

IN THE SENATE

SENATE BILL NO. 1159

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SOLID WASTE DISPOSAL; AMENDING CHAPTER 44, TITLE 31, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 31-4412, IDAHO CODE, TO ESTABLISH PRO-
3 VISIONS RELATING TO COMPLIANCE WITH NOTICE AND MEETING PROVISIONS IN
4 CERTAIN CIRCUMSTANCES RELATING TO INSTANCES WHERE A BOARD OF COUNTY
5 COMMISSIONERS OR CITY COUNCIL IS CONSIDERING ADOPTING ANY ALTERATION,
6 ADDITION, EXPANSION OR OTHER MODIFICATION IN THE DESIGN OR OPERATION OF
7 A SOLID WASTE DISPOSAL SITE THAT MAY RESULT IN THE POTENTIAL RELEASE OF
8 CERTAIN AIR POLLUTANTS OR IN THE INCREASE OF EXISTING EMISSIONS OF CER-
9 TAIN AIR POLLUTANTS AND TO PROVIDE FOR THE APPLICATION OF LAW; AMENDING
10 SECTION 31-869, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF LAW AND TO
11 MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 31-4903, IDAHO CODE,
12 TO PROVIDE FOR THE APPLICATION OF LAW AND TO MAKE TECHNICAL CORRECTIONS.
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Chapter 44, Title 31, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 31-4412, Idaho Code, and to read as follows:

18 31-4412. MODIFICATION OR ALTERATION OF SOLID WASTE DISPOSAL OPERA-
19 TIONS -- PUBLIC HEARING REQUIRED. (1) A board of county commissioners or
20 city council that has jurisdiction over a solid waste disposal site shall
21 comply with all public notice and public meeting provisions governing a
22 private landowner's request for a conditional use permit from the county or
23 city, when such board of county commissioners or city council is considering
24 adopting any alteration, addition, expansion or other modification in the
25 design or operation of a solid waste disposal site that may result in the
26 potential:

27 (a) Release of any state or federally regulated air pollutant;

28 (b) Increase in existing emission of any state or federally regulated
29 air pollutant;

30 where such release or increased emission requires a modification of an ex-
31 isting air permit governing the release or emission of the air pollutant or
32 where such release or increase requires a new air permit.

33 (2) The provisions of this section shall apply to the development of en-
34 ergy facilities provided for under section 31-869, Idaho Code.

35 (3) A regional solid waste district established pursuant to the pro-
36 visions of section 31-4903, Idaho Code, shall comply with the provisions of
37 this section. Provided however, that any notice and public meeting require-
38 ments provided for in this section shall only apply to the county or counties
39 in which the solid waste facility is located.

40 (4) The provisions of this section shall not apply to solid waste dis-
41 posal facility gas collection and control systems.

1 SECTION 2. That Section 31-869, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 31-869. DEVELOPMENT OF ENERGY SYSTEMS. (1) The boards of county com-
4 missioners of their respective counties are empowered to establish, create,
5 develop, own, maintain and operate or contract for the ownership, operation
6 and maintenance of energy facilities as follows:

7 (1a) Geothermal energy systems for heating for the benefit of the
8 county and the residents of the county.

9 (2b) Electrical generation plants not to exceed twenty-five (25)
10 megawatts in capacity ~~which that~~ use as a fuel source landfill gas, wood
11 waste or other biomass fuels. All the electricity produced from the
12 electrical generation facility shall be sold by the county at whole-
13 sale.

14 (2) The establishment of an energy facility pursuant to the provisions
15 of this section shall comply with the requirements provided for in section
16 31-4412, Idaho Code.

17 SECTION 3. That Section 31-4903, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 31-4903. ESTABLISHMENT OF DISTRICTS. Any two (2) or more counties
20 within the state may establish an independent public body corporate and
21 politic to be known as a regional solid waste or domestic septage district
22 (with such additional designation as the district board may select), con-
23 sisting of such counties as may elect, by resolution of the commissioners
24 of such counties, to become participating counties of such district. The
25 boundaries of a district shall be coterminous with the boundaries of the par-
26 ticipating counties. Counties within a district need not be contiguous to
27 each other. No district shall transact any business nor exercise any powers
28 ~~hereunder pursuant to this section~~ until or unless the commissioners of two
29 (2) or more ~~of~~ such counties, by resolution, shall declare their intent to
30 participate in a district. Any county ~~which that~~ does not so elect to become
31 a participating county shall not be subject to the provisions of this chap-
32 ter.

33 In any suit, action, or proceeding involving or relating to any con-
34 tract, resolution, regulation, or other action of a district, the district
35 shall be conclusively deemed to have been organized and authorized to trans-
36 act business and to exercise its powers hereunder upon proof of the adoption
37 of a resolution by the commissioners of not less than two (2) counties as
38 provided ~~hereinabove~~ in this section. A duly certified copy of any such res-
39 olution shall be admissible in evidence in any suit, action, or proceeding.

40 A district created pursuant to this chapter shall not be deemed to be an
41 agency of the state of Idaho nor of any of its political subdivisions for pur-
42 poses of article VIII of the Idaho constitution.

43 A regional solid waste district established pursuant to the provisions
44 of this section shall comply with the provisions of section 31-4412, Idaho
45 Code. Provided however, that any notice and public meeting requirements
46 provided for in section 33-4412, Idaho Code, shall only apply to the county
47 or counties in which the solid waste facility is located.