting hearings, appointed by the Board for purposes of conducting hearings authorized by these Rules. (3-27-07)

s. Institutional Controls Administrative Area. The Area designated by the Administrative Area Map in Appendix 2 which includes areas of mining, milling, and smelting related contamination in the South Fork of the Coeur d'Alene River corridor from its headwaters to the confluence with the North Fork Coeur d'Alene River and from the confluence of the North and South Fork to the mouth of the River and its confluence with Coeur d'Alene Lake including adjacent floodplains, tributaries, and fill areas. The Area also includes the Trail of the Coeur d'Alenes inside and outside the administrative boundary indicated on the map in Appendix 2 except that portion within the exterior boundaries of the Coeur d'Alene Indian Reservation. The Area does not include any area within OU-1 and OU-2 (Box) which has a separate ICP, or any other area excluded under this rule. The Area also includes areas in the Coeur d'Alene River corridor, as defined above, outside the administrative boundary indicated on the map in Appendix 2 where testing has verified that Contaminants related to mining, milling, and smelting have come to lie and remediation is required. (3-27-07)

t. ICP. The Institutional Controls Program for the Institutional Controls Administrative Area as defined in Subsection 511.05.s. of these rules. (3-27-07)

u. ICP Permit. The Contaminant management authorization for projects subject to these Rules. (3-27-07)

v. Infrastructure. Facilities such as trails, roads, streets, highways, bridges; storm water, drinking water, and wastewater systems; flood prevention systems including dikes and levees; and utilities including electrical power and natural gas systems. (3-27-07)

w. Large Project. A project where one cubic yard or more of soil containing Contaminants is disturbed or removed. Large Projects include, but are not limited to, infrastructure construction and maintenance, building construction, renovation, and demolition, land development or any change in the use of land that may result in the release or migration of Contaminants. (3-27-07)

x. Owner. Any person, partnership, or corporation having ownership, title, or dominion over property for which an ICP permit is required. (3-27-07)

y. PHD. The Idaho Public Health District No. 1 (also the Panhandle Health District). (3-27-07)

z. PUD. Planned Unit Development. (3-27-07)

aa. Record of Compliance. The record maintained by the PHD pursuant to Section 523 of these rules for Small Projects. (3-27-07)

bb. Release. Any excavation, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, dumping, or disposing of Contaminants into the environment. (3-27-07)

cc. Residential Property. Property used by private individuals or families as a residence, and undeveloped properties accessed by a maintained road or street and zoned for residential development as of the date of promulgation of these Rules. (3-27-07)

dd. Sensitive Populations. Pregnant women and children up to twelve (12) years old. (3-27-07)

ee. Small Project. A project where less than one (1) cubic yard of soil containing Contaminants is disturbed or interior work that is not Building Renovation. (3-27-07)

ff. Trail of the Coeur d'Alenes. All Developed Recreation Areas and undeveloped areas within the

former Union Pacific Railroad Mullan and Wallace Branch right of way. (3-27-07)

gg. Working day. Monday through Friday, but shall not include any legal holiday recognized as such by the State of Idaho. (3-27-07)

05. Statement of Intent. It is the intent of the PHD to work with local governments, the State of Idaho, the United States Environmental Protection Agency, Federal Land Management Agencies (Bureau of Land Management, USDA Forest Service), Coeur d'Alene Tribe, and private parties in managing Contaminants within the regulated Institutional Controls Administrative Area by way of an ICP. These Rules establish standards for Barrier construction and maintenance, and other Contaminant management practices. These Rules do not address financial liability for Contaminant management resulting from a failure of a CERCLA remedy due to a natural disaster. These Rules govern management of Contaminants by: (3-27-07)

a. Requiring ICP permits and requiring barriers for certain construction and excavation activities; (3-27-07)

b. Licensing contractors, utilities, and state and local government entities which may disrupt or construct Barriers, or otherwise disturb Contaminants; (3-27-07)

c. Adopting performance standards; (3-27-07)

d. Inspecting for project compliance as required; (3-27-07)

e. Regulating the movement and disposal of Contaminants; (3-27-07)

f. Making it unlawful to knowingly disrupt a barrier in a fashion likely to expose persons or the environment to Contaminants; (3-27-07)

g. Maintaining records of ICP activities. (3-27-07)

