CHAPTER 1

SOLID WASTE MANAGEMENT

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4-1-1: **PURPOSE**: The purpose of this chapter is to establish a solid waste disposal system, in Cassia County, Idaho, for the purpose of permitting new landfills, for the purpose of reducing the threat to health posed by garbage, refuse, and scrap, for the purpose of maintaining the natural and aesthetic setting of the land, water and air resources of Cassia County, and for the purposes of such other cultural, social, economic and sanitation reasons as may be necessary from time to time.

4-1-2: **DEFINITIONS**:

BOARD OF DIRECTORS: The duly elected and serving board of directors of the southern Idaho regional solid waste district.

COMMERCIAL USER: A person who is the owner of a parcel, as determined by the records of the Cassia County assessor's office, of real property located in

Cassia County, which parcel is used for commercial or industrial purposes. A person shall be considered a separate "commercial user" for each parcel of commercial real property owned by such person.

COUNTY: The county of Cassia, a political subdivision of the state of Idaho.

DOMESTIC SOLID WASTE: All solid waste which normally originates in the household.

HAZARDOUS SOLID WASTE: A solid waste that may, by itself or in combination with other solid waste, be infectious, explosive, poisonous, highly flammable, caustic, or otherwise dangerous or injurious to human, plant, or animal life.

LANDFILL SITE: The approved landfill site owned by the regional solid waste district at Milner Butte, Cassia County, Idaho, and any additional landfill site owned or leased by the regional solid waste district approved by the Idaho department of environmental quality.

LARGE VOLUME COMMERCIAL USER: A commercial user who uses municipal or private solid waste collection services and:

A. Has more than one container collected on a weekly basis; or

B. Has one or more containers collected more frequently than weekly.

LARGE VOLUME TAX EXEMPT USER: A tax exempt user who uses municipal l or private solid waste collection services and:

A. Has more than one container collected on a weekly basis; or

B. Has one or more containers collected more frequently than weekly.

LOW VOLUME COMMERCIAL USER: [*Repealed – Ordinance 2007-10-01 dated 10-22-07*]

LOW VOLUME RESIDENTIAL USER: A residential user who:

A. Uses municipal or private solid waste collection services and has less than one container collected on a weekly basis or one container collected on a less frequent basis than weekly and has provided a statement as required by subsection 4-1-10B3b(2) of this chapter; or

B. Does not use municipal or private collection services and has established through the "low volume" appeals process set forth in section 4-1-10 of this chapter that the user produces one-half (1/2) ton or less of solid waste per year.

LOW VOLUME TAX EXEMPT USER: A tax exempt user who:

A. Uses municipal or private solid waste collection services and has less than one container collected on a weekly basis or one container collected on a less frequent basis than weekly and has provided a statement as required by subsection 4-1-10B3b(2) of this chapter; or

B. Does not use municipal or private collection services and has established through the "low volume" appeals process set forth in section 4-1-10 of this chapter that the user produces one ton or less of solid waste per year.

MULTI-UNIT RESIDENTIAL USER:	A person who is the owner of a parcel of real property, as determined by the records of the Cassia County assessor's office, located in Cassia County, Idaho, which parcel is used for multi-unit residential use. A person shall be considered as a separate "multi-unit residential user" for each parcel of multi-unit residential property owned by such person.
MUNICIPAL SOLID WASTE LANDFILL:	Shall have the same meaning as set forth in 40 CFR parts 257 and 258.
NATURALLY OCCURRING:	Has undergone no artificial processing or treatment which changes chemical or geological characteristics.
PERSON:	Any natural person, firm, corporation, or other entity, including municipalities, a state or federal agency or educational, fraternal or religious institution located within the county of Cassia.
REGIONAL SOLID WASTE DISTRICT:	The southern Idaho regional solid waste district district formed and existing under the provisions of Idaho Code section 31-4901 et seq.
RESIDENTIAL USER:	A person who is the owner of a parcel of real property located in Cassia County, as determined by the records of the Cassia County assessor's office, and which parcel is used for single unit residential use. A person shall be considered a separate "residential user" for each parcel of residential property owned by such person.
SEWAGE SLUDGE:	A semi-liquid substance consisting of settled sewage solids combined with water and dissolved material in varying amounts.

SOLID WASTE: Shall have the same meaning set forth in Idaho Code section 39-7403(50) as it now exists or as it may hereafter be amended.

