

**IDAPA 02
TITLE 04
CHAPTER 1630**

**02.04.1630 – RULES GOVERNING AGRICULTURE ODOR ENVIRONMENTAL AND NUTRIENT
MANAGEMENT**

~~02.04.18 – RULES GOVERNING CAFO SITE ADVISORY TEAM~~

~~02.04.30 – RULES GOVERNING NUTRIENT MANAGEMENT~~

~~02.04.31 – RULES GOVERNING THE STOCKPILING OF AGRICULTURAL WASTE~~

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of ~~Title 25, Chapter 38 Sections 22-110, 22-4903, 25-3802, 25-4012(2), 37-401(1), 37-405, 37-603(1), 67-6529F(4), Idaho Code.~~ (3-15-02)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.16, “Rules Governing ~~Agriculture Odor Environmental and Nutrient Management.~~” (3-15-02)

02. Scope. ~~These~~ This rules governs the certification process for soil samplers and nutrient management planners, the process for collecting and handling soil samples, the contents of a request to form a CAFO Site Advisory Team, formation of a CAFO Site Advisory Team, development of a site suitability determination, submission of the suitability determination to the appropriate county officials, the management of odor generated on agricultural operations, except beef cattle animal feeding operations and large swine and poultry operations and the Sstockpiling of Agricultural Wwaste at Aagricultural Ooperations to safeguard and protect animals, man, and the environment. (3-15-02)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-15-02)

003. ADMINISTRATIVE APPEAL.

Persons ~~may be~~ are entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-15-02)

004. INCORPORATION BY REFERENCE. (RESERVED)

~~Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, P.O. Box 7249, Boise, ID 83707. IDAPA 02.04.16~~

~~01. Idaho NRCS Nutrient Management Standard 590, June 1999. (3-15-02)~~

~~02. Best Management Practices listed in the “Idaho Agricultural Pollution Abatement Plan,” August 2001. (3-15-02)~~

~~03. ASAE Standard EP379.2 Sections 5 and 6 in their entirety, November 1997. (3-15-02)~~

~~04. NRCS Conservation Practice Standard 317, March 2001. (3-15-02)~~

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the Department. This rule has been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and is a public record. (3-15-02)

006. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.

~~01. Physical Address.~~ The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712 0790. (3-15-02)

~~02. Office Hours.~~ Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-15-02)

~~03. Mailing Address.~~ The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 7249, Boise, ID 83707. (3-15-02)

~~04. Telephone Number.~~ The telephone number of the central office is (208) 332 8500. (3-15-02)

~~05. Fax Number.~~ The fax number of the central office is (208) 334 4062. (3-15-02)

007. -- 103. (RESERVED)

SUBCHAPTER A – NUTRIENT MANAGEMENT

104. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this sSubchapter A, sections 104-203 only: (3-29-12)

~~01. August 1997 University of Idaho, Soil Sampling Bulletin 704 (revised).~~ This document can be viewed online at <http://www.cals.uidaho.edu/edComm/pdf/EXT/EXT0704.pdf>. (3-29-12)

~~02. Nutrient Management Standard (NMS).~~ (3-29-12)

~~a.~~ The 1999 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/08/nutrient_Management_code_590.pdf. (3-29-12)

~~b.~~ The 2007 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/10/june_2007_NRCS_590.pdf. (3-29-12)

105. -- 109. (RESERVED)

110. DEFINITIONS.

In addition to the definitions found in Sections 22-4904, 25-4002, and 37-604, Idaho Code, the following definitions shall apply in the interpretation and enforcement of sSubchapter A, sections 104-203 only: (4-2-08)

~~01. Certified Soil Sampler.~~ A person who has completed a Department approved soil sampler certification program and has received written certification from the Department. (4-2-08)

~~02. Department.~~ The Idaho State Department of Agriculture. (4-2-08)

~~03. **Director.** The Director of the Idaho State Department of Agriculture or his designee. (3-29-12)~~

042. Nutrient Management Plan. A plan prepared in conformance with the Nutrient Management Standard for managing the amount, source, placement, form, and timing of the land application of nutrients and soil amendments for plant production. (4-2-08)

053. Nutrient Management Standard. For dairies and beef cattle animal feeding operations, the Nutrient Management Standard is the 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service Conservation Practice Standard, Nutrient Management Code 590 or other standard approved by the Director. For poultry concentrated animal feeding operations, the Nutrient Management Standard is the 2007 publication by the United States Department of Agriculture Natural Resources Conservation Service Conservation Practice Standard, Nutrient Management Code 590 or other standard approved by the director. (3-29-12)

~~06. **Person.** Any individual, partnership, association, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency, or instrumentality, or any legal entity, that is recognized by law as the subject of rights and duties. (3-29-12)~~

074. Operation(s). Animal feeding operation(s). (3-29-12)

085. Representative Soil Sample. A representative soil sample is a soil sample obtained as outlined by the August 1997 University of Idaho, Soil Sampling Bulletin 704 (revised) or other equivalent method as approved by the Department. (4-2-08)

096. Resource Concerns. Surface water runoff that leaves the operation from normal storm events, rain or snow, frozen ground or irrigation; and ground water concerns on the operation from a high water table, fractured bedrock, cobbles, gravel, coarse textured soils or other environmental considerations such as tile drains or shallow soils that are conducive for the downward movement of water and associated nutrients. (4-2-08)

111. ABBREVIATIONS.

The following abbreviations shall apply in the interpretation and enforcement of this subchapter A, sections 104-203 only:

01. CNMP. Certified Nutrient Management Planner. (4-2-08)

02. CSS. Certified Soil Sampler. (4-2-08)

03. NMP. Nutrient Management Plan. (4-2-08)

04. NMS. Nutrient Management Standard. (4-2-08)

05. NRCS. United States Department of Agriculture, Natural Resources Conservation Service. (4-2-08)

06. SSB. August 1997 University of Idaho Soil Sampling Bulletin 704 (revised). (4-2-08)

07. USDA. United States Department of Agriculture. (4-2-08)

112. -- 119. (RESERVED)

120. APPLICABILITY.

These rules apply to nutrient management on the following operations: (3-29-12)

01. Dairies. All Manufactured Grade and Grade A dairies located in Idaho licensed to sell milk for human consumption, pursuant to Title 37, Chapter 6, Idaho Code. (3-29-12)

02. Beef Cattle Animal Feeding Operations. All beef cattle animal feeding operations in Idaho required to implement a NMP pursuant to Title 22, Chapter 49 Idaho Code. IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations."