06. Additional Provisions by PHD. In conjunction with these Rules it is the intent of the PHD to provide, depending on project size and complexity and at the discretion of PHD: (3-27-07)

a. Technical assistance and soil testing; (3-27-07)

b. Health screening and intervention; (3-27-07)

c. Readily available repositories for disposal of Contaminants; (3-27-07)

d. Clean material to restore Barriers for Small Projects; (3-27-07)

e. Disposal containers for Small Projects to assist in removal, transportation and disposal of contaminated soil; (3-27-07)

f. Health and safety information and education to licensees and the public; (3-27-07)

g. Sheet plastic, crushed aggregate and gravel, or other items as appropriate; (3-27-07)

h. A database tracking system to assist the public, lenders, and prospective purchasers of property within the Institutional Controls Administrative Area; (3-27-07)

i. Guidelines for managing Contaminants. (3-27-07)

512. APPLICATION OF REGULATIONS; INSTITUTIONAL CONTROLS ADMINISTRATIVE AREA. These Rules shall apply to the Institutional Controls Administrative Area as defined in Subsection 511.05.s. of these rules. These Rules shall not apply to the direct operations of the United States Environmental Protection Agency including directing, supervising, and inspecting project work or on lands owned or otherwise under the jurisdiction,

custody and control of the Coeur d'Alene Tribe or the Federal Land Management Agencies such as the USDA Forest Service and the Bureau of Land Management. These Rules shall not apply to the Union Pacific Railroad or its contractors when conducting activities within the Trail of the Coeur d'Alenes pursuant to the requirements of the Consent Degree entered August 25, 2000 by the United States District Court for the District of Idaho (Case Nos. 91-0342 and 99-606). (3-27-07)

01. Standards Adopted. (3-27-07)

a. Except as otherwise provided in Section 512 of these rules, contaminant management is required on all properties within the Institutional Controls Administrative Area including properties that have been remediated; properties tested and scheduled for remediation; properties not yet tested; and properties testing below action levels in the top eighteen (18) inches where Large or Small Projects may disturb Contaminants below eighteen (18) inches in excess of one thousand (1000) ppm lead or one hundred (100) ppm arsenic. Contaminant management may include testing of untested areas by the Applicant; testing of deep soils (below eighteen (18) inches) by the Applicant where a project may result in deep excavations; and replacement and repair of remediation Barriers in accordance with Subsection 512.02 of these rules; or other management activities. Contaminant Management on Residential Properties and Commercial Properties existing as of the date of promulgation of these Rules and requiring remediation, but not yet remediated will not require construction of final barriers in accordance with Subsection 512.02 of these rules, by the owner, but may require dust, erosion, health and safety and temporary cap controls to prevent further migration onto lands of others. Final barrier construction will be the responsibility of the state of Idaho and United States Environmental Protection Agency if needed. Applicant performed soil testing will be conducted consistent with sampling and analytic procedures developed by PHD. (3-27-07)

b. Developed Recreation Areas with surface soil containing lead concentrations greater than seven hundred (700) ppm lead and one hundred (100) ppm arsenic shall be capped pursuant to Subsection 512.02.c. of these rules. (3-27-07)

c. Agricultural and undeveloped land within the Institutional Controls Administrative Area are exempt from these Rules unless excavation and grading activities such as soil transport off site or development by the owner or his/her agents on these lands is likely to result in the release or migration of Contaminants from these lands to adjacent non-agricultural or undeveloped areas. (3-27-07)

d. All Barriers existing or hereinafter constructed shall be maintained and protected to original construction specifications. (3-27-07)

e. No new PUD or subdivision containing concentrations of Contaminants exceeding one thousand (1000) ppm lead or one hundred (100) ppm arsenic shall be developed without Contaminant management. (3-27-07)

f. No person shall conduct, except in accordance with these Rules, any activity within the Institutional Controls Administrative Area which breaches a Barrier, may breach a Barrier, or disturbs the same, or otherwise results in a threat to public health or the environment from the migration of Contaminants through tracking on tires or vehicles, visible airborne dust, excavation, transport, disposal, renovation, demolition, or run-on or run-off from stormwater or in any other manner on properties tested and requiring remediation and on properties not yet tested within the Institutional Controls Administrative Area (3-27-07)

