IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

Waste Management and Remediation Division

58.01.05 – Rules and Standards for Hazardous Waste

To whom does this rule apply?
The rule applies to owners or operators of commercial sites or businesses that have the potential to generate hazardous waste, or transport, store, treat, and/or dispose of hazardous waste. The rule also applies to owners or operators of commercial sites or businesses that generate, transport, process, or dispose of used oil.

What is the purpose of this rule?
The rule implements the Idaho Hazardous Waste Management Act, which enables the state to assume primacy over hazardous waste regulation in lieu of the federal government. The rule incorporates by reference the federal regulations that govern how hazardous waste is identified, stored, transported, and disposed. The rule establishes standards and procedures necessary to assure the safe and adequate management of hazardous waste.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

Health and Safety:
- Chapter 44, Title 39, Idaho Code – Hazardous Waste Management

Who do I contact for more information on this rule?

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This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

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000. LEGAL AUTHORITY.
Chapters 1, 44 and 58, Title 39, Idaho Code. (7-1-25)

001. (RESERVED)

002. INCORPORATION BY REFERENCE.

01. Federal Regulations Incorporated by Reference. 40 CFR Parts 124, 260 - 268, 270, 271, 273, 278, and 279 revised as of July 1, 2025, are incorporated by reference into these rules. (7-1-26)

02. Exceptions. Nothing in 40 CFR Parts 260 - 268, 270, 273, 278, 279 or Part 124 as pertains to permits for Underground Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein. (3-24-22)

003. DEFINITIONS.
The terms "board" and "department" have the meaning provided for those terms in Section 39-4403, Idaho Code. For these rules and any materials incorporated by reference, the following definitions apply unless their application is inconsistent with the Hazardous Waste Management Act, or unless these rules expressly provide for different definitions: (3-24-22)

01. Director. When used in the context of 40 CFR and these rules, the definition is the Director of the Idaho Department of Environmental Quality, or his designee, as the context requires. (3-24-22)

02. Environmental Appeals Board. When used in the context of 40 CFR, the definition is the Idaho Board of Environmental Quality except as set forth in Section 39-4413(2), Idaho Code, or except where noted in these rules. (3-24-22)

03. U.S. Environmental Protection Agency or EPA, EPA Headquarters, or EPA. used in the context of 40 CFR, the definition is the Idaho Department of Environmental Quality, except when used to refer to an EPA Identification number, EPA hazardous waste number, EPA forms, publications or guidance, and EPA Acknowledgment of Consent, and where noted in these rules. Under the latter circumstances, the definition is the EPA and the Headquarters of the EPA as appropriate. When used in the context of these rules, the definition is the EPA. (3-24-22)

04. HWFSA. The Hazardous Waste Facility Siting Act of 1985, Chapter 58, Title 39, Idaho Code. (3-24-22)

05. HWMA. The Hazardous Waste Management Act of 1983, Chapter 44, Title 39, Idaho Code. (3-24-22)

06. RCRA. When used in the context of 40 CFR, the definition is the comparable sections of HWMA. When used in the context of these rules, the definition is the Resource Conservation and Recovery Act, 42 U.S. Code, Sections 6901 et seq. (3-24-22)

07. Regional Administrator or Administrator. When used in the context of 40 CFR, the definition is the Director of the Idaho Department of Environmental Quality, or his designee, except where noted in these rules. When used in the context of these rules, the definition is the EPA Administrator or Region 10 Regional Administrator as appropriate. (3-24-22)

08. TSD. Treatment, storage and disposal. (3-24-22)

09. United States or U.S. When used in the context of 40 CFR, the definition is the state of Idaho, except where noted in these rules. When used in the context of these rules, the definition is the United States. (3-24-22)

004. HAZARDOUS WASTE MANAGEMENT SYSTEM.
40 CFR Part 260 and all Subparts, except 40 CFR 260.2, are incorporated by reference in Section 002. For 40 CFR 260.4(a)(4), 260.5(b)(2), and 260.10 in the definition of electronic manifest and electronic manifest system, "EPA" is defined as the EPA. For 40 CFR 260.10, in the definition of hazardous waste constituent, "Administrator" is defined

as the EPA Administrator. For 40 CFR 260.20, "Federal Register" is defined as the Idaho Administrative Bulletin. (3-24-22)

005. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE.
40 CFR Part 261 and all Subparts (excluding 261.4(b)(17)), except the language "in the Region where the sample is collected" in 40 CFR 261.4(e)(3)(iii), are incorporated by reference in Section 002. For 40 CFR 261.10 and 40 CFR 261.11, "Administrator" is defined as the EPA Administrator. For purposes of 40 CFR 261.4(b)(11)(ii), 40 CFR 261.39(a)(5), 40 CFR 261.41, and 40 CFR 261 Appendix IX, "EPA" is defined as the EPA. Copies of annual reports and advance notifications under these sections must also be sent to the Director. (3-24-22)

01. Hazardous Secondary Materials Managers Emergency Notification. In addition to the emergency notification provided in 40 CFR 261.411(d)(3) and 261.420(f)(4)(ii), the emergency coordinator must also immediately notify the Idaho Office of Emergency Management by telephone, 1-800-632-8000, to file an identical report. (3-24-22)

02. Excluded Wastes. Chemically Stabilized Electric Arc Furnace Dust (CSEAFD) generated by US Ecology Idaho, Inc. (USEI), formerly Envirosafe Services of Idaho, at USEI's facility in Grand View, Idaho, using the Super Detox(R) treatment process as modified by USEI and that is disposed of in a Subtitle D or Subtitle C landfill, is excluded from the lists of hazardous waste provided USEI implements a program that meets the following conditions. (3-24-22)

a. Verification Testing. Sample Collection and analyses, including quality control procedures, conducted pursuant to Subsections 005.02.b. and 005.02.c., must be performed according to SW-846 methodologies and the RCRA Part B permit, including future revisions. (3-24-22)

b. Initial Verification Testing. (3-24-22)

i. For Subsection 005.02.b., "new source" means any generator of Electric Arc Furnace Dust (EAFD), EPA and Idaho Department of Environmental Quality Hazardous Waste No. KO61, whose waste has not previously been processed by USEI using the Super Detox(R) treatment process resulting in processed EAFD which has been subjected to initial verification testing and has demonstrated compliance with the delisting levels specified in Subsection 005.02.d. (3-24-22)

ii. Before the initial treatment of any new source of EAFD, USEI must notify the Department in writing. The written notification includes: (3-24-22)

(1) The waste profile information; and (3-24-22)

(2) The name and address of the generator. (3-24-22)

iii. The first four (4) consecutive batches treated must be sampled in accordance with Subsection 005.02.a. Each of the four (4) samples must be analyzed to determine if the CSEAFD generated meets the delisting levels specified in Subsection 005.02.d. (3-24-22)

iv. If the initial verification testing demonstrates that the CSEAFD samples meet the delisting levels specified in Subsection 005.02.d., USEI must submit the operational and analytical test data, including quality control information, to the Department in accordance with Subsection 005.02.f. Subsequent to such data submittal, the CSEAFD generated from EAFD originating from the new source must be considered delisted. (3-24-22)

v. CSEAFD generated by USEI from EAFD originating from a new source must be managed as hazardous waste in accordance with Subtitle C of RCRA until: (3-24-22)

(1) Initial verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.02.d.; and (3-24-22)

(2) The operational and analytical test data is submitted to the Department pursuant to Subsection

005.02.b.iv. (3-24-22)

vi. For Subsections 005.02.b. and 005.02.c., "batch" means the CSEAFD that results from a single treatment episode in a full scale mixing vessel. (3-24-22)

c. Subsequent Verification Testing. (3-24-22)

i. Subsequent to initial verification testing, USEI must collect a representative sample, in accordance with Subsection 005.02.a., from each batch of CSEAFD generated. USEI may, at its discretion, conduct subsequent verification testing on composite samples. A composite sample may consist of representative samples from a maximum of twenty (20) batches of CSEAFD. (3-24-22)

ii. The samples must be analyzed before disposal of each batch of CSEAFD to determine if the CSEAFD meets the delisting levels specified in Subsection 005.02.d. (3-24-22)

iii. Each batch of CSEAFD generated by USEI must be subjected to subsequent verification testing no later than thirty (30) days after it is generated. (3-24-22)

iv. If the levels of constituents measured in a sample, or composite sample, of CSEAFD do not exceed the levels set forth in Subsection 005.02.d., any batch of CSEAFD which contributed to the sample that does not exceed the levels set forth in Subsection 005.02.d. is non-hazardous and may be managed at or disposed of in a Subtitle D or Subtitle C landfill. (3-24-22)

v. If the constituent levels in a sample, or composite sample, exceed any of the delisting levels set forth in Subsection 005.02.d., USEI must submit written notification of the results of the analysis to the Department within fifteen (15) days from receiving the final analytical results, and any CSEAFD which contributed to the sample must be: (3-24-22)