(4-2-08)

03. Poultry Concentrated Animal Feeding Operations. All poultry operations required to implement an NMP pursuant to Title 25, Chapter 40, Idaho Code. (3-29-12)

121. -- 129. (RESERVED)

130. NUTRIENT MANAGEMENT PLANS.

All NMPs required by IDAPA 02.04.14, "Rules Governing Dairy Byproduct," IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and IDAPA 02.04.32, "Rules Governing Poultry Operations," must be written by nutrient management planners who have been certified by the Department. (3-29-12)

131. -- 139. (RESERVED)

140. NUTRIENT MANAGEMENT PLANNER CERTIFICATION.

All persons who develop NMPs must be certified through the Department Certification Program. (4-2-08)

01. Certification. The Nutrient Management Planner Certification will be valid unless revoked by the Department. (4-2-08)

02. Development. ~~Nothing shall prohibit~~ **Any** person ~~from~~ **may** developing an NMP for his own operation provided the person possesses a valid Nutrient Management Planner Certification issued by the Department. (4-2-08)

03. Continuing Education. The Department may require a CNMP to complete periodic continuing education training to retain certification. (4-2-08)

141. REVOCATION OF NUTRIENT MANAGEMENT PLANNER CERTIFICATION.

Nutrient Management Planner **CNMP** Certification may be revoked by the Department if the CNMP: (4-2-08)

01. Submits Inaccurate Information. Submits NMPs that contain falsified or materially inaccurate information. (4-2-08)

02. Fails to Submit Plans. Fails to submit an NMP to the ISDA within thirty (30) days after being paid by a producer. (4-2-08)

03. Fails to Follow Provisions. Fails to meet any requirement **Subchapter A** of this rule. (4-2-08)

142. -- 149. (RESERVED)

150. SOIL SAMPLES.

~~The owners or operators of all~~ **dDairies**, beef cattle operations, and poultry operations ~~required to implementing~~ nutrient management plans pursuant to IDAPA 02.04.14, "Rules Governing Dairy Byproduct," IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and IDAPA 02.04.32, "Rules Governing Poultry Operations," must have soil samples collected each year from all fields owned or operated by the dairy, beef, or poultry operation to which livestock waste, manure, or process wastewater from the operation was land applied. In addition, a poultry operation must have soil samples collected each year from all fields owned or operated by the poultry operation to which soil amendments from the operation were land applied. (3-29-12)

151. SOIL SAMPLE COLLECTION.

01. CSS. All soil samples ~~required to be~~ collected pursuant to this chapter must be collected by a CSS.

(4-2-08)

02. Representative Samples. All soil samples collected by a CSS must be representative samples pursuant to the provisions of the SSB. (4-2-08)

03. Sampling Depth. The soil samples shall be obtained from depths outlined in each operation's NMP unless soil survey data or site specific situations warrant alternative sampling depths. (4-2-08)

04. Alternative Sampling Depths. If the CSS determines that an alternative sampling depth is necessary due to resource concerns, the CSS must indicate such deviation in sampling depths on soil samples and laboratory soil sample submission forms. (4-2-08)

152. SOIL SAMPLE SUBMISSION.

All soil samples collected pursuant to this chapter must be appropriately handled to protect the integrity of the sample and ~~must be~~ submitted to an approved laboratory by the CSS who collected the soil sample. (4-2-08)

153. -- 159. (RESERVED)

160. APPROVED LABORATORIES.

Only laboratories that hold a current valid certification from the North American Laboratory Proficiency Testing Program or equivalent method approved by the Department are approved laboratories for the purposes of this chapter. (3-29-12)

161. RECORDS OF NUTRIENT ANALYSIS.

Owners or operators of facilities who are required to implement NMPs pursuant to IDAPA 02.04.14, "Rules Governing Dairy Byproduct," IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and IDAPA 02.04.32, "Rules Governing Poultry Operations," must retain records of nutrient analysis for a minimum of five (5) years. (3-29-12)

01. Complete Records. Records must be complete, readily available, and identified to the fields listed in the facility's NMP. (4-2-08)

02. Available to the Director. Records must be made available to the director for inspection and copying upon request. (4-2-08)

162. -- 169. (RESERVED)

170. SOIL SAMPLER CERTIFICATION.

All persons who collect soil samples ~~from operations that are required to sample and test soil for nutrients~~ pursuant to this [Subchapter A](#) must be certified through the Department Certification Program. (4-2-08)

01. Certification. The Soil Sampler Certification will be valid unless revoked by the Department. (4-2-08)

02. Sampling. ~~Nothing shall prohibit a~~Any person ~~from may~~ sampling ~~their own operation as outlined in Subchapter A of these rules provided the person possesses a valid Soil Sampler Certification issued by the Department.~~ (4-2-08)

03. Continuing Education. The Department may require CSS to complete continuing education training to ensure compliance within the provisions of this chapter. (4-2-08)

171. REVOCATION OF SOIL SAMPLER CERTIFICATION.

Soil Sampler Certification is subject to revocation by the Department if the Certified Soil Sampler fails to meet the soil sampling criteria set forth in ~~these rules~~ [Subchapter A](#). (4-2-08)

172. -- 179. (RESERVED)