02. Barriers; Construction and Maintenance Required. (3-27-07)

a. The minimum Barrier construction requirements for Residential and Type I Commercial Properties are as follows: (3-27-07)

i. All soil which contains lead equal to or in excess of one thousand (1000) ppm or arsenic equal to or in excess of one hundred (100) ppm and lies within twelve (12) inches of the final grade shall be removed and replaced with replacement material meeting the requirements of Subsection 512.02.d. of these rules. (3-27-07)

ii. Any such property with unrestricted access to an adjacent property not meeting the requirements of Subsection 512.01.a. of these rules, shall restrict access to such adjacent property. (3-27-07)

b. The minimum Barrier construction requirement for Type II Commercial Properties is a six (6) inch soil with vegetative cover barrier or six (6) inch crushed rock/gravel barrier or asphalt/Portland cement concrete cap. Excavation may be necessary for the installation of barriers to maintain grade or drainage requirements. (3-27-07)

c. The minimum Barrier construction requirement for Developed Recreation Areas is a six (6) inch soil with vegetative cover barrier or six (6) inch crushed rock/gravel barrier or asphalt/Portland cement concrete cap. Excavation may be necessary for the installation of barriers to maintain grade or drainage requirements. (3-27-07)

d. All twelve (12) inch deep Barriers of soil or crushed rock/gravel required pursuant to the ICP which overlay soils having concentrations of lead equal to or greater than one thousand (1000) ppm or arsenic concentrations equal to or greater than one hundred (100) ppm shall have an underlying visual delineator at the twelve (12) inch depth. Visual delineators are not required if the soil underlying the Barrier has tested under one thousand (1000) ppm lead and one hundred (100) ppm arsenic. Cap Barriers such as Portland cement and asphalt concrete do not require delineators. (3-27-07)

e. Soil and crushed aggregate/gravel imported for barrier material shall contain less than one hundred (100) ppm lead, thirty five (35) ppm arsenic and five (5) ppm cadmium based on average of backfill sampling results. No single sample of replacement materials shall exceed one hundred fifty (150) ppm lead or forty five (45) ppm arsenic. (3-27-07)

f. Barriers shall be maintained and repaired to original construction specifications. (3-27-07)

g. Contaminated waste material generated in the construction, maintenance and repair of Barriers shall be disposed of in designated repositories or as directed by PHD. (3-27-07)

03. ICP Permits Required. (3-27-07)

a. Permits shall be required for Large Projects and Building Renovations. (3-27-07)

b. A permit is required for a project which changes the use of a property containing Contaminants. A new Barrier or additional or more substantial Barrier may be required unless waived by the PHD. (3-27-07)

c. A single annual permit covering a specific list of projects may be obtained from the PHD by entities eligible under Section 531 of these rules, at the beginning of each year's construction season. (3-27-07)

513. -- 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. (3-20-97)

02. Required Applicant Information. All Applicants shall provide the following information when applying for an ICP Permit with the District: (3-20-97)

a. Name, address and telephone number of the Applicant and the property owner. (3-20-97)

b. Location of the work and whether the work is being done on private or public property, or both. (3-20-97)

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. (3-20-97)

d. Dates work will be started and completed. (3-20-97)

e. Such other information as the District shall require. (3-20-97)

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: (3-20-97)

a. Large Projects: (3-20-97)

i. Name, signature, license number, seal and address of engineer, geologist, land surveyor, architect, professional planner, landscape architect, or contractor as applicable, involved in preparation of the application or any materials or documents pertaining thereto; (3-27-07)

ii. Copies of other government authorizations, permits or permit applications (i.e. County or City) and the supporting documents and materials pertaining thereto; (3-27-07)

iii. A key map showing location of tract with reference to surrounding properties including owners, streets and city boundaries; (3-20-97)

iv. Existing and/or proposed zoning; (3-20-97)

v. North arrow and scale; (3-20-97)

vi. Site plan showing dimensions, boundaries, existing and/or proposed structures; (3-20-97)

vii. Date of current property survey; (3-20-97)

viii. Standardized sheet size; (3-20-97)

ix. Copies of existing and/or proposed restrictions or covenants; (3-20-97)

x. List of ordinance variances required or requested (PHD or local government); (3-20-97)

xi. Requested or obtained design waivers or exceptions; (3-20-97)

xii. Payment of fee; (3-20-97)

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; (3-20-97)

xiv. Soil information as required to determine levels of contamination; (3-20-97)

xv. Location and description of all existing Barriers on-site and bordering the site; (3-20-97)

xvi. Barrier Option Plan, as required; (3-20-97)

xvii. Existing rights-of-way and/or easements on and adjacent to the tract (i.e. streets, utilities); (3-20-97)