SOLID WASTE DISPOSAL SYSTEM: Lands, sites, facilities, equipment and man-power necessary for transportation, storage, treatment, processing, burial, reuse, recycling, or other means necessary for the disposal of solid waste.

STANDARD COMMERCIAL USER: A commercial user who:

A. Uses municipal or private solid waste collection services and has one container collected on a weekly basis; or

B. Does not use municipal or private solid waste collection services and has not qualified as a "low volume commercial user".

STANDARD TAX EXEMPT USER: A tax exempt user who:

A. Uses municipal or private solid waste collection services and has one container collected on a weekly basis; or

B. Does not use municipal or private solid waste collection services and has not qualified as a "low volume tax exempt user".

TAX EXEMPT USER: A person who is the owner of a parcel, as defined by the records of the Cassia County assessor's office, of real property located in Cassia County which parcel is exempt from real property taxes, pursuant to Idaho Code section 63-105 et seq., and upon which parcel activities take place which produce solid waste. A person shall be considered as a separate "tax exempt user" for each parcel of tax exempt real property owned by such person.

TRANSFER STATION: Any transfer station officially established as such within the boundaries of Cassia County by action of the board of directors of the regional solid waste district.

4-1-3: **TRANSFER STATIONS**: All solid waste generated within the boundaries of Cassia County shall be deposited or collected exclusively at a transfer station located within the boundaries of the county or at the regional landfill site.

4-1-4: **PROHIBITED DISPOSAL**: It shall be unlawful, except at a transfer station site located, maintained, and operated by the county or the southern Idaho regional solid waste disposal district as provided in this chapter, or a private landfill holding a valid permit under this chapter from the county for operation, for any person to throw away, dump or discard within the county any type or nature of solid waste on any public lands, rights of way of any kind, or private lands. In addition to the criminal penalties for violation of this section, civil damages in an amount of three (3) times the actual damages shall be imposed upon any person committing any such act, to be used to restore the dump site to its previous condition. Such civil action shall be brought in Cassia County and for the benefit of the county for violations occurring within the county and any remainder of damages collected after restoration of the site shall be used for maintenance and operation of the Cassia County solid waste disposal system and enforcement of this chapter.

4-1-5: **WASTE DEPOSIT, ACCUMULATION, CONTAINERS AND HAULING**:

A. Depositing Waste:

1. Prohibited: Except as stated in subsection A2 of this section, no person shall throw or deposit or permit to accumulate any waste in any building or any premises, improved or vacant, or any lot or area either public or private, within unincorporated Cassia County, unless said premises is an approved disposal site, which waste has the potential:

a. To attract flies or fly breeding;

b. To afford food or harborage for rodents or rats;

c. To be a source of noxious or offensive odors or conditions inimical to public interest or health.

2. Directly To Landfill: At the direction of the regional solid waste district, designated types of solid waste shall be deposited directly at the regional landfill site and not at a transfer station. Such types of solid waste may include, but not be limited to, those types of solid waste that have a high degree of potential for impact on human health or damage to property or which may require sophisticated inspection or handling prior to final disposition.

B. Accumulation Of Waste: It shall be unlawful for any person to permit or to suffer to accumulate waste in or about any yard, lot, place or premises, or upon any adjacent street, alley or sidewalk, owned, leased, used or occupied by such person unless said premises is an official public disposal site or landfill or is an existing transfer station operated by Cassia County or the southern Idaho regional solid waste disposal district.

C. Vacating Buildings: It shall be unlawful for any person upon vacating dwellings, storerooms, or any other building to fail to remove all waste from such buildings and premises and also the grounds appurtenant thereto; or to fail to place the same in a thoroughly sanitary condition within forty eight (48) hours after the said premises shall be vacated.

D. Compost: Compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only may be transported, kept and used, provided the same shall not constitute a nuisance.

E. Containers: It shall be the duty of every owner or occupant of any place where solid waste is created or accumulated to at all times keep or cause to be kept sanitary containers and, except as otherwise provided, to deposit or cause to be deposited all solid waste therein.

F. Maintenance Of Containers: It shall be the duty of every owner or occupant to maintain the sanitary containers in a secure condition so as to avoid offensive odors, health hazards and the scattering or spilling of solid waste.

