

Solid Waste Management

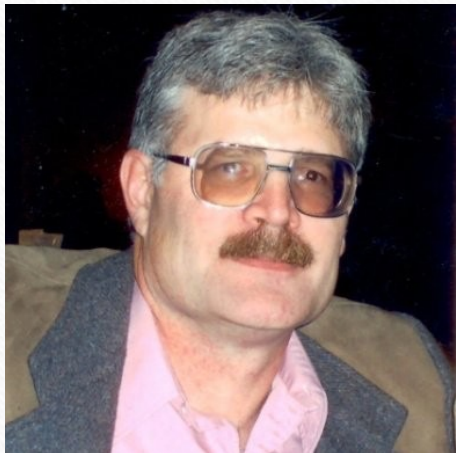
Idaho Association of Counties

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SPEAKERS

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Solid Waste Laws and Regulations

- Resource Recovery and Conservation Act – 40 CFR Part 257 & 258
- Idaho Solid Waste Facilities – Title 39 Chapter 74
- County Solid Waste Disposal Sites – Title 31 Chapter 44
- Regional Solid Waste Districts – Title 31 Chapter 49

County Responsibility

- 39-7401. LEGISLATIVE FINDINGS AND PURPOSES. (1) The legislature finds: (f) That chapter 44, title 31, Idaho Code, imposes on the counties the primary responsibility for the development and operation of a solid waste management system; and
- 31-4403. OPERATION AND MAINTENANCE. It shall be the duty of the board of county commissioners in each of the several counties to acquire sites or facilities, and maintain and operate solid waste disposal systems.

Regulatory Framework

- State Primacy
- Memorandum of Understanding
- Idaho Department of Environmental Quality
- Health Districts

Idaho Department of Environmental Quality

- Design
- Permitting
- 39-7401(1) The legislature finds:(e) That chapter 1, title 39, Idaho Code, vests the department of environmental quality with the responsibility to issue a certificate of suitability concerning prospective solid waste landfill sites, to approve solid waste facility and ground water monitoring programs and to provide approvals pursuant to 40 CFR 258.

Health District

- Review and enforce all aspects of operation, closure, and post closure.
- Recommend approval of alternative operating, closure, and post-closure requirements.
- Prepare and/or Approve Technical Guidance
- 39-7401(1) The legislature finds:(g) That chapter 4, title 39, Idaho Code, vests the health districts with the primary responsibility for the review of solid waste facility operations plans and the enforcement of solid waste management operations;

Funding

- IDEQ Funding
- Health District Funding
- Lack of Resources

Importance of Regulators

- Catch Issues While They Are Smaller
 - Corrective Action
- Permitting Timelines
- Maintain Primacy
 - 39-7401(1) The legislature finds: (h) That the coordination and timeliness of response to federal law on the part of all public officials within the state is critical to compliance with federal regulations, the ability of each affected agency to carry out their statutory responsibilities and the avoidance of excessive construction and public expenditures.
 - 39-7401. LEGISLATIVE FINDINGS AND PURPOSES. (1) The legislature finds:(c) That a state program to implement flexible standards provided in 40 CFR 258, if approved by the U.S. environmental protection agency, enables a state to take advantage of site specific factors in the design and operation of solid waste facilities and flexibility in meeting federal criteria set forth in that regulation;

Future Regulatory/Funding Framework

- Single Regulator?
- Funding through fees?
- Increase Allocations?

Flow Control

- Senate Bill 1420
- Protecting Public Investment
- Conflicts in Idaho Code
 - Public Bidding Requirements
 - Solid Waste Districts
 - County Responsibility of Solid Waste Disposal/Flow Control
- Idaho Cities
 - No Requirement for Development of Solid Waste Disposal Facilities

Jurisdiction

- 39-7405. AUTHORITY REGARDING SOLID WASTE. The local government entity with legal responsibility for disposal of solid waste pursuant to the provisions of chapter 44, title 31, Idaho Code, shall have full authority to manage and control the ownership, disposition and ultimate disposal of solid waste within its jurisdiction. It is the intention of the legislature that this grant of authority shall be construed in manner commensurate with the full extent of the duties established in chapter 44, title 31, Idaho Code.
- 50-344. SOLID WASTE DISPOSAL. (1) Cities shall have the power to maintain and operate solid waste collection systems.

THANK YOU!