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 slopes of less than three percent (3%) - one (1) foot intervals; for sites with slopes of three percent (3%) to ten percent (10%) - two (2) foot intervals; for sites with slopes over ten percent (10%) - five (5) foot intervals; (3-27-07)

xix. Existing system of site drainage and of any larger tract or basin of which the site is a part; (3-20-97)

xx. Drainage calculations; (3-20-97)

xxi. Existing and proposed utility infrastructure locations; (3-20-97)

xxii. Locations of existing and/or proposed activities on-site (i.e. lawn, garden, landscaping areas, pathways, driveways, storage areas, structure locations, etc.); (3-20-97)

xxiii. Soil erosion and sedimentation control plan if surface is to be disturbed; (3-20-97)

xxiv. Dust control plan if surface is to be disturbed; (3-20-97)

xxv. Plan for transporting Contaminants, means for transportation, proposed disposal site, and proposed route; (3-20-97)

xxvi. Access control plan for construction period; (3-20-97)

xxvii. Construction schedule; (3-20-97)

xxviii. Contractor bonding information; (3-20-97)

xxix. Health and safety plan. (3-20-97)

b. Building Renovations: (3-20-97)

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; (3-27-07)

ii. Type of contaminated material to be handled (i.e. soil, insulation etc.); (3-20-97)

iii. Dust control plan; (3-20-97)

iv. Access control plan; (3-20-97)

v. Worker precautions (health and safety plan); (3-20-97)

vi. Transportation information, including means, method of containment of material, and proposed disposal site; (3-20-97)

vii. Contractor bonding information; (3-20-97)

viii. Construction schedule. (3-20-97)

04. Use of Discretion on Requirements by District. The District may, at its own discretion, waive certain application requirements or information, or require additional or alternative actions or information, depending upon the type and extent of the project and conditions encountered. In no instance shall a waiver violate the intent of this rule and/or the Record of Decision for the relevant Operable Unit. (3-27-07)

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. (3-20-97)

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. (3-20-97)

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. (3-20-97)

08. Work Involving Public Right-of-Way. If the permit involves work within any public right-of-way, the appropriate agencies must be notified of the work by the entity receiving the permit. (3-27-07)

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. (3-20-97)

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. The District will endeavor to provide written notice, but reserves the right to act summarily to protect public health and the environment. (3-27-07)

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 materially complied with the same. (3-27-07)

524. -- 529. (RESERVED)

530. CONTRACTOR LICENSING.

01. License Required. Any contractor performing Large Projects, Building Renovation or transportation or disposal of Contaminants within the Site or the Institutional Controls Administrative Area 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. (3-27-07)

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. (3-20-97)

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 whichever is greater. 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. (3-27-07)

04. Suspension or Revocation of License. (3-20-97)

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 or Institutional Controls Administrative Area, 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. (3-27-07)

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. (3-20-97)

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 (6) months. Such hearing may be conducted by a hearing officer designated by the Board or by the Board itself. (3-20-97)

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. (3-20-97)

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 perform excavation and grading operations without obtaining individual ICP 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 excavation and grading operations 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 and grading operations on a form approved by the District. Such logs shall be forwarded to the District on a regular basis determined by the District. All licensees shall telephone the Shoshone or Kootenai County one-call locating service, as appropriate, prior to any excavation or grading operations. 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 Subsection 530.04. (3-27-07)

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. (3-20-97)

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 Applicant, 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. (3-27-07)

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. (3-20-97)

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 these rules 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 therefor. (3-27-07)

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. (3-20-97)

544. -- 899. (RESERVED)

900. ADMINISTRATIVE PROCEDURES, EXCEPTIONS, PENALTIES.

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 a unique and 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. (3-27-07)

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 an initial filing fee as established by the Board. 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. (3-27-07)

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 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. (3-27-07)

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)

901. (RESERVED)

902. VIOLATION AND ENFORCEMENT.
Violation of any provision of these rules shall be subject to the following enforcement procedures: (3-20-97)

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. (3-20-97)

