

02.04.23 – RULES GOVERNING COMMERCIAL LIVESTOCK TRUCK WASHING FACILITIES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-103(15) and 22-110, Idaho Code. (3-31-22)

001. TITLE AND SCOPE.

~~01. Title. The title of this chapter is IDAPA 02.04.23, "Rules Governing Commercial Livestock Truck Washing Facilities."~~ (3-31-22)

02. Scope. These rules govern the permitting, construction, and management of commercial livestock truck washing facilities. (3-31-22)

~~002. WRITTEN INTERPRETATIONS.~~

~~There are no written interpretations of these rules. (3-31-22)~~

~~003. ADMINISTRATIVE APPEAL.~~

~~Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-31-22)~~

004. INCORPORATION BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture central office and the State Law Library. (3-31-22)

~~01. The 1997 United States Department of Agriculture Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10 D. (3-31-22)~~

~~02. The 2000 American Society of Agricultural Engineers Standard EP393.3. (3-31-22)~~

03. The 1999 Publication by the United States Department Of Agriculture, Natural Resource Conservation Service, Conservation Practice Standard, Nutrient Management Code 590. (3-31-22)

~~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/. (3-31-22)~~

~~006. IDAHO PUBLIC RECORDS ACT.~~

~~These rules are public records available for inspection and copying at the central office of ISDA and the State Law Library. (3-31-22)~~

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter. (3-31-22)

01. Commercial Livestock Truck Washing Facilities. Livestock truck washing facilities that charge a fee to wash livestock trucks and trailers, or those facilities where the process wastewater is not regulated pursuant IDAPA 02.04.14 "Rules Governing Dairy ~~Washing Facilities,"~~ or 02.04.15 "Rules ~~of the Department of Agriculture~~ **Governing Beef Cattle Animal Feeding Operations."** (3-31-22)

~~02. Compost. A biologically stable material derived from the biological decomposition of organic~~

Commented [DSL1]: All language pertaining to construction of lagoons or maintaining an NMP is being moved to the NMP rule.

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Commented [DSL2]: Disparity on regulatory oversight...should this be addressed? Would it be enforceable at that point? Is there a penalty provision for this rule?

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matter.— (3-31-22)

~~03. — Discharge. Release of process wastewater or manure from a commercial livestock truck washing facility to waters of the state. (3-31-22)~~

Commented [DSL3]: Don't need both definitions with "Unauthorized discharge" listed below.

~~04. — Land Application. The spreading on, or incorporation of manure or process wastewater into the soil. (3-31-22)~~

05. **Livestock.** Bovidae, ovidae, suidae, and equidae. (3-31-22)

06. **Livestock Truck Washing Facilities.** Those facilities utilized primarily for washing and cleaning trucks and trailers that haul livestock. (3-31-22)

~~07. — Modified. Structural or management changes, or alterations to the livestock truck washing facility which would require increased storage or containment capacity or such changes, which would alter the function of the wastewater storage or containment facility. (3-31-22)~~

~~08. — Non-Compliance. A practice or condition that causes an unauthorized discharge or a practice or condition that if left uncorrected will cause an unauthorized discharge. (3-31-22)~~

~~09. — Non-Land Application Season. The portion of the year during which land application is not allowed pursuant to an approved NMP. (3-31-22)~~

~~10. — Nutrient Management Plan. A plan prepared in conformance with the nutrient management standard or other equally protective standard for managing the amount, source, placement, form, and timing of the land application of nutrients or soil amendments. (3-31-22)~~

Commented [DSL4]: Relocate to NMP

~~11. — Operate. Washing or cleaning livestock trucks. (3-31-22)~~

~~12. — Operator. The person who has power or authority to manage, or direct, or has financial control of a commercial livestock truck washing facility. (3-31-22)~~

Commented [DSL5]: Red Tape Reduction

13. **Process Wastewater.** Any water generated on a commercial livestock truck washing facility that comes into contact with manure, compost, bedding, or feed. (3-31-22)

Commented [JS6]: Consider striking as already defined in IC22-4904(14):

(14) "Process wastewater" means liquid containing beef cattle manure, process-generated wastewater and any precipitation which comes into direct contact with livestock manure and facility products or byproducts.

14. **Runoff.** Any precipitation that comes into contact with manure, compost, bedding, or feed on a commercial livestock truck washing facility. (3-31-22)

Commented [DSL7R6]: IC 22-49 is not the authorizing statute for this rule.

