

**IDAPA 02
TITLE 04
CHAPTER 31**

02.04.31 - RULES GOVERNING THE STOCKPILING OF AGRICULTURAL WASTE

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-110, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing the Stockpiling of Agricultural Waste”. ()

02. Scope. These Rules govern the Stockpiling of Agricultural Waste at Agricultural Operations to safeguard and protect animals, man, and the environment. The official citation of this chapter is IDAPA 02.04.31.000 *et seq.* For example, this section’s citation is IDAPA 02.04.31.001. ()

002. WRITTEN INTERPRETATIONS.

The Idaho State Department of Agriculture may have written statements that pertain to the interpretation of the rules in this chapter. Any such written statement shall be available for review at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83712. ()

003. ADMINISTRATIVE APPEALS.

Persons may be entitled to administrative appeal as set forth in Title 67, Chapter 52, Idaho Code. ()

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference, and copies of the documents may be obtained from the Idaho State Department of Agriculture’s central office located at 2270 Old Penitentiary Road, Boise, Idaho, 83712. ()

01. Natural Resources Conservation Service Agricultural Waste Management Field Handbook Appendix 10D (“Appendix 10D”) (March 2008 Edition) (USDA, NRCS). ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

01. Office. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, ID 83712. ()

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Standard Time, Monday through Friday, except holidays designated by the state of Idaho. ()

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, PO Box 790, Boise, Idaho 83701. ()

04. Telephone Number. The telephone number of the central office is (208) 332-8500. ()

05. Fax Number. The fax number of the central office is (208) 334-2170. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

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These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. ()

007.-- 009. (RESERVED).

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

01. Agricultural Operation. Facilities that generate or receive and stockpile Agricultural and that are not regulated under IDAPA 02.04.14, "Rules Governing Dairy Waste," or IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." ()

02. Agricultural Waste. Agricultural waste includes Livestock Waste, Composting organic matter, animal feed waste, Spoiled Animal Feed, or waste from agricultural by-products such as mint tailings, cull onions, and cull potatoes. ()

03. Compost. A biologically stable material derived from the composting process. ()

04. Composting. The biological decomposition of organic matter, accomplished by mixing and piling the matter to promote aerobic and/or anaerobic decay, and inhibit pathogens, viable weed seeds and odors. ()

05. Department. The Idaho State Department of Agriculture. ()

06. Director. The Director of the Idaho State Department of Agriculture or his designee. ()

07. Discharge. Release of Process Wastewater or Agricultural Waste from a Stockpile Site to Waters of the State. ()

08. Duration. The length of time Agricultural Waste is Stockpiled. ()

09. Dwelling. The house, residence, abode or other structure where a person lives. ()

10. Inspector. A qualified, trained person employed by the Department to perform inspections for the purposes of enforcement of these rules. ()

11. Livestock. Bovidae, suidae, equidae, captive cervidae, camelidae, ratitidae, gallinaceous birds, and captive waterfowl. ()

12. Livestock Waste. Manure that may also contain bedding, spilled feed, feathers, compost, water, or soil. It also includes wastes not particularly associated with manure, such as milking center or washing wastes, milk, feed leachate, or livestock carcasses or parts thereof. ()

13. Non-Compliance. A practice or facility condition that does not comply with Title 22, Chapter 1, Section 22-110, Idaho Code, or the provisions of these Rules. ()

14. Person. Any individual, partnership, association, firm, joint stock company, trust, political subdivision, public or private corporation, or any other legal entity which is recognized by law as the subject of rights and duties. ()

15. Process Waste Water. Any water containing or contacting Agricultural Waste at a Stockpile Site. ()

16. Responsible Party. A person who generates, receives and stockpiles Agricultural Waste on property the person owns, leases, or otherwise has permission to use as a Stockpiling Site. ()

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17. Setbacks for a Stockpile Site. The distance from a Stockpile Site to a location identified in Section 20 of this Rule. ()

18. Spoiled Animal Feed. Salvaged products not fit for animal feed. ()

19. Stockpile Staging Site. A physical area where Stockpiling occurs for a Duration of no longer than thirty (30) days. ()

20. Stockpile Site. A physical location where Agricultural Waste is Stockpiled for a Duration of more than thirty (30) days and that stockpiles more than fifty (50) cubic yards of Agricultural Waste. ()

21. Stockpiling. The accumulation of Agricultural Waste on an Agricultural Operation. ()

22. Waters of the State. All accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. ()

23. Water Quality Limited Water Body. A water body identified by the Idaho Department of Environmental Quality, which does not meet applicable water quality standards, such as a 303d listed stream. ()

011. ABBREVIATIONS.
There are no abbreviations in this chapter. ()

012. – 019. (RESERVED).