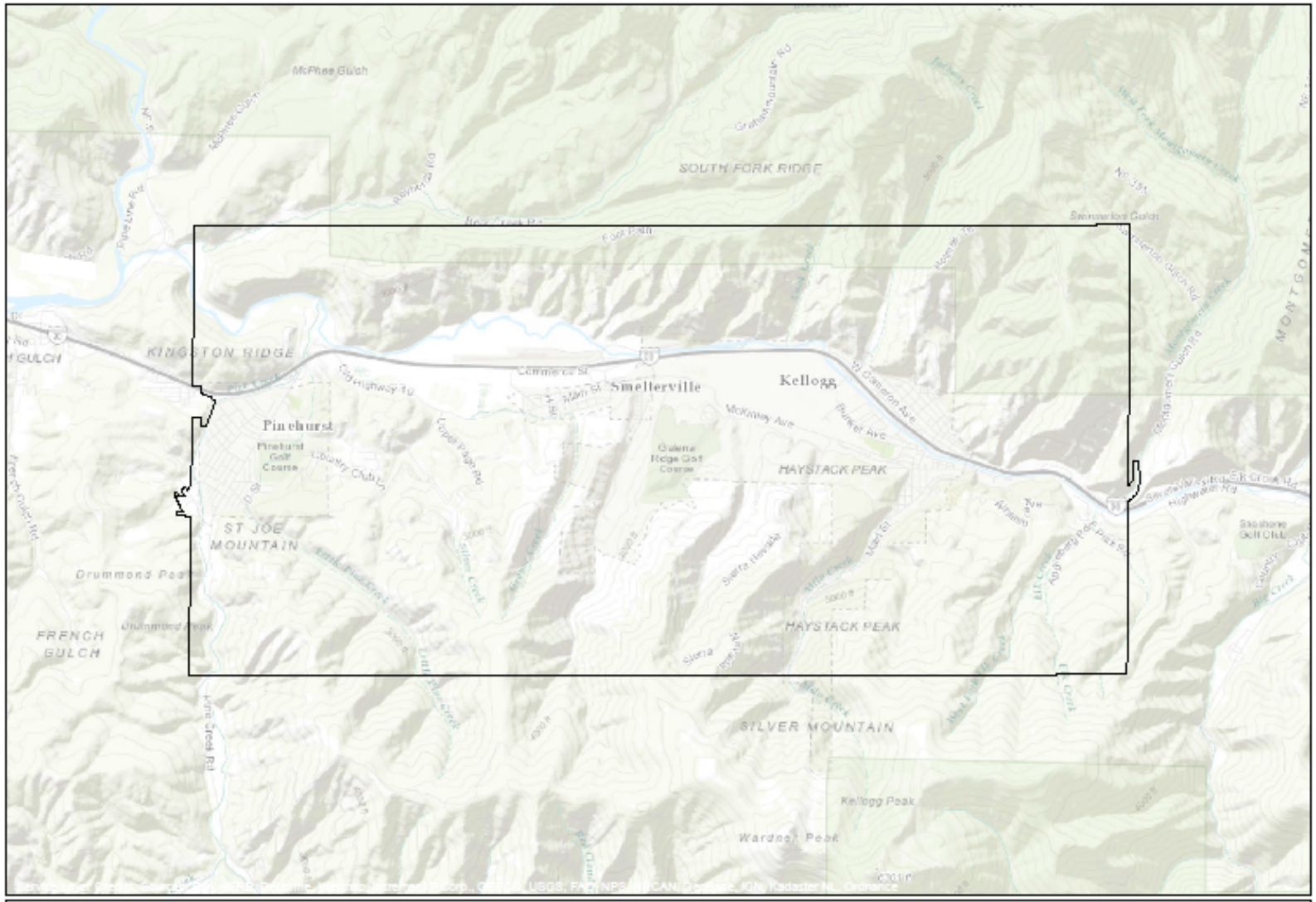
02. Liability of Violator. In addition to fine and imprisonment, any person, association, or corporation, or the officers thereof found to be in violation of these rules shall be liable, by civil action or restitution, for any expense incurred by the District in enforcing this act, or in removing or terminating any nuisance or health hazard. (3-27-07)

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. (3-20-97)

04. Successive Days in Violation. Each successive day in violation shall be considered a separate offense and shall be subject to individual penalties for each separate offense. (3-27-07)

903. -- 999. (RESERVED)