15. **Unauthorized Discharge.** A discharge of process wastewater or manure from a commercial livestock truck washing facility to surface waters of the state that is not authorized under an IPDES permit by a National Pollutant Discharge Elimination System permit issued by the United States Environmental Protection Agency. (3-31-22)

Commented [JS8]: Consider striking as already defined in 22-4904(15):

(15) "Unauthorized discharge" means a discharge of process wastewater or livestock manure to state surface waters that does not meet the requirements of this chapter or water quality standards.

~~16. — Wastewater Storage and Containment Facility. That portion of a CLTWF where manure or process wastewater is stored or collected. This includes, but is not limited to, waste collection systems, waste conveyance systems, waste storage ponds, waste treatment lagoons and evaporative ponds. (3-31-22)~~

17. **Waters of the State.** All surface and ground water located within the boundaries of the state or boundary streams, rivers and lakes except for private waters as defined in Title 42, Chapter 2, Idaho Code. (3-31-22)

Commented [JS9]: Consider striking as already defined in 22-4904(17):

"Waters of the state" means 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.

011. ABBREVIATIONS.

01. **CLTWF.** Commercial Livestock Truck Washing Facility. (3-31-22)

~~02. — FEMA.~~ Federal Emergency Management Agency. (3-31-22)

- 03. ISDA. Idaho State Department of Agriculture. (3-31-22)
- 04. NMP. Nutrient Management Plan. (3-31-22)
- 05. ~~NPDES~~NPDES. ~~National Idaho~~ Pollutant Discharge Elimination System. (3-31-22)
- 06. NRCS. Natural Resources Conservation Service. (3-31-22)
- 07. USDA. United States Department of Agriculture. (3-31-22)

~~012. APPLICABILITY.~~

~~These rules apply to all CLTWF. (3-31-22)~~

Commented [JS10]: Not necessary. Already outlined in Scope.

~~013. – 049. (RESERVED)~~

~~050. INSPECTIONS.~~

~~In order to ascertain compliance with this chapter, the Director shall have reasonable access to all CLTWF facility or record: (3-31-22)~~

Commented [JS11]: More concise.

~~01. Inspect Facilities. Inspect any facility or land application site listed in the CLTWF's NMP. (3-31-22)~~

~~02. Inspect Records. Inspect, review, or copy any CLTWF's records deemed necessary, during normal business hours. (3-31-22)~~

~~051. – 099. (RESERVED)~~

~~100. PERMIT REQUIRED.~~

~~No person shall construct or operate a CLTWF without first obtaining a permit to do so from the Director. (3-31-22)~~

~~101. APPLICATION FOR PERMIT.~~

~~Applications for permits submitted to the Director shall contain the following: contain information as required ISDA on a form required and supplied by the ISDA, approved by the Administrator. (3-31-22)~~

Commented [JS12]: Presuming this permit is on a form supplied by the Department. If so, further presuming this information is on there. No need to spell it out in rule after rule granting authority to need a permit when the Department is the one coming up with the application.

~~01. Name, Telephone Number, and Address. The name, telephone number, and address of the owner and operator of the CLTWF. (3-31-22)~~

~~02. Physical Address. The physical address of the CLTWF. (3-31-22)~~

~~03. Scaled Vicinity Map With Site Location. A detailed sketch of the proposed or existing CLTWF site location, on an aerial photograph if available, which includes the following: (3-31-22)~~

~~a. The location of all homes, schools, churches, etc. within a one (1) mile radius of the proposed CLTWF; and (3-31-22)~~

~~b. Private and community domestic water wells, irrigation wells, existing monitoring wells, and existing injection wells as documented by Idaho Department of Water Resources or other sources, which are within a one (1) mile radius of the proposed or existing CLTWF; and (3-31-22)~~

~~c. Irrigation canals, irrigation laterals, rivers, streams, springs, lakes, reservoirs, and designated wetlands, which are within a one (1) mile radius of the proposed CLTWF; and (3-31-22)~~

~~d. Location of all land application sites; and (3-31-22)~~

~~e. FEMA flood zones or other appropriate flood data for the CLTWF site and all land application sites. (3-31-22)~~

~~04. Scaled Site Plan. A site plan showing all buildings, process wastewater and manure storage areas, piping, and roadways. (3-31-22)~~

~~05. Land Application System. A detailed description of the current or proposed management practices and methods used to make land application including: (3-31-22)~~

~~a. Timing, frequency, and duration of practices. (3-31-22)~~

~~b. Proximity of land application sites to residential and public use areas. (3-31-22)~~

~~06. Nutrient Management Plan. A NMP for all land where manure or process wastewater from the CLTWF is land applied. (3-31-22)~~

102. -- 109. (RESERVED)

110. DURATION OF PERMIT.

Permits issued pursuant to this chapter are valid for a period of two (2) years. (3-31-22)

Commented [DSL13]: Is this necessary....should a permit ever expire if routine inspections are kept current?