180. PENALTIES.

Any person violating any of the provisions of ~~this sSubchapter A~~ may be subject to the penalty provisions of Title 22, Chapter 1 and 49, Title 37, Chapter 4 ~~and 6~~, and Title 25, Chapter 40, Idaho Code. (3-29-12)

01. Monetary Penalties. The imposition or computation of monetary penalties shall take into account the seriousness of the violation, good faith efforts to comply with the law, the economic impact of the penalty on the violator and such other matters as justice requires. (4-2-08)

02. Minor Violations. The Director may issue suitable warnings or other administrative actions for minor violations. (4-2-08)

181. -- 2039. (RESERVED)

SUBCHAPTER B – CAFO SITE ADVISORY TEAM

204. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into ~~this sSubchapter B, sections 204-303;~~ and copies of the documents may be obtained from the Idaho State Department of Agriculture central office at 2270 Old Penitentiary Road, Boise, Idaho, 83712 or accessed online. (3-29-12)

01. Nutrient Management Standard (NMS). (3-29-12)

a. The 1999 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/08/nutrient_Management_code_590.pdf. (3-29-12)

b. The 2007 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/10/june_2007_NRCS_590.pdf. (3-29-12)

210. DEFINITIONS.

~~In addition to the definitions found in Section 67-6529C, Idaho Code,~~ the following definitions shall apply in the interpretation and enforcement of ~~this sSubchapter B, sections 204-303~~. (3-15-02)

01. Best Management Practices. Practices, techniques, or measures that are determined by the Department to be a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources from entering waters of the state and managing odor generated on an agriculture operation to a level associated with accepted agriculture practices. (3-29-12)

02. Land Application. The spreading on, or incorporation into the soil of agricultural by-products such as manure, process wastewater, compost, cull potatoes, cull onions, or crop residues into the soil primarily for beneficial purposes. (3-29-12)

03. Nutrient Management Plan. A plan prepared in conformance with the nutrient management standard. (3-15-02)

04. Nutrient Management Standard. For dairies and beef cattle animal feeding operations, the 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. For poultry concentrated animal feeding operations, the 2007 publication by the United States Department of Agriculture Natural Resources Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. (3-29-12)

05. Odor Management Plan. A site-specific plan approved by the Director to manage odor from a CAFO to a level associated with accepted agricultural practices by utilizing best management practices. (3-15-02)

~~**06. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-15-02)~~

211. ABBREVIATIONS.

The following abbreviations apply in the interpretation and enforcement of ~~this s~~Subchapter B, sections 204-303:

01.	BMP. Best Management Practices.	(3-15-02)
02.	CAFO. Concentrated Animal Feeding Operation.	(3-15-02)
03.	DEQ. Idaho Department of Environmental Quality.	(3-15-02)
04.	FEMA. Federal Emergency Management Agency	(3-15-02)
05.	IDWR. Idaho Department of Water Resources.	(3-15-02)
06.	NRCS. The United States Department of Agriculture, Natural Resources Conservation Service.	(3-15-02)
07.	NMP. Nutrient Management Plan.	(3-15-02)
08.	OMP. Odor Management Plan.	(3-15-02)
09.	USGS. United States Geological Survey.	(3-15-02)

212. -- 219. (RESERVED)

220. APPLICABILITY.

01. Site for a Proposed CAFO. A CAFO site advisory team shall review and make a site suitability determination for all proposed CAFO sites, as defined in these **Subchapter B of these** rules, submitted by a board of county commissioners pursuant to **Subchapter B these rules**. (3-15-02)

02. Sites That Do not Meet the Definition of a CAFO. The Director may form a CAFO site advisory team, as requested by a board of county commissioners, for a site that does not meet the animal numbers in the definition of a CAFO provided that: (3-29-12)

a. The county demonstrates that the site is in an environmentally sensitive area or is in close proximity to streams, lakes, or other bodies of surface water; or (3-15-02)

b. The state agencies have personnel and other resources available to conduct the site suitability determination. (3-15-02)

221. -- 229. (RESERVED)

230. FORMATION OF A SITE ADVISORY TEAM.

A board of county commissioners may request the formation of a CAFO site advisory team to provide a site suitability determination by submitting to the Director a written request supported by the adoption of a resolution by the county. (3-15-02)

01. Designation of the Team Leader. Upon receipt of a request to form a site advisory team, the

Director shall designate a team leader. (3-15-02)

02. Notification of Team Members. The team leader shall provide a copy of the request to form a site advisory team to DEQ and IDWR. After receiving notification, DEQ and IDWR shall notify the Team Leader of their respective representatives to the team. (3-15-02)

240. CAFO SITE ADVISORY TEAMS

01. Site for a Proposed CAFO. A CAFO site advisory team shall review and make a site suitability determination for all proposed CAFO sites, as defined in Subchapter B these rules, submitted by a board of county commissioners pursuant to this Subchapter these rules. (3-15-02)

02. Sites That Do not Meet the Definition of a CAFO. The Director may form a CAFO site advisory team, as requested by a board of county commissioners, for a site that does not meet the animal numbers in the definition of a CAFO provided that: (3-29-12)

a. The county demonstrates that the site is in an environmentally sensitive area or is in close proximity to streams, lakes, or other bodies of surface water; or (3-15-02)

b. The state agencies have personnel and other resources available to conduct the site suitability determination. (3-15-02)

241. FORMATION OF A SITE ADVISORY TEAM.

A board of county commissioners may request the formation of a CAFO site advisory team to provide a site suitability determination by submitting to the Director a written request supported by the adoption of a resolution by the county. (3-15-02)

01. Designation of the Team Leader. Upon receipt of a request to form a site advisory team, the Director shall will designate a team leader. (3-15-02)

02. Notification of Team Members. The team leader shall will provide a copy of the request to form a site advisory team to DEQ and IDWR. After receiving notification, DEQ and IDWR shall will notify the Team Leader of their respective representatives to the team. (3-15-02)

242. CONTENTS OF A REQUEST TO FORM A SITE ADVISORY TEAM.

The information contained in a request shall includes, but is not be limited to, the following: (3-15-02)

