

IN THE SENATE

SENATE BILL NO. 1069

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO SOLID WASTE DISPOSAL; AMENDING CHAPTER 44, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4412, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO COMPLIANCE WITH NOTICE AND MEETING PROVISIONS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE APPLICATION OF LAW; AND AMENDING SECTION 31-869, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF LAW.

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

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

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

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

(b) Increase in existing discharge of any state or federally regulated pollutant;

where such release or increased discharge requires a modification of an existing permit governing the release or discharge of the pollutant or where such release or increase requires a new permit.

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

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

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

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

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

1       (2) The establishment of an energy facility pursuant to the provisions  
2 of this section shall comply with the requirements provided for in section  
3 33-4412, Idaho Code.