(1) Retested, and retreated if necessary, until it meets the levels set forth in Subsection 005.02.d.; or (3-24-22)

(2) Managed and disposed of in accordance with Subtitle C of RCRA. (3-24-22)

vi. Each batch of CSEAFD must be managed as hazardous waste in accordance with Subtitle C of RCRA until subsequent verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.02.d. (3-24-22)

d. Delisting Levels. (3-24-22)

i. All leachable concentrations for these metals must not exceed the following levels (mg/l):

antimony	0.06		mercury	0.009
arsenic	0.50		nickel	1
barium	7.60		selenium	0.16
beryllium	0.010		silver	0.30
cadmium	0.050		thallium	0.020
chromium	0.33		vanadium	2
lead	0.15		zinc	70

(3-24-22)

ii. Metal concentrations must be measured in the waste leachate by the method specified in 40 CFR Part 261.24. (3-24-22)

e. Modification of Treatment Process. (3-24-22)

i. If USEI proposes to modify the Super Detox(R) treatment process from the description of the process as set forth in USEI's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995 (available at the Department's state office), USEI must notify the Department in writing before implementing the modification. (3-24-22)

ii. After USEI's receipt of written approval from the Department, and subject to any conditions included with the approval, USEI may implement the proposed modification. (3-24-22)

iii. If USEI modifies its treatment process without first receiving written approval from the Department, this exclusion of waste will be void from the time the process was modified. (3-24-22)

f. Records and Data Retention and Submittal. (3-24-22)

i. Records of disposal site, operating conditions and analytical data from verification testing must be compiled, summarized, and maintained at USEI's Grand View facility for a minimum of five (5) years from the date the records or data are generated. (3-24-22)

ii. The records and data maintained by USEI must be furnished upon request to the Department or EPA. (3-24-22)

iii. Failure to submit requested records or data within ten (10) business days of receipt of a written request or failure to maintain the required records and data on site for the specified time, will be considered by the Department, at its discretion, sufficient basis to revoke the exclusion to the extent directed by the Department. (3-24-22)

iv. All records or data submitted to the Department must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the records or data submitted: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete. As to any identified sections of this document for which I cannot personally verify the truth and accuracy, I certify as the USEI official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete. In the event that any of this information is determined by the Department in its sole discretion to be false, inaccurate, or incomplete, and upon conveyance of this fact to USEI, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Department and that USEI will be liable for any actions taken in contravention of USEI's RCRA and CERCLA obligations premised upon USEI's reliance on the void exclusion." (3-24-22)

006. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE.

01. Incorporation by Reference. 40 CFR Part 262 and all Subparts, except for the language "for the Region in which the generator is located" in 40 CFR 262.42(a)(2) and 40 CFR 262.42(b), are incorporated by reference in Section 002. For 40 CFR 262.20, 262.21, 262.24, 262.25, 262.32, 262.82, 262.83, and 262.84, "EPA" is defined as the EPA. Copies of advance notification, annual reports, and exception reports, required under those sections, must also be provided to the Director. For 40 CFR Part 262, Subpart H, "United States or U.S." is defined as the United States. (3-24-22)

02. Generator Emergency Notification. In addition to the emergency notification provided in 40 CFR 262.16(b)(9)(iv)(C) and 262.265(d)(2), (see 40 CFR 262.17(a)(6), 263.30(c)(1), 264.56(d)(2), and 265.56(d)(2)) the emergency coordinator must also immediately notify the Idaho Office of Emergency Management by telephone, 1-800-632-8000, to file an identical report. (3-24-22)

007. STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE.

40 CFR Part 263 and all Subparts are incorporated by reference in Section 002. For 40 CFR 263.20(g), 263.20(g)(1), 263.20(g)(4), 263.21(a)(4), and 263.22(d), "United States" is defined as the United States. For 40 CFR 263.20(a),

"EPA" is defined as the EPA. (3-24-22)

008. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.
40 CFR Part 264 and all Subparts (excluding 40 CFR 264.1(f), 264.1(g)(12), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f) and 264.1080(g)) are incorporated by reference in Section 002. For 40 CFR Subsection 264.12(a), "Regional Administrator" is defined as the EPA Region 10 Regional Administrator. For 40 CFR 264.71 and 264.1082(c)(4)(ii), "EPA" is defined as the EPA. (3-24-22)

009. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.
40 CFR Part 265, and all Subparts (excluding Subpart R, 40 CFR 265.1(c)(4), 265.1(c)(15), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g)), except the language contained in 40 CFR 265.340(b)(2) is replaced with: "The following requirements continue to apply even when the owner or operator has demonstrated compliance with the MACT requirements of part 63, subpart EEE of this chapter: 40 CFR 265.351 (closure) and the applicable requirements of Subparts A through H, BB and CC of this part," are incorporated by reference in Section 002. For 40 CFR Subsection 265.12(a), "Regional Administrator" is defined as the EPA Region 10 Regional Administrator. For 40 CFR 265.71 and 265.1083(c)(4)(ii), "EPA" is defined as the EPA. (3-24-22)

010. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE FACILITIES.
40 CFR Part 266 and all Subparts are incorporated by reference in Section 002. (3-24-22)

011. LAND DISPOSAL RESTRICTIONS.
40 CFR Part 268 and all Subparts are incorporated by reference in Section 002, except for 40 CFR 268.1(e)(3), 268.5, 268.6, 268.13, 268.42(b), and 268.44(a) through (g). The authority for implementing the provisions of these excluded sections remains with the EPA. However, the provisions of Sections 39-4403(17) and 39-4423, Idaho Code, must be applied in all cases where these provisions are more stringent than the federal standards. If the Administrator of the EPA grants a case-by-case variance pursuant to 40 CFR 268.5, that variance will simultaneously create a case-by-case variance to the equivalent provision of these rules. For 40 CFR 268.2(j) "EPA" is defined as the EPA. For 40 CFR 268.40(b), "Administrator" is defined as the EPA Administrator. In 40 CFR 268.7(a)(9)(iii), "D009" is excluded, (from lab packs as noted in 40 CFR Part 268 Appendix IV. (3-24-22)

012. HAZARDOUS WASTE PERMIT PROGRAM.
40 CFR Part 270 and all Subparts, except 40 CFR 270.1(c)(2)(ix), 270.12(a) and 40 CFR 270.14(b)(18), are incorporated by reference in Section 002. For 40 CFR 270.2, 270.5, 270.10(e)(2), 270.10(e)(3), 270.10(f)(2), 270.10(f)(3), 270.10(g), 270.11(a)(3), 270.32(a), 270.32(b)(2), 270.32(c), 270.51, 270.72(a)(5), and 270.72(b)(5), "EPA" and "Administrator" or "Regional Administrator" is defined as the EPA and the EPA Region 10 Regional Administrator, respectively. (3-24-22)

013. PROCEDURES FOR DECISION-MAKING (STATE PROCEDURES FOR RCRA OR HWMA PERMIT APPLICATIONS).
40 CFR Part 124, Subparts A, B and G are incorporated by reference in Section 002, except that the last sentence of 40 CFR 124.10(b)(1), 40 CFR 124.15(b)(2), 40 CFR 124.19, the fourth sentence of 40 CFR 124.31(a), the third sentence of 40 CFR 124.32(a), and the second sentence of 40 CFR 124.33(a) are expressly omitted from the incorporation by reference of each of those subsections. For 40 CFR 124.6(e), 124.10(b), and 124.10(c)(1)(ii) "EPA" and "Administrator" or "Regional Administrator" is defined as the EPA and the EPA Region 10 Regional Administrator, respectively. (3-24-22)

014. (RESERVED)

015. STANDARDS FOR THE MANAGEMENT OF USED OIL.

01. Incorporation by Reference. 40 CFR Part 279 and all Subparts are incorporated by reference in Section 002. For 40 CFR 279.43(c)(3)(ii) "Director" is defined as the Director, U.S.DOT Office of Hazardous Materials Regulation. (3-24-22)

02. Used Oil as a Dust Suppressant. 40 CFR Part 279 contains a prohibition on the use of used oil as

a dust suppressant at 279.82(a); however, states may petition the EPA to allow the use of used oil as a dust suppressant. Members of the public may petition the state to make this application to the EPA. This petition must: (3-24-22)

a. Be submitted to the Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706-1255; and (3-24-22)

b. Demonstrate how the provisions of 40 CFR 279.82(b) will be met. (3-24-22)

016. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.
40 CFR Part 273 and all Subparts are incorporated by reference in Section 002. For 40 CFR 273.32(a)(3), "EPA" is defined as the EPA. (3-24-22)

