

## **Solid Waste Program**

The Public Health Districts were given specific statutory authority regarding **Municipal Solid Waste Landfills** under the following Idaho Code.

- ” Idaho Code Title 39, Chapter 74 “IDAHO SOLID WASTE FACILITIES ACT”.
- Section 39-105.3.g.iii. “Cooperating and coordinating with operational monitoring of solid waste disposal sites by district health departments pursuant to authority established in chapters 4 and 74, title 39, Idaho Code.”
- Section 39-414.(13) states: “To administer and certify solid waste disposal site operations, closure and post-closure procedures established by statute or regulation in accordance with provisions of chapter 74, title 39, Idaho Code, in a manner equivalent to the site certification process set forth in section 39-7408, Idaho Code.” Idaho Code Title 39, Chapter 74 is the “IDAHO SOLID WASTE FACILITIES ACT”.
- Section 39-7406.(c) RESPECTIVE ROLES OF COUNTY, DIRECTOR, AND HEALTH DISTRICTS - LIBERAL CONSTRUCTION. -- states, “The health district shall ascertain that operations standards are met, prepare and/or adopt technical guidance, review and recommend approval of alternative operating, closure and post-closure requirements to the director, and review and enforce all aspects of operation, closure and post-closure except as specified above.”
- Section 39-7413. Operation plan review. Gives the districts responsibility for reviewing operation plans based on Section 39-7412. Standards of Operation.
- Section 39-7415. Standards for closure. Gives the districts responsibility for reviewing closure plans.
- Section 39-7416. Standards for post-closure care. Gives the districts responsibility for reviewing post-closure care.
- Section 39-7419. Inspections. Gives direction to the districts on conducting inspections.
- Section 39-7420. Violations and Enforcement. Gives directions for correcting violations and how to proceed with enforcement actions.

MSWF must also comply with 40 CFR 258.

### **MEMORANDUM OF UNDERSTANDING**

On October 17, 2007, the Public Health Districts signed a “Memorandum of Understanding” with the Department of Environmental Quality. This MOU, shown below, defines and clarifies the roles and responsibilities between the districts and DEQ.

### **District responsibilities include:**

#### **Municipal Solid Waste Disposal Sites**

- Approve or disapprove solid waste facility operation plans, including plans for the disposal of processed waste tires in accordance with the Waste Tire Disposal Act.

- Enforce all aspects of operation, closure and post-closure.
- Ensure the operating plans will require municipal solid waste landfill personnel to contact DEQ prior to open burning.
- As needed, prepare and/or adopt technical guidance to meet operations, closure and post-closure, except with respect to those alternative plans that need prior approval from DEQ.
- Review and recommend to DEQ approval or denial of alternative operating plans and alternative closure and post-closure plans.
- Provide DEQ with corrections or updates on location of sites and any associated data.
- Conduct routine unannounced inspections of Municipal Solid Waste Landfills.
- Recertify operating procedures at intervals of no more than three years.
- Conduct jointly with DEQ the mandatory 3-5 year review of municipal solid waste landfills as per I.C. § 39-7419.
- Inspect Municipal Solid Waste Landfill sites at time of closure prior to removal of any earth-moving or solid waste processing equipment.
- Provide courtesy reviews and submit comments to DEQ on site certification applications and design plans.
- Work with counties and cities on solid waste management issues, and refer any issues falling under DEQ jurisdiction to DEQ.
- Perform all other activities for which the Districts are authorized under the Idaho Solid Waste Facilities Act, Idaho Code § 39-7401 et seq.

### **Non-Municipal Solid Waste Disposal Facilities**

- Approve or disapprove applications for the operation, closure, and post-closure care plans for Non-municipal Solid Waste Facilities (NMSWFs).
- Provide regulatory oversight of the operations including unannounced inspections.
- Provide inspection reports and copies of all enforcement correspondence to DEQ.
- Be lead agency for requirements relating to closure and post-closure of Solid Waste Landfills.
- Provide DEQ with copies of approved operation plans and closure/post-closure plans.
- Provide DEQ with corrections or updates on location of landfill sites and any associated data.
- Provide courtesy reviews and submit comments to DEQ on site certification applications and design plans.
- Work with counties and cities on solid waste management issues, and refer any issues falling under DEQ jurisdiction to DEQ.

***Note\* Non-Municipal Solid Waste Landfills and other Solid Waste Facilities are regulated under IDAPA 58, Title 01, Chapter 06, SOLID WASTE MANAGEMENT RULES***

NMSWF must also comply with 40 CFR 257.

# County Solid Waste Requirements

TITLE 31  
COUNTIES AND COUNTY LAW  
CHAPTER 44

SOLID WASTE DISPOSAL SITES

31-4402.AUTHORITY OF COUNTY COMMISSIONERS. The board of county commissioners in each of the several counties is hereby **authorized to acquire, establish, maintain and operate such solid waste disposal systems** as are necessary and to provide reasonable and convenient access to such disposal systems by all the citizens of the county.

TITLE 31  
COUNTIES AND COUNTY LAW  
CHAPTER 44

SOLID WASTE DISPOSAL SITES

31-4408.EXISTING AND FUTURE SYSTEMS -- JURISDICTION OF COMMISSIONERS -  
- DISPOSITION OF WASTE ON OWN LAND. Solid waste disposal systems now in existence or hereafter established and maintained and/or operated by other than a city shall come under the jurisdiction of the board of county commissioners, and shall be maintained and/or operated only as provided in this act. **Every owner of land who disposes of solid waste on his own land shall obtain a written permit from the board of county commissioners for such disposal.**

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 65

WASTE TIRE DISPOSAL

39-6503.WASTE TIRE DISPOSAL. (1) No person shall dispose of waste tires on any public or private property in this state or in the waters of this state except at permitted public or private municipal solid waste landfills which have been approved to accept waste tires in their operating plans.

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 65

WASTE TIRE DISPOSAL

39-6501.DEFINITIONS. As used in this chapter:

(5) "Existing waste tire storage site" means any property storing waste tires prior to recycle, reuse, or final disposal as of July 1, 2003, regardless of whether **the owner or operator possesses a permit or other written city or county authorization authorizing the storage of waste tires at the property.**