01. County Definition of CAFO. The county’s definition of “CAFO” as set forth in any applicable county ordinance. (3-29-12)

02. Legal Description and Address. Legal description and address of the proposed CAFO. (3-15-02)

03. One-Time Unit Capacity. The one-time animal capacity of the proposed CAFO. (3-29-12)

04. Type of Animals. The type of animals to be confined at the proposed CAFO. (3-15-02)

05. Water Right Information. All requests shall include one (1) of the following: (3-15-02)

a. Evidence that a valid water right exists to supply adequate water for the operation of the proposed CAFO; or (3-15-02)

b. A copy of an application for a permit to appropriate water that has been filed with IDWR, which if approved, will supply adequate water for operation of the proposed CAFO; or (3-15-02)

c. A copy of an application to change the point of diversion, place, period, and nature of use of an existing water right that has been filed with IDWR, which if approved, will supply adequate water for the operation

of the proposed CAFO.

(3-15-02)

06. Vicinity Map with Site Location. A detailed sketch of the proposed CAFO site location, on an aerial photograph if available, which includes the following: (3-15-02)

a. Building locations; (3-15-02)

b. Waste storage facilities and general areas for any land application including a narrative description of the waste system; (3-15-02)

c. FEMA flood zones or other appropriate flood data for the proposed CAFO site and land application sites owned or leased by the applicant; (3-15-02)

d. Private and community domestic water wells, irrigation wells, existing monitoring wells, and existing injection wells as documented by IDWR or other sources, including the associated well logs if available, which are within a one (1) mile radius of the proposed CAFO; (3-29-12)

e. Irrigation canals, irrigation laterals, rivers, streams, springs, lakes, reservoirs, and designated wetlands, which are within a one (1) mile radius of the proposed CAFO. (3-15-02)

07. Site Characterization. A characterization of the proposed CAFO site and any land application sites owned or leased by the applicant, which includes the following information, if available: (3-15-02)

a. Annual precipitation and prevailing wind direction as contained in the Idaho Waste Management Guidelines, 1997; (3-15-02)

b. Soil characteristics from NRCS; (3-15-02)

c. Hydrologic characteristics from IDWR and USGS including: (3-15-02)

i. Depth to first water yielding zone and first encountered water; (3-15-02)

ii. Direction of ground water movement and gradient; (3-15-02)

iii. Sources and estimates of recharge; (3-15-02)

iv. Seasonal variations in water level and recharge characteristics; (3-15-02)

v. Susceptibility to contamination; and (3-15-02)

vi. Relation of ground water to surface water. (3-15-02)

d. Water quality data from DEQ, the Department, IDWR, or USGS, including: (3-29-12)

i. Microorganisms; (3-15-02)

ii. Nutrients; and (3-15-02)

iii. Pharmaceuticals and organic compounds. (3-15-02)

08. Required OMPs or NMPs. Any OMPs or NMPs that are required by the county to be submitted by the applicant at the time of application. (3-15-02)

2243. -- 249. (RESERVED)

250. REVIEW OF REQUEST.

Team members shall review the information provided in the request for the formation of a site advisory team to determine if it includes the required elements of Section 242. (3-15-02)

01. Insufficient Information. If the team determines that the information provided by the county does not include the required elements of Section 222 242, the team leader shall will contact the county and request additional information. (3-15-02)

02. Sufficient Information. When the team has determined that the information submitted by the county contains the required elements of Section 222 242, the team leader shall schedules an onsite review of the information with the team members. The team leader shall informs the county requesting the formation of the site advisory team of the date and time of the onsite review and the county may have a representative present. (3-15-02)

251. -- 259. (RESERVED)

260. SITE SUITABILITY DETERMINATION.

Within thirty (30) days of receiving a request for the formation of a CAFO site advisory team that includes the required elements of Section 222-242, the team shall develops and submits to the county a site suitability determination, based on the elements of Section 222 242 or other relevant information, that contains: (3-15-02)

01. Risk Category. A determination of an environmental risk category: high, moderate; low; or insufficient information to make a determination; (3-15-02)

02. Description of Factors. A description of the factors that contribute to the environmental risks; (3-15-02)

03. Mitigation. Any possible mitigation of the environmental risks. (3-15-02)

261. -- 303. (RESERVED)

SUBCHAPTER C – AGRICULTURE ODOR MANAGEMENT

304. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this sSubchapter C, sections 304-409 only: Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, P.O. Box 7249, Boise, ID 83707. IDAPA 02.04.16 incorporates by reference: (3-15-02)

01. Idaho NRCS Nutrient Management Standard 590, June 1999. (3-15-02)

02. Best Management Practices listed in the “Idaho Agricultural Pollution Abatement Plan,” August 2001. (3-15-02)

03. ASAE Standard EP379.2 Sections 5 and 6 in their entirety, November 1997. (3-15-02)

04. NRCS Conservation Practice Standard 317, March 2001. (3-15-02)

305. -- 309. (RESERVED)

310. DEFINITIONS.

In addition to the definitions found in Section 25-3803, Idaho Code, the following definitions apply in the interpretation and enforcement of this sSubchapter C, sections 304-409: (3-15-02)

01. Accepted Agricultural Practices. Those management practices normally associated with agriculture in Idaho, including but not limited to those practices identified in Section 100 of these rules, and which include management practices intended to control odor generated by an agricultural operation. (5 3 03)