APPENDIX 1



1 inch = 1 miles

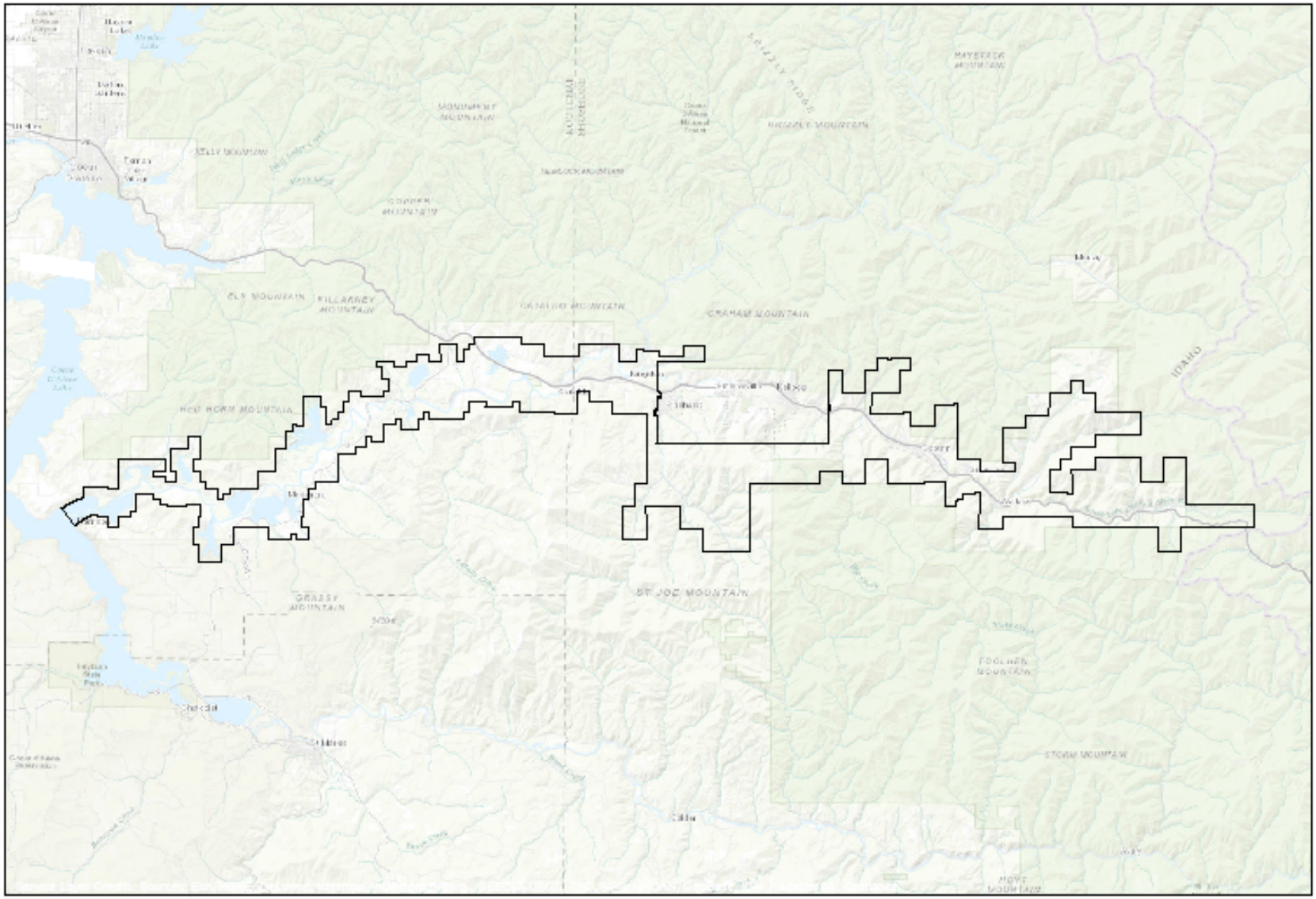
0 0.5 1 Miles

OU1 and OU2 ICP Administrative Area

Oct 10, 2016

This map was produced using information obtained from several different sources that have not been independently verified. These sources have also not provided information on the precision and accuracy of the data. Information on this map is not a substitute for survey data.

APPENDIX 2



1 inch = 29,000 feet

0 4 8 Miles

OU3 ICP Administrative Area

Oct 05, 2016

This map was produced using information obtained from several different sources that have not been independently verified. These sources have also not provided information on the precision and accuracy of the data. Information on this map is not a substitute for survey data.

