

TITLE 8 PUBLIC HEALTH AND SAFETY

CHAPTER 5 – SOLID WASTE FACILITIES

Sections:

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Section 8-5-1: Purpose:

The purpose of this chapter is to establish standards for solid waste facilities in Elmore County, which will:

1. Promote and protect the health, safety, and general welfare of the public, including the protection of air, ground and surface water; and
2. Reduce the threat to health posed by garbage, refuse, and scrap; and
3. Protect and enhance the value of real property and buildings in Elmore County; and
4. Maintain the natural aesthetic setting of the land, water, and air resources of Elmore County.

Section 8-5-2: Applicability:

This Section applies to all solid waste facilities, including but not limited to sanitary landfills, waste processing facilities, and waste transfer facilities.

The provisions of this chapter shall apply to all lands within the unincorporated territory of Elmore County. It shall be unlawful for any person to keep, collect, haul, transport, or dispose of solid waste in a manner that is inconsistent with the provisions of this chapter.

Section 8-5-3 Definitions:

INERT WASTE. Noncombustible, nonhazardous, and non-putrescible solid wastes that are likely to retain their physical and chemical structure and have a de minimis potential to generate leachate under expected conditions of disposal, which includes resistance to biological attack. "Inert waste" includes, but is not limited to, rock, concrete, cured asphaltic concrete, masonry block, brick, gravel, dirt, inert coal combustion by-products, inert precipitated calcium carbonate, and inert component mixture of wood or mill yard debris (IDAPA 58.01.06).

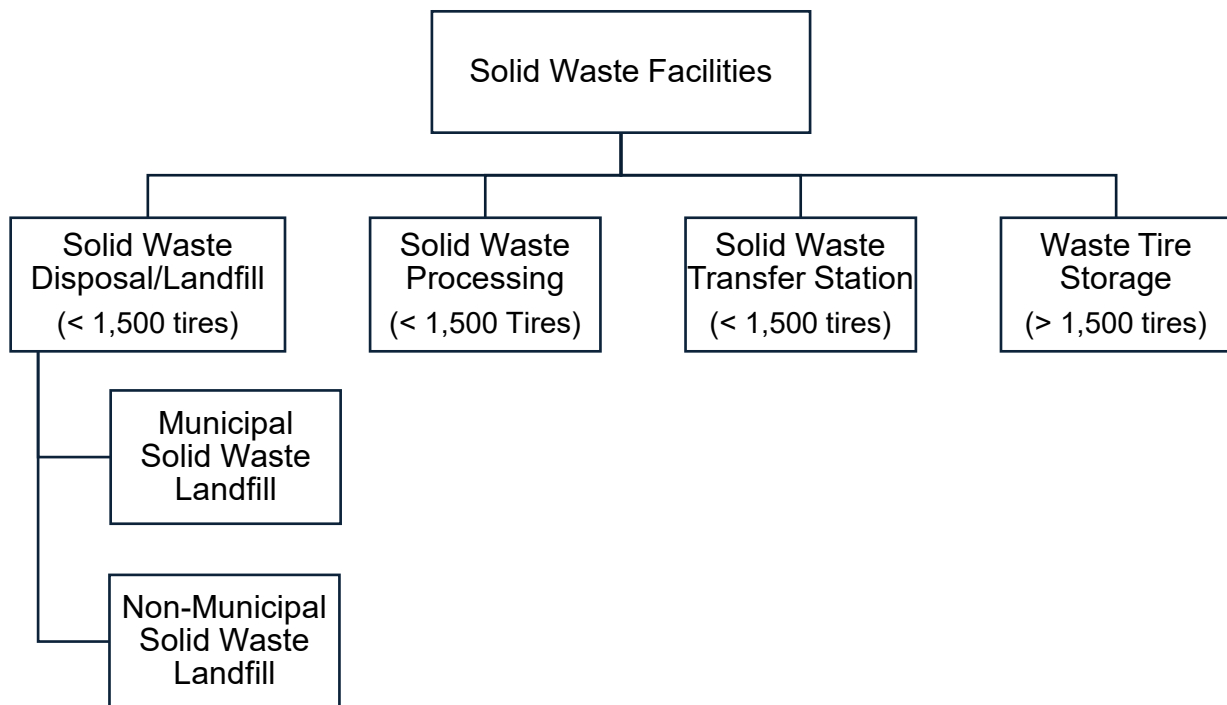
LANDFILL: An area of land or an excavation in which wastes are placed for permanent disposal and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR 257.2 (IDAPA 58.01.06)