- ~~02. **Agricultural Animals.** Those animals, including but not limited to mink, domestic cervidae, horses, and ratites raised for agricultural purposes. (3-15-02)~~
- ~~03. **Agricultural Operation.** Those operations where livestock or other agricultural animals are raised, or crops are grown, for commercial purposes, not to include those operations set forth within Section 25-3801(2), Idaho Code. (5-3-03)~~
- 041. Animal.** Livestock and agricultural animals. (5-3-03)
- 052. BAT.** The best application of science that is accessible and obtainable to achieve a desired objective. (5-3-03)
- 063 Beef Cattle.** All cattle except those located on a dairy farm that have been permitted by the Idaho State Department of Agriculture pursuant to IDAPA 02.04.14, "Rules Governing Dairy Byproduct." (3-29-17)
- 074 Beef Cattle Animal Feeding Operation.** Those operations regulated pursuant to IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." (3-29-17)
- ~~08. **Best Management Practices.** Practices, techniques, or measures that are determined by the Department to be a cost effective and practicable means of managing odor generated on an agriculture operation to a level associated with accepted agriculture practices. (3-15-02)~~
- 095. Compost.** A biologically stable material derived from the biological decomposition of organic matter. (3-15-02)
- 1006. Composting.** The aerobic degradation of manure and other organic material to a biologically stable form. (3-15-02)
- ~~11. **Department.** The Idaho State Department of Agriculture. (3-15-02)~~
- ~~12. **Director.** The Director of the Idaho State Department of Agriculture. (3-15-02)~~
- 1307. Land Application.** The spreading on, or incorporation into the soil of agricultural by-products including, but not limited to, manure, wastewater, compost, cull potatoes, cull onions, or crop residues. (3-15-02)
- 1408. Large Swine And Poultry Operations.** Those swine operations regulated pursuant to IDAPA 58.01.09, "Rules Regulating Swine Facilities," and those poultry operations regulated pursuant to IDAPA 02.04.32, "Rules Governing Poultry Operations." (3-29-17)
- ~~15. **Livestock.** Cattle, sheep, swine and poultry. (3-15-02)~~
- 1609. Liquid-Solid Separation.** The removal of solid manure from water through mechanical or settling means. (3-15-02)
- ~~17. **Liquid Waste System.** Wastewater storage and containment facilities and associated waste collection and conveyance systems where water is used as the primary carrier of manure and manure is added to the wastewater storage and containment facilities on a regular basis including the final distribution system. (5-3-03)~~
- ~~18. **Manure.** Animal excrement that may also contain bedding, spilled feed, or soil. (5-3-03)~~
- ~~19. **Modified.** Structural changes and alterations to agricultural operations which would require increased wastewater storage or containment capacity or such changes which would increase the amount of manure entering wastewater storage and containment facilities. (5-3-03)~~
- ~~20. **Nutrient Management Plan.** A plan prepared in conformance with the nutrient management standard. (3-15-02)~~

~~21. **Nutrient Management Standard.** The 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. (3-15-02)~~

~~22. **Odor.** The property or quality of a substance that stimulates or is perceived by the sense of smell, the standards for which shall be judged on criteria that shall include intensity, duration, frequency, offensiveness, and health risks. (5-3-03)~~

~~23. **Odor Management Plan.** A site specific plan approved by the Director to manage odor generated on an agricultural operation to a level associated with accepted agricultural practices by utilizing best management practices. (3-15-02)~~

~~24. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-15-02)~~

~~2510. **Waste Collection and Conveyance Systems.** The areas and systems used in the collection and transfer of manure from the point of generation to the wastewater storage and containment facilities, prior to land application. (3-15-02)~~

~~26. **Wastewater.** Water containing manure, which is generated on a livestock operation. (3-15-02)~~

~~27. **Wastewater Storage and Containment Facilities.** Wastewater storage ponds, wastewater treatment lagoons, and evaporative ponds. (3-15-02)~~

~~2811. **Wastewater Treatment.** A process by which wastewater is treated through aerobic or anaerobic degradation or other means. (3-15-02)~~

311. ABBREVIATIONS.

The following abbreviations apply in the interpretation and enforcement of ~~this s~~Subchapter C, sections 304-409:

- 01. ASAE. American Society of Agricultural Engineers. (3-15-02)
- 02. BAT. Best Available Technology. (3-15-02)
- 03. BMP. Best Management Practice. (3-15-02)
- 04. DEQ. Idaho Department of Environmental Quality. (3-15-02)
- 05. NMP. Nutrient Management Plan. (3-15-02)
- 06. NOV. Notice Of Violation. (3-15-02)
- 076. NRCS. The United States Department of Agriculture, Natural Resources Conservation Service. (3-15-02)
- 087. OMP. Odor Management Plan. (3-15-02)

312. -- 319. (RESERVED)

320. ACCEPTED AGRICULTURAL PRACTICES.

Management practices conducted in accordance with applicable laws, rules and best management practices, as referenced in Subsections [320.01](#) and [320.02](#), or in the absence of referenced best management practices, management practices conducted in a manner that demonstrates reasonable efforts to minimize odors, ~~shall be~~ are considered accepted agricultural practices for purposes of [Subchapter C](#) ~~this rule~~. (3-15-02)

- 01. Applicable Rules.** The following are applicable rules for the purpose of Section 320: (3-15-02)
- a. IDAPA 02.04.14, “Rules Governing Dairy Byproduct.” (3-29-17)
 - b. IDAPA 02.03.03, “Rules Governing Pesticide and Chemigation Use and Application.” (3-15-02)
 - c. IDAPA 02.06.17, “Rules Concerning Disposal of Cull Onion and Potatoes.” (3-15-02)
 - d. IDAPA 02.04.17, “Rules Governing Dead Animal Movement and Disposal.” (3-15-02)

02. Applicable Best Management Practices. The following practices, or other management practices approved by the Director that are conducted in a manner that demonstrates reasonable efforts to minimize odors ~~shall~~ be are considered accepted agricultural practices for purposes of this rule. (3-15-02)

- a. Idaho NRCS Nutrient Management Standard 590, June 1999. (3-15-02)
- b. Best Management Practices listed in the “Idaho Agricultural Pollution Abatement Plan,” August 2001. (3-15-02)
- c. “Control of Manure Odors,” ASAE Standard EP379.2 Sections 5 and 6 in their entirety, November 1997. (3-15-02)
- d. “Composting Facility,” NRCS Conservation Practice Standard 317, March 2001. (3-15-02)