020. SETBACKS FOR STOCKPILE SITES.
Stockpile Sites at Agricultural Operations must meet the following setback requirements. ()

- 01.** Stockpile Sites shall maintain the following setbacks:
- a. Three hundred (300) feet from a non-Responsible Party's Dwelling. ()
 - b. Five hundred (500) feet from a hospital, church, school, or day care. ()
 - c. One hundred (100) feet from a domestic or irrigation well. ()
 - d. One hundred (100) feet from a non-Water Quality Limited Water Body or two hundred (200) feet from a Water Quality Limited Water Body. ()
 - e. Two hundred (200) feet from any natural depression or geologic feature that could serve as a preferential pathway for surface materials and water to move into the subsurface. These structures are locally referred to as "sink holes". ()
 - f. Two hundred (200) feet from any bedrock exposure at the land surface. These structures are locally referred to as "rock outcrops". ()

02. Stockpile Sites shall not have setbacks from a Responsible Party's Dwelling, ()

03. Stockpile Staging Sites shall not be subject to the setbacks set forth in these Rules. ()

021. – 029. (RESERVED).

030. STOCKPILE SITE APPROVAL.

The Department must approve the location, design, and operation of a Stockpile Site which proposes to prior to its use

as a Stockpile Site by a Responsible Party. ()

01. Stockpile Site Requirements. ()

a. Stockpile Sites must be located in areas that comply with local city, county, and highway district setbacks. ()

b. A Stockpiling Site must be constructed to contain the Process Waste Water and the twenty-five (25) year, twenty-four (24) hour rainfall event, and the accumulations of precipitation from a one-in-five (1 in 5) year winter. A Discharge from a Stockpile Site is prohibited and is a violation of these Rules. ()

c. The permeability of soils shall meet a permeability of $5 \times 10^{-4} \text{cm}^3/\text{cm}^2/\text{sec}$ or less as set forth in Appendix 10D. ()

d. Agricultural Waste shall not be comingled with other wastes that do not readily degrade in the Composting process or within the stockpile. ()

02. Stockpile Site Approval Process.

a. Responsible Party shall contact the Department to obtain approval of a proposed Stockpile Site. The Department will conduct an inspection within five (5) business days and write an inspection approving or not approving the Stockpiling Site. ()

031. – 039. (RESERVED).

040. RESPONSE TO COMPLAINTS.

Whenever the Department receives a complaint regarding a Stockpile Site or a Stockpile Staging Site, the Department will conduct an inspection to determine compliance with these Rules. The Responsible Party shall allow the Department access to the property on which the Stockpile Site or Stockpile Staging Site is located to conduct inspections to determine compliance with these Rules. The Department is authorized to enter and inspect the Stockpile Site or Stockpile Staging Site during reasonable times. ()

041. – 049. (RESERVED).

050. FEES.

01. Enforcing. The Department is authorized to collect fees on a uniform basis in an amount reasonably necessary to cover the cost of the inspection, for the purpose of enforcing the provisions or these rules. All fees collected or received by the Department shall be deposited in the Agricultural Inspection Fund. ()

Insert Fee Table for Services Provided by the Department.

051. – 059. (RESERVED).

060. PENALTIES.

Any person violating the provisions of these Rules may be assessed a civil penalty by the Department of not more than three thousand dollars (\$3,000.00) for each offense and shall be liable for reasonable attorney's fees. Assessment of a civil penalty may be in conjunction with any other Department administrative action. If the Department identifies a non-compliance violation, the Director will identify appropriate corrective actions and establish a deadline to remedy the non-compliance violation. The Director may develop a formal compliance schedule with a person to a correct non-compliance violation. Through the formal compliance schedule, the Director may allow all or part of the value of the assessed civil penalties to be applied toward the correction of a non-compliance violation. ()

061. - 999. (RESERVED).