NON-MUNICIPAL SOLID WASTE: A solid waste that is not mixed with household waste or not excluded by IDAPA 58.01.06.001.03. Non-municipal solid waste may include inert wastes (IDAPA 58.01.06).

SOLID WASTE. Any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. Solid waste but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) (IDAPA 58.01.06).

SOLID WASTE FACILITIES: Solid Waste Facilities consist of solid waste landfills, solid waste processing facilities, solid waste transfer facilities, and waste tire storage facilities as defined below. Solid Waste Facilities do not include municipal or non-municipal wastewater treatment or disposal facilities, wastewater lagoons, or land application sites as defined by IDAPA 58.01.06 and this Ordinance. Solid Waste Facilities are designed to meet local, state, and federal standards and comply with local, state, and federal environmental regulations. See Table 1.

Table 1. Solid Waste Facility Types



1. SOLID WASTE DISPOSAL FACILITY/LANDFILL: A public or private facility for the central collection and disposal of solid waste managed and operated by an approved company, individual, or government agency.
 - a. MUNICIPAL SOLID WASTE LANDFILL UNIT (MSWLF): A discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR 257.2. An MSWLF unit may also receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion (IDAPA 58.01.06).
 - b. NON-MUNICIPAL SOLID WASTE LANDFILL (NMSWLF): A landfill that accepts only non-municipal solid waste to generally dispose of a single solid waste material (IDAPA 58.01.06).
2. SOLID WASTE PROCESSING FACILITY: An indoor or outdoor facility that is regulated or subject to the regulations of local, state, and/or federal agencies and where solid waste is received, stored, processed, sorted, packaged, recycled, or transferred.
3. SOLID WASTE TRANSFER FACILITY: A facility or portion thereof where solid waste is transferred from a vehicle or container, consolidated, and subsequently transported off-site to another facility. A transfer station does not include an authorized rural drop-box or other facilities where persons are authorized to store individual waste for ultimate collection and disposal or any other facility that stores solid waste generated at the facility for collection and disposal off-site. A transfer facility shall include waste tire collection sites as defined in Section 39-6501, Idaho Code, for which a permit or other written authorization has been received from the County.
4. WASTE TIRE STORAGE FACILITY: In compliance with the Idaho Code, Section 39-6501(13), “store” or “storage” means to accumulate more than two hundred (200) waste tires at a time, in a manner that does not constitute final disposal at a waste tire disposal site, or to own and control property on which more than two hundred (200) waste tires accumulate at any given time, in a manner that does not constitute final disposal at a waste tire disposal site. Waste tire storage facilities shall be permitted or receive other written authorization from the County pursuant to Idaho Code, Section 67-6512 and Section 39-6502 and are designed to meet local, state, and federal standards and comply with local, state, and federal environmental regulations.

The following activities shall not constitute “storing” or “storage” of waste tires:

- (a) A retail tire dealer collecting less than one thousand five hundred (1,500) waste tires at any point in time for each retail business location.
- (b) A tire retreader collecting less than one thousand five hundred (1,500) waste tires at any point in time for each individual retread operation so long as the waste tires are of the type of retreader is actively retreading.
- (c) A wrecking salvage business collecting less than one thousand five hundred (1,500) waste tires for each retail business location.
- (d) A waste tire disposal site collecting waste tires for disposal at the site in accordance with the site's permit issued by the County and operating plan approved by IDEQ.
- (e) A wholesale tire dealer collecting less than one thousand five hundred (1,500) waste tires at any point in time for each wholesale business location.
- (f) An approved solid waste transfer station or solid waste landfill collecting less than one thousand five hundred (1,500) waste tires prior to transfer to an approved waste tire storage or disposal site.
- (g) A farm or livestock operation which utilizes waste tires to secure farm or livestock silage or wastes provided the total number of waste tires shall not exceed one thousand five hundred (1,500).
- (h) A permitted facility storing tires for an approved beneficial use.