111. RENEWAL OF PERMIT.

The operator of a CLTWF shall submit an application to renew the permit to the Director for approval ninety (90) days prior to the expiration of the existing permit. (3-31-22)

112. -- 119. (RESERVED)

120. REVOCATION OF PERMIT.

The Director may revoke the permit of any CLTWF that violates any of the provisions of this Chapter. (3-31-22)

121. -- 199. (RESERVED)

200. UNAUTHORIZED DISCHARGES.

Unauthorized discharges of manure or process wastewater from CLTWF or land application sites owned or controlled by a CLTWF are prohibited. CLTWF operators shall notify the Director within twenty-four (24) hours of learning of a discharge. (3-31-22)

Commented [DSL14]: Need to address 'runoff' here?

201. -- 209. (RESERVED)

210. NOTIFICATION OF DISCHARGE.

~~Within twenty-four (24) hours of learning of a discharge, the operator of a CLTWF shall verbally notify the Director of such a discharge. (3-31-22)~~

211. WRITTEN NOTIFICATION.

~~If the ISDA has not begun a discharge investigation within five (5) days of the verbal notification to the director, the operator shall submit a written report to the Director which includes: (3-31-22)~~

Commented [DSL15]: RTR

~~01. A Description of the Discharge. A description of the flow path to the receiving water body; and (3-31-22)~~

~~02. Flow Rate. An estimation of the flow rate and volume discharged; and (3-31-22)~~

~~03. Dates and Time. The period of discharge, including dates and times, and if not already corrected, the anticipated time the discharge is expected to continue; and (3-31-22)~~

~~04. Steps Taken. Steps taken to reduce, eliminate, and prevent recurrence of the discharge. (3-31-22)~~

212. -- 299. (RESERVED)

300. WASTEWATER STORAGE AND CONTAINMENT FACILITIES.

All CLTWF shall have wastewater storage and containment facilities designed, constructed, operated, and maintained pursuant to IDAPA 02.04.30, Rules Governing Environmental and Nutrient Management. ~~sufficient to contain:~~ (3-31-22)

~~01. Process Wastewater. All process wastewater generated on the CLTWF during the non land application season; and (3-31-22)~~

~~02. Rainfall. The runoff from a twenty-five (25) year, twenty-four (24) hour rainfall event; and (3-31-22)~~

~~03. Winter Precipitation. Either three (3) inches of runoff from the accumulation of winter precipitation or the amount of runoff from the accumulation of precipitation from a one-in-five (1 in 5) year winter. (3-31-22)~~

301. -- 309. (RESERVED)

~~310. Construction Requirements.~~

All CLTWF shall have wastewater storage and containment facilities designed and constructed in accordance with the engineering standards and specifications contained in the Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10D or the American Society of Agricultural Engineers Standard EP393.3, or other equally protective standards approved by the Director. (3-31-22)

311. -- 319. (RESERVED)

320. SUBSTANCES ENTERING WASTEWATER STORAGE AND CONTAINMENT FACILITIES.

Only manure and process wastewater from the operation of the CLTWF shall be allowed to enter wastewater storage and containment facilities. The disposal of any other materials into a wastewater storage and containment facility, including, but not limited to oil, grease, heavy metals, chlorinated solvents, and human waste is prohibited. (3-31-22)

321. -- 329. (RESERVED)

330. NUTRIENT MANAGEMENT.

Each CLTWF shall submit to the Director for approval, have an NMP that conforms to the nutrient management standard IDAPA 02.04.30, Rules Governing Environmental and Nutrient Management. (3-31-22)

~~01. Odor. Each NMP shall address odors generated on the CLTWF, and land application sites. Odors shall not be generated in excess of odors normally associated with livestock production in Idaho. (3-31-22)~~

~~02. Land Application. Each NMP shall include all land to which manure or process wastewater from the CLTWF is land applied. (3-31-22)~~

~~03. Duty of Operator. It shall be the duty of the operator of a CLTWF to ensure that the NMP, for any land included in the NMP, is implemented. (3-31-22)~~

~~04. Implementation of NMP. Failure to implement and abide by an approved NMP is a violation of this chapter. (3-31-22)~~

331. -- 359. (RESERVED)

~~360. NEW CLTWF.~~

Any new CLTWF shall submit a NMP to the Director for approval with its application for a permit to operate a CLTWF. The Director responds to or approves such NMP within sixty (60) days of submission. (3-31-22)

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361. -- 999. (RESERVED)