G. Yard Waste: Waste consisting only of pasteboard, or wooden boxes, brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens may be kept separately without depositing in such cans or receptacles, providing

that bulk material such as leaves shall be in a container, box, sack or receptacle, and that brush, tree limbs, and hedge cuttings shall be tied in bundles.

H. Hauling Waste: It shall be unlawful for any person hauling waste to do so without providing a cover secured to the vehicle in which said waste is being hauled. This section is to prevent scattering, blowing or loss of material so transported.

4-1-6: **HOURS OF OPERATION; COMPLIANCE**: it shall be unlawful for any person to throw away, dump, or discard any type or nature of solid waste in any transfer station, or upon the premises of any landfill, at a time other than the regular business hours and days in which such landfill is open to public dumping, except with the express permission of the owner of the site. In addition to the criminal penalties for violation of this section, civil damages in an amount of three (3) times the actual damage shall be

imposed upon any person throwing away, dumping or discarding the solid waste at any transfer station or landfill outside of regular business hours, such funds to be used to clean up the solid waste and restore the land to its previous condition. Civil actions for such violations shall be brought in Cassia County in the name of Cassia County and the remainder if any of damages collected after the costs of restoration shall be used for maintenance and operation of the Cassia County solid waste disposal system and enforcement of this chapter.

4-1-7: **PLACING DEBRIS ON PUBLIC OR PRIVATE PROPERTY**: It shall constitute a misdemeanor and be punishable as such for any person to deposit upon any public or private property within the county, not authorized by the Cassia County commissioners, any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, cans, barbwire, boards, trash, garbage, dead animals, lighted material or other waste substance of any kind.

4-1-8: **HAZARDOUS WASTES; PROHIBITED DISCHARGES OR DEPOSITS**: No person shall deposit or discharge any of the following substances into or upon any landfill in the county, public or private, or any transfer station owned or operated by the county or the southern Idaho regional solid waste disposal district.

A. Hazardous Waste Pesticides: Hazardous waste pesticides which include, but are not limited to, the following substances:

Substance	Action
Acetone	solvent
Acramine	fungicide
Acrylonitrile (Acritet)	fumigant
Amitrole	herbicide
Benzene	solvent
Cacodylic acid	herbicide
Carbon tetrachloride	fumigant
Chlordane	insecticide
Chlorobenzene	solvent
Chloroform	fumigant
Clorobenzilate (Acaraben)	miticide
4 chloro-m-cresol	fungicide, bacteriostat
Creosote	wood preservative
Cresylic acid	disinfectant, fungicide
Cyclohexanone	solvent
Cyclohexanone	solvent
2-4 D salts and esters	herbicide
DBCP	fumigant
DDD	insecticide
DDT	insecticide
Diallate	herbicide
Dibutyl phthalate	repellant
1, 2 dichlorobenzene	fumigant, herbicide, insecticide, solvent
Dichloroethyl ether (Chlorex)	insecticide
1, 2 dichloropropane (D-D, Viddent D)	soil fumigant
1, 3 dichloropropane (D-D, Telone II)	soil fumigant
Dimethyl phthalate	repellant
Dioctyl phthalate	miticide
Ethyl acetate	solvent, fumigant
Ethylene dibromide	fumigant
Ethylene dichloride	fumigant
Ethylene oxide	fumigant, sterilant

Substance	Action
Formaldehyde	fungicide, germicide
Hexachlorobenzene (HCB)	seed protectant
Hexachlorocyclopentadiene	chlordane intermediate, fumigant
Hexachlorophene	fungicide, bactericide
Kepone	insecticide
Lindane	insecticide
Maleic hydrazide (MH-30)	growth regulator
Methyl alcohol	solvent
Methyl bromide	fumigant
Methyl chloride	propellant
Methyl ethyl ketone	solvent
4 methyl - 2 - pentanone	solvent
Naphthalene	fumigant
Nitrobenzene	insecticide
Paradichlorobenzene	fumigant
Pentachloronitrobenzene (PCNB)	fungicide
Pentachlorophenol (PCP)	wood preservative, herbicide
Phenol	bacteriostat
Pronamide (Kerb)	herbicide
Propylene dichloride	fumigant
Pyridine	solvent
Silvex	herbicide
Starlicide	avicide
2,4,5-T	herbicide
1, 1, 2, 2 tetrachloroethane	soil fumigant
Tetrachloroethylene	fumigant, entihelminthic
2, 3, 4, 6 tetrachlorophenol	fungicide
Thiram	fungicide, repellant
Toluene	solvent
1, 1, 1 trichloroethane (Chlorothene)	fumigant
Trichloroethylene	fumigant
Trichlorofluoromethane (Freon 1)	propellant
2, 4, 5 trichlorophenol	bacteriostat, fungicide
2, 4, 6 trichlorophenol	bacteriostat, fungicide
Xylene	solvent