Section 8-5-4: Standards:

A. General Standards:

- a. All Solid Waste Facilities that are allowed in a particular zoning districts are subject to the issuance of a Conditional Use Permit approved by the Planning and Zoning Commission as identified in Table 7-2-26(B) and may require a Mitigation Agreement with the Board of County Commissioners.
- b. Additional permitting may be required to include, but not be limited to, concurrent Floodplain Development Application, Hillside Grading Application, Private Road Application, and other supporting applications and technical studies necessary to comply with this Ordinance.
- c. All Solid Waste Facilities shall comply with all applicable overlay districts and regulations as set forth in this Title.
- d. All structures shall be located a minimum of two hundred (200') feet from any property line. The active portion (waste boundary limits) of a landfill site shall be located a minimum of one thousand (1,000') feet from any residential dwelling.

- e. All Solid Waste Facility sites that require grading or filling of more than 15% slope during operation of the facility shall submit a Hillside Grading Application in compliance with Title 7 Chapter 5 of this Ordinance along with the Conditional Use Permit.
- f. All Solid Waste Facility sites that contain floodplain as defined in Title 8 Chapter 2 of this Ordinance, shall submit a Floodplain Development Application along with the Conditional Use Permit.
- g. All Solid Waste Facility sites shall provide:
 - i. A secure perimeter fence, with lockable gate(s) and gate access to Sheriff and Emergency Medical Director at all times.
 - ii. Adequate queuing distance for vehicles entering and exiting the property such that lines of vehicles will not extend onto public streets during peak hours, unless approved by the County.
 - iii. Signs or pavement markings indicating safe and proper on-site traffic patterns.
- h. The decision-making body may specify definite time limits for daily operations and other operational aspects of the facility.
- i. The decision-making body may require closure and post-closure requirements upon termination of such use.
- j. The applicant shall comply with all applicable regulations pertaining to the designation, licensing, and maintenance of Solid Waste Facilities as set forth in this Ordinance, in addition to all State and Federal requirements, including but not limited to
 - i. Idaho Statute Title 31, Chapter 44 Solid Waste Disposal Sites;
 - ii. Idaho Statute Title 39 Health and Safety, Chapters 65 Waste Tire Disposal;
 - iii. Idaho Statute Title 39 Health and Safety, Chapter 70 Sale and Disposal of Batteries;
 - iv. Idaho Statute Title 39 Health and Safety, Chapter 74 Idaho Solid Waste Facilities Act; and
 - v. IDAPA 58.01.06 Solid Waste Management Rules.
- k. No bags or trash blowing off the premises shall be permitted.
- l. The facility shall post a sign at the primary entrance specifying:

- (1) Name and permit number of facility.
 - (2) Operating hours.
 - (3) Materials that are accepted or the statement "All materials must have prior approval."
 - (4) Telephone number of emergency contact person(s).
- m. No solid waste facilities shall accept hazardous waste and industrial wastes without an appropriate approval from the County and Department of Environmental Quality prior to obtaining building permits.
 - n. The facility is kept secure from unauthorized entry or guard maintaining security for the facility.
 - o. The facility operator shall implement a comprehensive waste load checking program to verify compliance with the allowed and prohibited materials.
 - p. The facility operator shall, at all times, maintain accurate and complete records of the amounts of materials delivered to and accepted by the facility, the amounts and types of materials shipped offsite, and the amount of material sent to disposal (either on-site or off-site).
 - q. To the extent practical, the facility operator shall weigh all loads received at the facility on a computerized scale system. Scales shall comply with all regulatory requirements for accuracy and maintenance. If the use of scales is not practical, estimates based on generally accepted volume-to-weight conversion factors will be considered accurate and complete records.
 - r. The facility operator's records shall be made available for inspection during normal business hours by authorized officers, employees, or agents of the County.
 - s. The facility shall control dust generated from the facility to the maximum extent practicable. Dust control measures may include, but are not limited to, misting systems, water trucks, manual or mechanical sweeping, and the use of negative ventilation.
 - t. Heavy machinery used to move materials on the facility property shall only occur within the permitted business hours.