03. Excess Odors. An agricultural operation using an accepted agricultural practice that generates odors in excess of levels normally associated with such practice, as determined by the Department on a site specific basis, shall develop and submit an odor management plan to the Director in accordance with Section 340. (3-15-02)

321. -- 329. (RESERVED)

330. APPLICABILITY.

~~These rules Subchapter C applies~~ to all agricultural operations, except: (3-15-02)

01. Beef Cattle. Beef cattle animal feeding operations regulated pursuant to IDAPA 02.04.15, “Rules Governing Beef Cattle Animal Feeding Operations.” (3-29-17)

02. Swine and Poultry. Large swine operations regulated pursuant to IDAPA 58.01.09, “Rules Regulating Swine Facilities,” and large poultry operations regulated pursuant to IDAPA 02.04.32, “Rules Governing Poultry Operations.” (3-29-17)

331. -- 319. (RESERVED)

320. LIQUID WASTE SYSTEMS.

No person shall begin construction of a new or modified liquid waste system prior to approval of such system by the Director. (3-15-02)

01. Department Review. ~~Department engineering staff shall provide to the Director a review and assessment of all new or modified liquid waste systems for his consideration prior to final approval of such systems by the Director.~~ The Director may order the construction to cease if the construction of a new or modified liquid waste system has commenced prior to the Director’s approval. In doing so, the Director will consider a review and assessment of such systems made by Department engineering staff. (5-3-03)

02. Design Requirements. All new or modified liquid waste systems shall be designed by licensed professional engineers, approved in writing by the Director, and constructed in accordance with standards and

specifications approved by the Director for management of odors. (5-3-03)

a. If construction is commenced prior to the Director's written approval, the Director may order construction activities to be ceased. (5-3-03)

b. ~~No material deviations shall be made~~ from the approved plans and specifications are not allowed without the prior written approval of the director. (5-3-03)

c. Within thirty (30) days of completion of construction, alteration or modification of any new or modified liquid waste system, complete and accurate plans and specifications depicting the actual construction, alteration, or modification performed must be submitted by the operator to the Director. (5-3-03)

d. If construction does not materially deviate from the plans approved by the Director, a statement to that effect shall be filed by the agricultural operation with the Director. (5-3-03)

321. STANDARDS AND SPECIFICATIONS FOR LIQUID WASTE SYSTEMS.

All new or modified liquid waste systems shall be designed and constructed in accordance with applicable laws and rules, and for the purpose of managing odors. The Director shall require techniques and management practices as standards and specifications of liquid waste systems for the management of odors. These techniques and management practices may include but are not be limited to the following: (3-15-02)

01. Wastewater Storage and Containment Facilities: (3-15-02)

a. Liquid-solid separation. (3-15-02)

b. Wastewater treatment. (3-15-02)

c. Use of chemical or biological additives. (3-15-02)

d. Dilution of wastewater. (3-15-02)

e. Impermeable or permeable storage covers. (3-15-02)

f. Biofilters. (3-15-02)

g. Enhancing dispersion. (3-15-02)

h. Location of wastewater discharge into storage and containment facilities. (3-15-02)

02. Wastewater Collection and Conveyance Systems. (3-15-02)

a. Wastewater Treatment. (3-15-02)

b. Use of chemical or biological additives. (3-15-02)

c. Dilution of wastewater. (3-15-02)

d. Impermeable or permeable covers of collection areas. (3-15-02)

e. Timing of collection and conveyance system operation. (3-15-02)

f. Frequency and duration of collection and conveyance system operation. (3-15-02)

g. Enhancing dispersion. (3-15-02)

322. -- 329. (RESERVED)

330. INSPECTIONS.

The Director or his ~~Director's~~ designee is authorized to enter and inspect any agricultural operation, and during normal business hours have access to or copy any facility records deemed necessary to ensure compliance with [Subchapter C of these rules](#). (3-15-02)

01. Notification of County Commissioners. Prior to conducting an inspection, the Department ~~shall~~ will notify the board of county commissioners for the county in which the agricultural operation is located and the board of county commissioners may have a designee accompany the department during the inspection. (3-15-02)

~~**02. Records Obtained by the Department.** All records copied or obtained by the Department as the result of an inspection under this section shall be exempt from public disclosure under Title 9, Chapter 3, Idaho Code, except the following: (3-15-02)~~

~~**a.** Records otherwise deemed to be public records not exempt from disclosure under Title 9, Chapter 3, Idaho Code. (3-15-02)~~

~~**b.** Inspection reports, determinations of compliance or noncompliance and all other records created by the department pursuant to this section. (3-15-02)~~

331. -- 339. (RESERVED)

340. ODOR MANAGEMENT PLANS.

OMP's shall be designed to work in conjunction with any required NMP and shall be submitted to the Director in writing, and upon approval by the Director, ~~the Director and either the~~ signed by owner or operator of the agricultural operation ~~shall sign the OMP.~~ (3-15-02)

01. OMP Development. Within sixty (60) days of receiving a NOV for a first time violation, the owner or operator of the agriculture operation receiving the NOV shall submit to the Director an OMP for approval. (3-15-02)

02. Interim Measures. The Department ~~shall~~ will work with the owner or operator of an agriculture operation that has received a NOV for a first time violation to identify interim measures that can be implemented in a timely manner to begin the process of reducing odors while the OMP is being developed. (3-15-02)