B. Acutely Hazardous Waste Pesticides: Acutely hazardous waste pesticides which include, but are not limited to, the following substances:

Substance	Action
Acrolein (Magnacide H)	herbicide
Aldicarb (Temik)	insecticide, nematicide
Aldrin	insecticide
Allyl alcohol	fungicide, herbicide
Aluminum phosphide (Phostoxin)	fumigant
ANTU	rodenticide
Arsenic pentoxide	herbicide, fungicide
Arsenic trioxide	rodenticide
Avitrol	avicide
Calcium cyanide	fumigant
Carbon disulfide	fumigant
Cyanide soluble salts	fumigant, rodenticide
Cyanogen chloride	fumigant
Dieldrin	insecticide
Dimethoate	insecticide
Dinex	insecticide
Dinoseb	herbicide
Disnulfoton (Di-Syston)	insecticide
DNOC (Sinox) and salts	herbicide, fungicide, insecticide
Endosulfan (Thiodan)	insecticide
Endothall	herbicide
Endrin	insecticide, rodenticide
Famphur (Warbex)	insecticide
Fluoroacetamide (1081)	rodenticide
Heptachlor	insecticide
Hydrogen cyanide	fumigant
Methomyl	insecticide
Methyl parathion	insecticide
Nicotine and salts	insecticide
Parathion	insecticide
Phenylmeric acetate (PMA)	fungicide
Phorate (Thimet)	insecticide
Phosphine (Phostoxin)	fumigant
Progarhul alcohol	insecticide
Schradan (OPMA)	insecticide
Sodium azide (Smite)	fungicide, herbicide, nematicide
Sodium cyanide	rodenticide
Sodium fluoroacetate (1080)	rodenticide
Strychnine and salts	rodenticide

Substance	Action
Sulfotepp (dithio)	insecticide
TEPP	insecticide
Thallium sulfate	rodenticide
Thiofanox (Dacamox)	insecticide
Toxaphene	insecticide
Warfarin	rodenticide
Zinc phosphide	rodenticide
Zinophos (Nemaphos)	insecticide, nemticide

C. Hazardous Solid Waste: Hazardous solid waste as defined above.

D. Flammable Substances: Flammable or explosive liquids, solids, or gases.

E. Acids: Acids.

F. Vehicles: Vehicle chassis or frames.

G. Radioactive Materials: Radioactive materials defined as hazardous materials under federal laws and applicable regulations, including any substance required by the United States department of transportation to have type A packaging or type B packaging under regulations found in 49 CFR 173.426.

H. Asbestos: Asbestos, or materials containing asbestos, except that such materials may be landfilled in full compliance with federal EPA regulations and requirements.

4-1-9: **USER FEES**: To fund the operations of the Cassia County solid waste disposal system the board of county commissioners of Cassia County, Idaho, does, pursuant to Idaho Code section 31-4404, hereby establish a "users fee" within Cassia County, Idaho, to be assessed upon each residential, multi-family residential, commercial, and tax exempt user (as defined above) of the Cassia County solid waste disposal facilities. Such fee shall be as follows:

A. Residential Users: Forty-eight dollars ($48.00) per year per residential user.

B. Multi-Family Residential Users: Forty-eight dollars ($48.00) per unit per year for each multi-family residential user.

C. Low Volume Tax Exempt Users: Forty-eight dollars ($48.00) per year per low volume tax exempt user.

D. [*Repealed – Ordinance 2007-10-01 dated 10-22-07*]

E. Tax Exempt Users: Ninety-six dollars ($96.00) per year per tax exempt user.

F. Commercial Users: Ninety-six dollars ($96.00) per year per commercial user.

G. Large Volume Users: Ninety-six dollars ($96.00) per one and one-half (1½) containers per year in addition to the fee under subsection F of this section for large volume commercial or tax exempt users having more than one container picked up weekly, or one or more containers picked up more frequently than weekly, regardless of where the contents of the containers are deposited or landfilled.

