

IN THE SENATE

SENATE BILL NO. 1159

BY STATE AFFAIRS 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 RELATING TO INSTANCES WHERE A BOARD OF COUNTY COMMISSIONERS OR CITY COUNCIL IS CONSIDERING ADOPTING ANY ALTERATION, ADDITION, EXPANSION OR OTHER MODIFICATION IN THE DESIGN OR OPERATION OF A SOLID WASTE DISPOSAL SITE THAT MAY RESULT IN THE POTENTIAL RELEASE OF CERTAIN AIR POLLUTANTS OR IN THE INCREASE OF EXISTING EMISSIONS OF CERTAIN AIR POLLUTANTS AND TO PROVIDE FOR THE APPLICATION OF LAW; AMENDING SECTION 31-869, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF LAW AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 31-4903, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF LAW AND TO MAKE TECHNICAL CORRECTIONS.

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 design or operation of a solid waste disposal site that may result in the potential:

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

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

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

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

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

(4) The provisions of this section shall not apply to solid waste disposal facility gas collection and control systems.

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 that~~ 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 whole-sale.

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

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

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

In any suit, action, or proceeding involving or relating to any contract, resolution, regulation, or other action of a district, the district shall be conclusively deemed to have been organized and authorized to transact business and to exercise its powers hereunder upon proof of the adoption of a resolution by the commissioners of not less than two (2) counties as provided ~~hereinabove~~ in this section. A duly certified copy of any such resolution shall be admissible in evidence in any suit, action, or proceeding.

A district created pursuant to this chapter shall not be deemed to be an agency of the state of Idaho nor of any of its political subdivisions for purposes of article VIII of the Idaho constitution.

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