03. Department Approval. The Director ~~shall~~ will approve, reject, or request additional information within thirty (30) days of receiving an OMP from the owner or operator of an agricultural operation deemed to have committed a first time violation. ~~The approval, rejection, or request for additional information shall be~~ and provided to the owner or operator of the agricultural operation ~~the approval, rejection, or request for additional information in~~ writing. (3-15-02)

a. If the Director rejects an OMP or requests additional information, the owner or operator of the agricultural operation shall submit to the Director the additional information or a rewritten OMP that address the reasons for the rejection within thirty (30) days of receiving written notification from the Director. (3-15-02)

b. Within fifteen (15) days of receiving the additional information or a rewritten OMP, the Director ~~shall~~ will approve or reject the OMP. If the OMP is rejected, the Director may issue a subsequent violation under Section [351](#) and assess the penalty provisions specified in ~~these rules~~ Subchapter C, section 350 and Section 25-3808, Idaho Code. ~~900 of these rules.~~ (3-15-02)

c. The Director may, on a case by case basis, grant extensions to the deadlines contained in Section ~~500340.~~ (3-15-02)

04. Implementation. OMPs shall be implemented as approved by the Director. (3-15-02)

05. Review of OMP. The Department ~~shall~~ will review OMPs no less than annually for three (3) years after the Director approves the OMP. If the Department determines an approved OMP has not reduced odors to a level associated with accepted agricultural practices after a reasonable period of time, as determined by the Department, the Department ~~shall~~ will review the OMP with the owner or operator of the agricultural operation and adjust the OMP to meet the goals of the Agriculture Odor Management Act. (3-15-02)

341. CONTENTS OF AN ODOR MANAGEMENT PLAN.

Contents of an OMP for an agricultural operation may include, but are not limited to the following: (3-15-02)

- 01. Owner's Name.** Name and telephone number of the owner of the operation. (3-15-02)
- 02. Address.** Physical address of the operation. (3-15-02)
- 03. Location.** County in which the operation is located. (3-15-02)
- 04. Operation Description.** A description of the operation that includes, as applicable: (3-15-02)
 - a.** Type of operation. (3-15-02)
 - b.** General description of operation. (3-15-02)
 - c.** Number and type of any animals including age groups. (3-15-02)
 - d.** Any plans for expansion. (3-15-02)
 - e.** Type of housing used related to age groups of animals. (3-15-02)
 - f.** General description of nearby residential areas, public use areas, and pertinent agricultural operations. (3-15-02)
 - g.** Type of crop and number of acres grown. (3-15-02)
- 05. Scaled Vicinity Map.** A map that shall include all residences, public use areas, roads, general topography of the area, and other pertinent agricultural operations within a two (2) mile radius of the facility. (3-15-02)
- 06. Manure Management System.** A detailed description of the present manure handling systems including timing, frequency, duration, volumes, dimensions, and flow rates where applicable for the following: (3-15-02)
 - a.** Manure cleaning systems. (3-15-02)
 - b.** Manure transfer systems. (3-15-02)
 - c.** Manure separation systems. (3-15-02)
- 07. Scaled Site Plan.** A site plan showing all buildings, housing facilities, waste/manure storage areas, piping, feed storage areas, and roadways. (3-15-02)
- 08. Land Application System.** A detailed description of the present management practices and methods used to make land application including: (3-15-02)
 - a.** Timing, frequency, and duration of practices. (3-15-02)
 - b.** Proximity of land application sites to residential and public use areas. (3-15-02)

09. Climatic Data. A description of the typical climatic conditions for a minimum period of two (2) years that exist in the geographical area of the operation or have been recorded on-site for the operation including: (3-15-02)

- a. Wind Speed and direction(s). (3-15-02)
- b. Temperature range. (3-15-02)
- c. Relative humidity range. (3-15-02)
- d. Precipitation data. (3-15-02)

10. Facility Odor Sources. A list of all primary odor sources located on the operation with a general ranking of low, moderate, or high with respect to overall odor production. ~~Each odor source must have~~ along with an explanation of why it is listed as a source and the reasoning for the overall ranking. (3-15-02)

11. Tiered Implementation. A three-tier process shall be used to reduce odor production from the facility; ~~with~~ Each tier ~~shall~~ containing a list of the primary BMPs and BATs that are going to be implemented by the facility. For each tier BMP and BAT listed, the plan shall include, but not be limited to: (3-15-02)

- a. Process of how the BMP or BAT will be designed or managed. (3-15-02)
- b. Implementation schedule that defines when the BMP or BAT will be implemented on the facility and justification for why this time frame was chosen. (3-15-02)
- c. Monitoring program that will be implemented to evaluate the effectiveness of the BMP or BAT, with quantitative or qualitative reduction goals. (3-15-02)

12. Public Involvement. This section shall describe how the public in the area of the facility will be involved in the implementation or evaluation of the OMP. (3-15-02)

13. Timeframe for Review of OMP. A designated period of time when each tier of the plan will be evaluated to determine if further implementation is necessary, how each tier will be evaluated, which Department staff will conduct the review, and a period of time in which the agricultural operation will attain full compliance with the plan. (3-15-02)

342. -- 349. (RESERVED)

600. COMPLAINTS.

The Department shall respond to all odor complaints lodged against agriculture operations. (3-15-02)

601. CONTENTS OF COMPLAINTS.

Complaints shall contain the name, address, and telephone number of the complainant. (3-15-02)

602. RESPONSE TO COMPLAINTS.

The response of the Department may be limited to informing the complainant that an odor management plan is being developed or implemented. (5-3-03)

350. FIRST TIME VIOLATIONS.

If the Department determines that an agricultural operation is generating odors in excess of levels of odors normally associated with accepted agricultural practices, the agricultural operations shall be deemed to have committed a first time violation of Subchapter C, IDAPA-02.04.16, "Rules Governing Agriculture Odor Management." (3-15-02)

~~01. Notice of Violation.~~ The Department shall provide the owner or operator of the agriculture operation with written notice of the violation, and an opportunity for a hearing pursuant to Title 67, Chapter 52, Idaho Code. (3-15-02)

~~02. Cooperation with the Department.~~ The Department shall require agricultural operations deemed to have committed a first time violation to cooperate with the Department to develop and submit to the Director for approval an OMP. (3-15-02)