H. Roll Off Containers: Commercial or tax exempt users which use large roll off containers shall pay a fee of sixty dollars ($60.00)/ton of solid waste generated based upon the tonnage of solid waste generated during the prior fiscal year in addition to the fee under subsection F of this section, and regardless of where the solid waste is deposited or landfilled.

I. Validity: The fees set forth above in subsections G and H of this section shall not be effective if the Cassia County solid waste flow control ordinance is held to be unconstitutional by a court of competent jurisdiction.

4-1-10: **SOLID WASTE FEE APPEALS POLICY**:

A. Deadline: Cassia County shall recognize February 1 of each year as the deadline to appeal solid waste fees on the current year's statement.

1. Beginning Date: The appeal process will begin the date property tax statements or the solid waste use fee bills are mailed.

2. Postmark: Appeals must be postmarked February 1 or earlier.

3. Exceptions: Exceptions to the filing deadline:

a. Unoccupied Mobile Homes: Fees on unoccupied mobile homes being moved out of Cassia County.

b. County Recommendations: Recommendations from the Cassia County Treasurer.

c. Hardship Appeals: Hardship appeals to the board of county commissioners.

B. Criteria: Cassia County will regulate the applications for appeal and will evaluate appellants based upon the following criteria and requirements. Limit of one appeal category to any property.

Appeals will be accepted in the following categories:

1. Seasonal Occupancy Appeals:
   a. Dwelling must be unoccupied six (6) months or more per year.
   b. Property must not qualify for homeowner's exemption.
2. Part Time Occupancy Appeals:
   a. Dwelling must be unoccupied six (6) months or more per year.
   b. Homeowner's exemption present on property.
3. Low Volumes Of Waste Generated Appeals:
   a. Residential And Multi-Unit Residential:
      1. Must be full time resident(s) of Cassia County.
      2. Must produce one-half (1/2) ton or less of solid waste per year.
      3. Must have two (2) or less members in the unit; and
      4. All occupants of the unit must be fifty five (55) years of age or older; and
      5. Total unit income shall not exceed the current Property Tax Reduction (Circuit Breaker) program qualifying income amount, as set, from time to time, by the Idaho Tax Commission.
   b. Commercial And Tax Exempt Low Volume Appeals:
      1. Must establish by clear and convincing evidence that the solid waste generated on the premises is one ton or less per year; and
      2. Must provide a written explanation of how the waste stream on the premises is kept to a minimum. This should include supporting documentation and should illustrate the user's commitment to reduce the generation of solid waste.
4. Low Income Appeal:
   a. Total unit income not to exceed "circuit breaker" limit.
   b. Full time resident of Cassia County; and
   c. At least one occupant must be sixty five (65) years of age or older; or

d. A written explanation of the financial hardship that exists. This may include supporting documents such as financial statements, state assistance approvals, copies of medical bills, etc.

5. Unoccupied Buildings Appeal:

   a. Structure must have been empty at least six (6) months for a reduction.

   b. Must be appealed at the end of the year in question for credit on next year's fees.

6. Uninhabitable Buildings:

   a. Uninhabitability must be confirmed by county assessor's office.

   b. A written explanation describing the condition of building must be submitted (photographs may be submitted in addition).

7. Hardship Appeals: Unusual, unique and temporary factors of a personal or financial nature must be established which create an extreme hardship upon the owner in payment of the use fees on a one time basis only. Absolute discretion shall reside with the county commissioners in the approval or denial of such appeals.

C. Reduction: Percentage reduction will be applied upon approval of an appeal. The approvals will receive the following percentage reduction (limit of one appeal category to any property):

Type Of Appeal	Reduction
1. Seasonal appeals	25 Percent
2. Part time occupancy appeals	25 Percent
3. Low volume appeals	fee set forth in section 4-1-9 of this chapter
4. Low income appeals	50 Percent
5. Unoccupied buildings appeals:	
a. Six (6) months	50 percent
b. Full year	100 percent
6. Uninhabitable buildings:	
a. Six (6) months	50 percent
b. Full year	100 percent
7. Hardship appeals	discretionary with county commissioners

D. Verification: Cassia County may request verification or information to support any or all appeal criteria. Such documentation may include a driver's license, birth certificate, income tax return, affidavits, photographs, weigh slips, etc.