B. Solid Waste Facility Design Standards

- a. Municipal Solid Waste Landfill
 - a. Each MSWL site shall demonstrate compliance with Section A and other requirements of this Ordinance.

- b. No additional design standards beyond what is required by IDAPA 58.01.06.

b. Non-Municipal Solid Waste Landfill:

- a. Each NMSWL site shall maintain financial assurance in the form of a cash bond payable to the County, in an amount acceptable to the County; provided however, the County shall require a minimum initial financial assurance of two dollars and fifty cents (\$2.50) per ton of solid waste disposed of at the site. The amount of financial assurance shall be adjusted each year for the amount of solid waste disposed of and in accordance with the consumer price index on the anniversary date of the issuance of the permit or other County written authorization. Failure to adjust the amount of financial assurance on the anniversary date each year shall constitute a failure to comply with this provision and shall result in automatic revocation of the permit or other written County authorization and forfeiture of the bond. The County shall only approve an application submitted when documentation submitted with the application established compliance with the financial assurance requirement.

C. Solid Waste Processing Facility Design Standards

- a. Each Solid Waste Processing site shall demonstrate compliance with Section A and other requirements of this Ordinance.
- b. All building or exterior surfaces that come into contact with solid waste shall be enclosed by walls and a roof satisfactory to:
 - (1) Minimize dust and litter out of the building.
 - (2) Keep precipitation out of the building.
 - (3) Prevent the attraction or harboring of vectors in the building.
- c. All surfaces that come in contact with solid waste or industrial wastewater shall be impervious to liquids.
- d. All recyclable materials stored outdoors shall be screened from public view. If the facility is located adjacent to contiguous industrial property, screening is only necessary along the street frontages.
- e. All material receptacles (bins, containers, carts) are covered, durable, waterproof, rustproof, and of incombustible construction.
- f. Waste tires shall be removed from the site within 30 days after their receipt.
- g. Waste tire storage areas shall comply with Section 39-65, Idaho Code.

D. Solid Waste Transfer Facility Design Standards

- a. Each Solid Waste Transfer Facility site shall demonstrate compliance with Section A and other requirements of this Ordinance.
- b. All buildings or exterior surfaces that come into contact with solid waste shall be enclosed by walls and a roof satisfactory to:
 - (1) Minimize dust and litter out of the building.
 - (2) Keep precipitation out of the building.
 - (3) Prevent the attraction or harboring of vectors in the building.
- c. All surfaces that come in contact with solid waste or industrial wastewater shall be impervious to liquids.
- d. Waste tires shall be removed from the site within 30 days after their receipt.
- e. Waste tire storage areas shall comply with Title 39, Chapter 65 of Idaho State Code and Section E of this chapter.

E. Waste Tire Storage Site

- a. Each Waste Tire Storage Site shall demonstrate compliance with Section A and other requirements of this Ordinance.
- b. An approved site shall comply with Title 39, Chapter 65 of Idaho State Code.
- c. An approved site shall maintain compliance with the current International Fire Code at all times.
- d. An approved site shall maintain financial assurance in the form of a cash bond payable to the County, in an amount acceptable to the County; provided however, the County shall require a minimum initial financial assurance of two dollars and fifty cents (\$2.50) per tire authorized to be stored at the site. The amount of financial assurance shall be adjusted each year in accordance with the consumer price index on the anniversary date of the issuance of the permit or other County written authorization. Failure to adjust the amount of financial assurance on the anniversary date each year shall constitute failure to comply with the provisions of the Idaho Waste Tire Disposal Act and shall result in automatic revocation of the permit or other written County authorization and forfeiture of the bond. The County shall only process an application submitted when documentation submitted with the application established compliance with the financial assurance requirement.