351. SUBSEQUENT VIOLATIONS.

Agricultural operations ~~shall be deemed to~~ have committed a subsequent violation if the operation is determined to have committed a subsequent violation within three (3) years, has failed to comply with a required OMP, or the Department determines that the owner or operator of the agriculture operation has not cooperated with the ~~Department~~ by failing to submit an OMP that meets Department approval requirements. (3-15-02)

352. ODOR EMISSIONS CAUSED BY AN ACT OF GOD-EXCEPTIONS.

~~Odor emissions caused by an act of God or a mechanical failure shall not constitute a violation, provided that the agricultural operation takes reasonable steps to promptly repair the cause of the emission. This provision Events contemplated in Idaho Code Section 25-3805(7) are not considered violations of this subchapter. Idaho Code Section 25-3805~~ is applicable whether or not an agricultural operation is required to have an OMP. (5-3-03)

900. PENALTIES.

Agricultural operations determined by the Department to have committed a subsequent violation of these ~~this~~ rules shall be assessed a civil penalty by the Department or its duly authorized agent not to exceed ten thousand dollars (\$10,000) for each offense and be liable for reasonable costs and attorney's fees. (3-15-02)

~~01. Assessment of Civil Penalty.~~ Assessment of a civil penalty may be made in conjunction with any other Department administrative action. No civil penalty may be imposed unless the person charged was given notice and opportunity for a hearing pursuant to Title 67, Chapter 52, Idaho Code. (3-15-02)

~~02. Inability to Collect Civil Penalty.~~ If the Department is unable to collect the civil penalty or if any person fails to pay all or a set portion of a civil penalty as determined by the Department, the Department may recover such amount by action in the appropriate district court. (3-15-02)

~~03. Appeal of Civil Penalty.~~ Any person against whom the Department has assessed a civil penalty may, within thirty (30) days of the final action making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the Department to have occurred. (3-15-02)

~~04. Computation of Monetary Penalties.~~ The imposition or computation of monetary penalties shall take into account the seriousness of the violation and such other matters as justice requires. (5-3-03)

~~05. Reports for Basis of Penalty.~~ The Director shall prepare a written report setting forth the basis upon which any monetary penalty is imposed or computed and shall retain the report on file with the Department. (5-3-03)

~~06. Moneys Collected from Violations.~~ Moneys collected for violations of these rules shall be deposited in the state treasury and credited to the General Fund. (3-15-02)

353. -- 409. (RESERVED)

SUBCHAPTER D – STOCKPILING OF AGRICULTURAL WASTE

410. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of sSubchapter D, sections 410-999: (3-29-10)

01. Agricultural Operation. Facilities that generate or receive and stockpile agricultural waste and that are not regulated under IDAPA 02.04.14, "Rules Governing Dairy Byproduct," or IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." (3-29-10)

- 02. Agricultural Waste.** Agricultural waste means livestock waste. (3-29-10)
- 03. Department.** The Idaho State Department of Agriculture. (3-29-10)
- 04. Director.** The Director of the Idaho State Department of Agriculture or his designee. (3-29-10)
- 053. Duration.** The length of time agricultural waste is stockpiled. (3-29-10)
- 064. Dwelling.** The house, residence, abode, or other structure where a person lives. (3-29-10)
- 075. Livestock.** Bovidae, suidae, equidae, captive cervidae, camelidae, ratitidae, gallinaceous birds, and captive waterfowl. (3-29-10)
- 086. Livestock Waste.** Manure that may also contain bedding, spilled feed, feathers, 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. (3-29-10)
- 097. Non-Compliance.** A practice or facility condition that does not comply with Section 22-110, Idaho Code, or the provisions of these rules. (3-29-10)
- 10. 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. (3-29-10)
- 1108. Public Highway.** All highways open to public use in the state, whether maintained by the state or by any county, highway district, city, or other political subdivision. (3-29-10)
- 1209. Responsible Party.** A person who generates or receives and stockpiles agricultural waste on property the person owns, leases, or otherwise has permission to use as a stockpile site. (3-29-10)
- 130. Setbacks for a Stockpile Site.** The distance from a stockpile site to a location identified in Section 020 of ~~this Subchapter D rule~~. (3-29-10)
- 141. Stockpile Staging Site.** A physical area where stockpiling occurs for a duration of no longer than thirty (30) days. (3-29-10)
- 152. 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. (3-29-10)
- 163. Stockpiling.** The accumulation of agricultural waste on an agricultural operation. (3-29-10)
- 174. Surface Waters of the State.** All accumulations of surface water, natural and artificial, public and private, or parts thereof that are wholly or partially within, that flow through or border upon the state. (3-29-10)

411. -- 419. (RESERVED)

420. SETBACKS FOR STOCKPILE SITES

Stockpile sites at agricultural operations must meet the following setback requirements. (3-29-10)

- 01. Setback Distances.** Stockpile sites shall maintain the following setbacks: (3-29-10)
- a.** Three hundred (300) feet from a non-responsible party's dwelling. (3-29-10)
- b.** Five hundred (500) feet from a hospital, church, or school. (3-29-10)
- c.** One hundred (100) feet from a domestic or irrigation well. (3-29-10)

d. One hundred (100) feet from surface waters of the State. (3-29-10)

e. Fifty (50) feet from a public highway. (3-29-10)

02. **Responsible Party's Dwellings.** Stockpile sites ~~shall do~~ not have setbacks from a responsible party's dwelling or dwellings owned by the responsible party. (3-29-10)

03. **Stockpile Staging Sites.** Stockpile staging sites ~~shall are~~ not be subject to the setbacks set forth in ~~Subchapter D. these rules.~~ (3-29-10)

421. -- 999. (RESERVED)

430. **RESPONSE TO COMPLAINTS.**

Complaints regarding a stockpile site or a stockpile staging site will be investigated by the Department to determine compliance with these rules. (3-29-10)

431. -- 999. (RESERVED)

560. **PENALTIES:**

Penalties for violations of this chapter will be assessed in accordance with Section 22-110(3), Idaho Code. (3-29-10)