APPENDIX 3

APPLICABILITY OF BARRIER TYPES TO SITE USE ACTIVITIES: RESIDENTIAL

SITE USE ACTIVITIES														
	Building Footprint		Landscaping		Vehicular Areas* Commercial classification of vehicular areas is subject to vehicle weight by volume.						Active Public Use Areas			Open Areas
Barrier Type	Exposed	Sealed with Crawl Space	Flower/ Shrub Bed	Lawn Areas	Parking/ Loading Areas	Streets	Rural Roads	Alleys & Road Shoulders	Out-door Storage	Drive-ways	Walk-ways	Accessible to Children	Public Out-door Play Equipment	Vacant Lots
12” Soil Cap	x		x	x							x	x		x
24” Soil Cap	x		x	x					x		x	x	x	x
12” Soil Cap with Sod & Grass	x		x	x								x	x	x
24” Soil Cap with Sod & Grass	x		x						x		x	x	x	x
6” Compacted Gravel with Restricted Access	x	x		x					x		x			x
12” Compacted Gravel	x	x							x	x		x	x	x
6” Clay Cap with Restricted Access	x	x												x
Synthetic Membranes, Tyvek & Plastic		x												
Chip Seal on 12” Compacted Gravel Base	x						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
Concrete	x	x			x	x	x	x	x	x	x	x	x	x
12” Sand Cap			x											

APPENDIX 4

APPLICABILITY OF BARRIER TYPES TO SITE USE ACTIVITIES: COMMERCIAL

SITE USE ACTIVITIES														
	Building Footprint		Landscaping		Vehicular Areas* Commercial classification of vehicular areas is subject to vehicle weight by volume.						Active Public Use Areas			Open Areas
Barrier Type	Exposed	Sealed with Crawl Space	Flower/ Shrub Bed	Lawn Areas	Parking/ Loading Areas	Streets	Rural Roads	Alleys & Road Shoulders	Drive-ways	Out-door Storage	Walk-ways	Accessible to Children	Public Out-door Play Equipment	Vacant Lots
12” Soil Cap	x		x	x								x	x	x
24” Soil Cap	x		x	x								x	x	x
12” Soil Cap with Sod & Grass	x		x	x								x	x	x
24” Soil Cap with Sod & Grass	x		x	x								x	x	x
6” Compacted Gravel with Restricted Access	x	x												x
12” Compacted Gravel	x	x					x		x	x	x	x	x	x
6” Clay Cap with 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
Asphaltic Concrete	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 5

APPLICABILITY OF BARRIER TYPES TO SITE USE ACTIVITIES: INDUSTRIAL

SITE USE ACTIVITIES														
	Building Footprint		Landscaping		Vehicular Areas* Commercial classification of vehicular areas is subject to vehicle weight by volume.						Active Public Use Areas			Open Areas
Barrier Type	Exposed	Sealed with Crawl Space	Flower/ Shrub Bed	Lawn Areas	Parking/ Loading Areas	Streets	Rural Roads	Alleys & Road Shoulders	Drive-ways	Out-door Storage	Walk-ways	Accessible to Children	Public Out-door Play Equipment	Vacant Lots
12” Soil Cap	x		x	x								x	x	x
24” Soil Cap	x		x	x								x	x	x
12” Soil Cap with Sod & Grass	x		x	x								x	x	x
24” Soil Cap with Sod & Grass	x		x	x								x	x	x
6” Compacted Gravel with Restricted Access	x	x												x
12” Compacted Gravel	x	x					x		x	x	x	x	x	x
6” Clay Cap with 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
Asphaltic Concrete	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 6

If the soil interval tests out **equal** to or **greater than** 1,000 ppm lead		The soil interval tests out **less than** 1,000 ppm lead		The minimum soil removal and replacement depth is
0 - 1”		1 - 6”, 6 - 12”		6”
1- 6”		0 - 1”, 6 -12”		6”
6 - 12”		0 - 1”, 1 - 6”		12”
12 - 18”	AND	0 - 1”, 1 - 6”, 6 - 12”	THEN	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 7

If the soil interval tests out **equal** to or **greater than** 1,000 ppm lead		The soil interval tests out **less than** 1,000 ppm lead		The minimum soil removal and replacement depth is
0 - 1”		1 - 6”		6”
1- 6”	AND	0 - 1”	THEN	6”
6 - 12		0 - 1”, 1 - 6”		No Action
None		0 - 1”, 1 - 6”		No Action

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