017. CRITERIA FOR THE MANAGEMENT OF GRANULAR MINE TAILINGS (CHAT) IN ASPHALT CONCRETE AND PORTLAND CEMENT CONCRETE IN TRANSPORTATION CONSTRUCTION PROJECTS FUNDED IN WHOLE OR IN PART BY FEDERAL FUNDS.
40 CFR Part 278 and all Subparts are incorporated by reference in Section 002. (3-24-22)

018. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT.
40 CFR Part 267 and all Subparts, except 40 CFR 267.150, are incorporated by reference in Section 002. (3-24-22)

019. -- 354. (RESERVED)

355. HAZARDOUS WASTE FACILITY SITING LICENSE FEE.
These rules have the license fee criteria set forth in Section 39-4434(2), Idaho Code. (3-24-22)

01. Fee Scale. Except as provided in Subsection 355.02, the fee provided in HWFSA and these rules will be determined using the table below.

LICENSE FEE SCALE - PROJECTED HAZARDOUS WASTE VOLUME (gallons)			
Site Size	**Up to 10,000**	**10,000 - 20,000**	**More Than 20,000**
1 acre or greater	$3,000	$4,000	$7,500
Equal to or greater than 1/2 acre, but less than 1 acre	$4,000	$5,000	$7,500
Less than 1/2 acre	$5,000	$6,000	$7,500

(3-24-22)

a. "Projected Waste Volume" means the total actual or potential hazardous waste volume, in gallons or an equivalent measurement, proposed for the hazardous waste facility. (3-24-22)

b. "Site Size" means the sum in acres of all proposed "Hazardous Waste Management Unit(s)" as defined in Section 004 (40 CFR 260.10). (3-24-22)

02. Fee for Facilities Required to Submit Engineering or Hydrogeological Information. For any proposed commercial hazardous waste TSD facility or any on-site land disposal facility for wastes listed pursuant to Section 201(d)(2) and (e), as modified by Section 209 of the Federal Hazardous and Solid Waste Amendments of 1984, which must submit engineering or hydrogeological information to indicate compliance with technical criteria as adopted in the Hazardous Waste Management Plan, the fee is seven thousand five hundred dollars ($7,500). (3-24-22)

03. Expansion, Enlargement or Alteration of a Commercial Hazardous Waste TSD Facility or Any On-Site Land Disposal Facility for Wastes Listed Pursuant to Section 201(D)(2) and (E), as Modified by Section 209 of the Hazardous and Solid Waste Amendments of 1984. The significant expansion, enlargement or

alteration of a hazardous waste TSD facility in existence on July 1, 1985, constitutes a new proposal for which a siting license is required and for which a fee must be paid. (3-24-22)

04. Fee Nonrefundable. The fee is nonrefundable and may not be applied toward any subsequent application if the application is cancelled, withdrawn, or denied. (3-24-22)

356. VARIANCE APPLICATIONS FOR TSD FACILITIES OR SITES.

01. Application Contents and Standard of Review. Applications must be submitted in triplicate and contain detailed plans, specifications, and information regarding objectives, procedures, controls, and other pertinent data as the Director may require. (3-24-22)

02. Standard Of Review. The Director may grant a variance only if the applicant demonstrates to the Director's satisfaction that construction and operation of the TSD facility or site in the manner allowed by the variance and any term or condition imposed as part of the variance: (3-24-22)

a. Will avert unnecessary and significant hardship; (3-24-22)

b. Is consistent with EPA provisions; and (3-24-22)

c. Will not create a nuisance or a hazard to the public health, safety or the environment. (3-24-22)

03. Public Hearings. The Director may hold a public hearing on an initial application for a variance and will hold a public hearing on any application to renew or extend a variance. The public hearing will be held at a location in the county where the operations that are the subject of the application are conducted unless the Director determines that a different location or virtual format is more appropriate and convenient for interested members of the public. The Director will give at least twenty (20) days' notice of the hearing to the applicant by certified mail and publish at least one (1) notice in a newspaper with general circulation in either the county where the operation is conducted or the county where the hearing is to be held. The Director will maintain a complete record of the testimony and the evidence submitted at the hearing. (3-24-22)

04. Public Information. All information submitted as part of a variance application is public information and not subject to any claim of confidentiality. The information will be made available for public inspection at the Department's state office and following locations: (3-24-22)

a. Application –- appropriate regional office; and (3-24-22)

b. Current list of pending applications and schedule of pending hearings -– all regional offices. (3-24-22)