E. Procedure:

1. Filing: The appeal filed will be acted upon within thirty (30) days of the application date.
2. Review By Treasurer: The Cassia County Treasurer shall make recommendations on the appeal request and forward the application to the board of county commissioners for final decision.
3. Decision: A decision will be forwarded to appellants within ten (10) days after the date of said decision. Those desiring to appeal the findings of the board may request in writing a review hearing by the board of county commissioners.
4. Denial On Appeal: In the event the board, after the review, denies the appeal, the appellant may further appeal to the district court in Cassia County under the procedures established by the Idaho administrative procedure act[1]. This must be done within thirty (30) days after the board's decision on review.

F. Frequency: The status granted on an appeal must be updated on a continuing basis. Any change in ownership will nullify the status granted on appeal by prior owner. The schedule for updating appeal status shall be as follows:

Type Of Appeal	Reduction
1. Seasonal appeals	every 2 years
2. Part time residency appeals	every year
3. Low volume appeals	every year
4. Low income appeals	every year
5. Unoccupied buildings appeals	every year
6. Uninhabitable buildings	every 2 years
7. Hardship appeals	every year

[1] IC title 67, chapter 52.

4-1-11: **LANDFILL PERMITS**:

A. Purpose: Pursuant to Idaho Code section 39-7401 et seq., it is the obligation of the board of commissioners of Cassia County to review the operations of all entities desiring to operate solid waste landfills and other solid waste disposal facilities within the county and to grant permits to those operations that shall meet the standards and regulations imposed by the county to protect the health, welfare and resources of the county and its residents. In order to reduce the threat to health posed by solid waste, refuse, and scrap, and to maintain the natural and aesthetic setting of the lands, water, and air resources of the county, the county does hereby establish the standards and procedures set forth hereafter to be followed and adhered to by any person or entity desiring to operate a solid waste disposal facility or municipal solid waste landfill within Cassia County.

B. Application: Any entity public, or private, quasi-public, governmental or quasi-governmental desiring to obtain a permit to construct or operate a solid waste disposal facility or landfill within the county shall file with the Cassia County Commissioners' Office an application which shall contain at a minimum the following information:

1. Personal Information: The name, address, and telephone number of the applicant.

2. Officers And Partners: The names, addresses and telephone numbers of all corporate officers, directors, partners, managers, or officials of the applicant serving during the past three (3) years.

3. Parent Or Subsidiary Companies: The names, addresses and telephone numbers of any parent company or subsidiary companies of the applicant.

4. Financial Information: Information regarding the financial status and strength of the applicant, including: letters of reference and credit from banking institutions; certified and audited financial statements for the prior thirty six (36) months; the prior three (3) years' financial reports; details of any pending litigation that has involved the applicant in the last five (5) years; corporate bond or debt ratings.

5. Other Operations Of Applicant: A complete listing containing name, address, telephone number and description of all other solid waste disposal facilities or landfills operated or managed by the applicant in

the past five (5) years or at the present time certified for operation.

6. Drawings Of Operation: Engineered drawings of the proposed operation drawn to scale and detailing the entire project including all on and off site improvements proposed.

7. Drawings And Samples For Liner Systems: Engineered drawings and samples of materials intended to be used in the composite liner systems of all landfills.

8. Legal Description: Legal description of the site for the proposed facility.

9. Estimated Costs: Letter from a licensed engineering company detailing the estimated costs of construction and operation of the proposed facility.

10. CFR Compliance: Assurances of a licensed engineering company that the proposed facility complies in all respects in its design, construction, and operation with all provisions of 40 CFR parts 257 and 258.

11. State Law Compliance: Assurances from the licensed engineering company that the proposed facility complies in all respects of its design, construction and proposed operation with all provisions of the Idaho solid waste facilities act as contained in Idaho Code section 39-7401 et seq., and all regulations promulgated thereunder.

12. Permit Approval: Evidence of having obtained preliminary approval on all permits required by the Idaho department of health and welfare, division of environmental quality for construction and operation of the proposed facility.

13. Fee: A fee of two hundred fifty dollars ($250.00).

C. Waiver Of Requirement: If an applicant believes that providing any of the foregoing information to the county will place it at a competitive disadvantage in the operation of the proposed facility it may request a waiver of the obligation to provide said information, and upon a satisfactory showing to the commission that disclosure of the information could reasonably lead to a competitive disadvantage for the applicant such requirement shall be waived by the commission.