05. Director's Decision. No variance will be granted or denied until the Director has considered the relative interests of the applicant, other persons and property affected by the variance, and the public. Any variance granted will be for a period specified by the Director but not more than one (1) year. No variance will be granted or denied without a written order stating the findings upon which the decision is based. (3-24-22)

06. Applicant to Bear Costs. The cost of public notice, recording and transcribing of testimony, and hearing facilities must be borne by the applicant whether or not a variance is granted. (3-24-22)

357. -- 499. (RESERVED)

500. ROUTING OF HAZARDOUS WASTE SHIPMENTS.

01. Transporting. Any person transporting a quantity of hazardous waste which requires a manifest must, to the extent possible: (3-24-22)

a. Use state, United States and interstate highways; and (3-24-22)

b. Avoid municipalities and population centers even when doing so may add miles to the distance traveled. (3-24-22)

02. Director's Conditions. The Director may, upon a finding that a shipment or shipments of hazardous waste constitutes a greater than normal risk to the public health, safety or environment, prescribe by order particular conditions for that shipment or shipments including, but not limited to, special placarding; pilot vehicles; and routing, parking, and timing restrictions. (3-24-22)

501. -- 799. (RESERVED)

800. INSPECTION PLAN -- FREQUENCY LEVELS.
The Department may, as time and resources permit, conduct regular inspections of persons or entities subject to these rules, their records, and property at approximately the following frequency levels based upon potential risk to the public health or environment. (3-24-22)

01. Commercial TSD Facilities or Sites or Offsite Generator TSD Facilities or Sites. Up to every day. (3-24-22)

02. Generator On-Site TSD Facilities or Sites. Up to twenty (20) times per year. (3-24-22)

03. Transport Vehicles. As necessary. (3-24-22)

04. Transport Facilities or Sites. Up to twelve (12) times per year. (3-24-22)

05. Generators. Generators -- up to twelve (12) times per year. (3-24-22)

06. Conduct Inspections. Nothing in the schedule of frequency levels in Subsections 800.01 through 800.05 may be construed as limiting the Department's authority to conduct inspections when there is reasonable cause to suspect a violation of HWMA or these rules. The Director may by policy guidance memorandum modify the inspection frequency levels as necessary for the effective or efficient enforcement of HWMA and these rules. (3-24-22)

801. -- 849. (RESERVED)

850. ILLEGAL ACTIONS.

01. False Statements or Representations. Any person who makes a false statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained or used for complying with these rules or HWMA commits a violation. Each false statement or representation constitutes a separate and distinct violation for which civil penalties may be imposed. Any person who knowingly makes a false statement or representation of the type described above is, in addition to civil penalties, subject to criminal prosecution for the commission of a misdemeanor for each statement or representation. (3-24-22)

02. Failure to Comply with These Rules, the HWMA, or Other Requirements. Any person who violates these rules, HWMA, or any permit, standard, condition, requirement, compliance agreement or order issued pursuant to these rules or HWMA thereby commits a violation. Civil penalties may be imposed for each separate violation and for each day of continuing violation. Any person who knowingly commits a violation of the type described above is, in addition to civil penalties, subject to criminal prosecution for the commission of a misdemeanor for each separate violation and for each day of a continuing violation. (3-24-22)

851. -- 899. (RESERVED)

900. EXPENDITURES FROM HAZARDOUS WASTE EMERGENCY ACCOUNT.
The Director may declare a hazardous waste emergency if the public health, safety or the environment are threatened by a release or threat of release of a hazardous waste or a substance which has become a hazardous waste. Following a hazardous waste emergency declaration, the Department may spend or obligate to be spent up to two hundred thousand dollars ($200,000) from the Hazardous Waste Emergency Account, Section 39-4417, Idaho Code, to obtain

equipment and materials, conduct investigations, test samples, and employ personnel as necessary or eliminate or mitigate the immediate threat and stabilize the situation. The Director may authorize the expenditure or obligation of more than two hundred thousand dollars ($200,000) from this account in any given situation upon a finding by the Board that a greater expenditure or obligation is prudent and necessary to protect the public health, safety or environment. (3-24-22)

901. -- 995. (RESERVED)

996. ADMINISTRATIVE PROVISIONS.
Administrative appeals of agency actions are governed by IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records." (3-24-22)

997. -- 999. (RESERVED)