D. Confidentiality: All information provided to the county in the application process that relates to the applicant's financial condition, sources of funding, financing structure, and technical details of construction shall be privileged and confidential and not be disclosed publicly to any person or entity directly or indirectly associated with any potential competitor of the applicant.

E. Review By Commission Staff: Upon request of an applicant for a permit to operate a solid waste disposal facility or landfill, the County Commissioners' staff shall review the application for completeness, and upon finding the application complete refer the same to the board of county commissioners for review, hearing and decision.

F. Review By Board Of Commissioners: The board shall review the particular facts and circumstances of each proposed permit for solid waste facility or landfill in terms of the following standards:

1. Compliance With Zoning Ordinance: Such facility will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance.

2. Harmonious Appearance: Such facility will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area.

3. Existing Uses: Such facility will not be hazardous or disturbing to existing or future neighboring uses.

4. Facilities: Such facility will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

5. Economic Community Welfare: Such facility will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

6. Detrimental Conditions: Such facility will not involve uses, activities, processes, materials, equipment, conditions or operation that will be detrimental to any persons, property or the general welfare by reason

of excessive production of traffic, dust, noise, litter, smoke, vectors, fumes, glare, pollution or odors.

7. Vehicular Approaches: Such facility will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public thoroughfares.

8. Natural And Historic Features: Such facility will not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance.

9. CFR Compliance: Such facility shall meet or exceed all of the requirements for design, construction and operation of a solid waste disposal facility or landfill set forth in 40 CFR parts 257 and 258.

10. State Law Compliance: Such facility shall meet or exceed all of the regulations and requirements for design, construction and operation of a solid waste disposal facility or landfill set forth in the Idaho solid waste facilities act contained in section 39-7401 et seq., of the Idaho Code and applicable regulations promulgated thereunder.

11. Liner System: Such landfill facility shall be designed, constructed and operated with a composite liner system or its equivalent approved by the state of Idaho.

12. Financial Stability: Such facility shall demonstrate sufficient financial strength and stability to provide reasonable financial assurances that the design, construction and operation of the facility will comply with the foregoing requirements throughout the projected life of the facility, including the costs of closure of the facility, and the postclosure monitoring period.

13. Compliance With Other Provisions: No such facility shall be permitted which is in violation of any other provision of this chapter, the land use ordinances of the county, and/or any other county ordinance.

G. Supplementary Conditions And Safeguards: In granting any permit, the commission may prescribe appropriate conditions, bonds and safeguards to assure conformity with this chapter. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the permit is granted, shall be deemed a violation of this chapter.

H. Procedure For Hearing: Prior to granting a permit and within forty (40) days of receipt of the application at least one public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or a paper of general circulation within the county. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall also be provided to property owners and residents within the land being considered, two (2) miles beyond the external boundaries of the land being considered, and any additional area that in the determination of the Board of County Commissioners may be substantially impacted by the proposed facility. When notice is required to fifty (50) or more property owners or residents, in lieu of mailing the notification, two (2) notices in the newspaper or paper of general circulation is sufficient; provided, the second notice be made at least seven (7) days after the first and appear ten (10) days prior to the public hearing.

I. Action By The Commission: Within thirty (30) days after the public hearing, the Board of County Commissioners shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications the Board of County Commissioners shall issue a provisional permit listing the specific conditions specified by the commission for approval, pending filing of financial assurances by the applicant as hereinafter required.

J. Conditions: Upon granting of a permit, conditions may be attached to a permit including, but not limited to, those:

1. Minimizing adverse impact on other development;
2. Controlling the sequence and timing of development;
3. Controlling the duration of development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of development;
6. Requiring the provisions for on site public facilities or services;
7. Requiring more restrictive standards than those generally required in this chapter.

K. Public Studies: Prior to granting a permit, the commission may request studies from public agencies concerning social, economic, fiscal, and environmental effects of the proposed facility.

L. Permit Nontransferable: A permit is not transferrable from one parcel of land to another, from one facility to another, nor from one developer or applicant to another.

M. Notification To Applicant: Within ten (10) days after a decision has been rendered the Board of County Commissioners shall provide the applicant with the written notice of the action on the request.

4-1-12: **PENALTIES**: Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished as set forth in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.