

RECEIVED

JAN 27 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 63-34858

AMENDED

3/6/20

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Canyon County Phone 208-454-7391
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 1115 Albany Street City Caldwell
State Idaho ZIP 83605 Email pacivilmail@canyonco.org
2. Name of representative, if any David M. Loper, Director, Canyon Co. Solid Waste Phone 208-614-5005
Mailing address 15500 Missouri Avenue City Nampa
State Idaho ZIP 83686 Email dloper@canyonco.org
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Ground Water which is a tributary of N/A
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
02N	03W	20			NE	NE	Canyon	Ground Water	

5. Water will be used for the following purposes: commercial and fire protection D.L. 3-5-20
- Amount .14 for Dust Control purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount .04 for Domestic purposes from Jan. 1 to Dec. 1 (both dates inclusive) D.L. 3-5-20
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .14 D.L. 3-5-20 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. 30,000 gallon storage tank will be used.
Pump in well to match flow. Gravity flow to hydrant to fill water truck.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is 6" inches; proposed depth of well is 1120 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 12-22-95; drilling firm Adamson Pump and Drilling (See attached well log)
well was drilled for (well owner) Stuart's, Canyon Co. is current owner; Drilling Permit No. 63-95-W-0962-100

For Department Use

Received by LE Date 1/27/2020 Time 11:00am Preliminary check by AB
Fee \$ 100.00 Receipted by LE Receipt No. W048006 Date 1/27/2020

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. N/A
 - Stockwatering; list number and kind of livestock. N/A
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households N/A
 - Other; describe fully. Dust Control (See attached Tier I Operating Permit issued by DEQ (Air Permit). Emergency Fire Protection
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	20	c,f	c,f	c,f	c,f									c,f	c,f	c,f	c,f	
02N	03W	21		c,f	c,f		c,f	c,f	c,f	c,f	c,f	c,f	c,f	c,f		c,f	c,f		

Total number of acres to be irrigated: N/A

D.L.
3-6-2020

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Please see the Boise River Rental Pool Lease Agreement (attached). Canyon County plans to use this water as the primary source for dust control during irrigation season (Oct. 15 to April 15). Also please see Water Right 63-12126, current commercial use.
11. a. Who owns the property at the point of diversion? Canyon County
- b. Who owns the land to be irrigated or place of use? Canyon County
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The water will be used for dust control and emergency fire protection. The water will be used primarily during times when water in item 10 of this application is not available (Oct. 15 to April 15). The current water right 63-21870 for the well is for domestic use. This application is not intended to change the existing water rights, but to add the additional commercial use for dust control. The cfs proposed is based on the well drilling log pump rate.
13. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

See Attached Signature page

Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

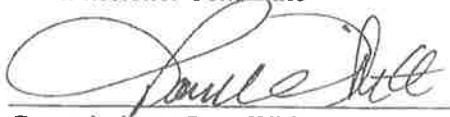
Daniel M. Loper; David M. Loper, Director 3-5-2020

DATED this 21 day of JANUARY, 2020.

BOARD OF CANYON COUNTY
COMMISSIONERS


Commissioner Leslie Van Beek


Commissioner Tom Dale

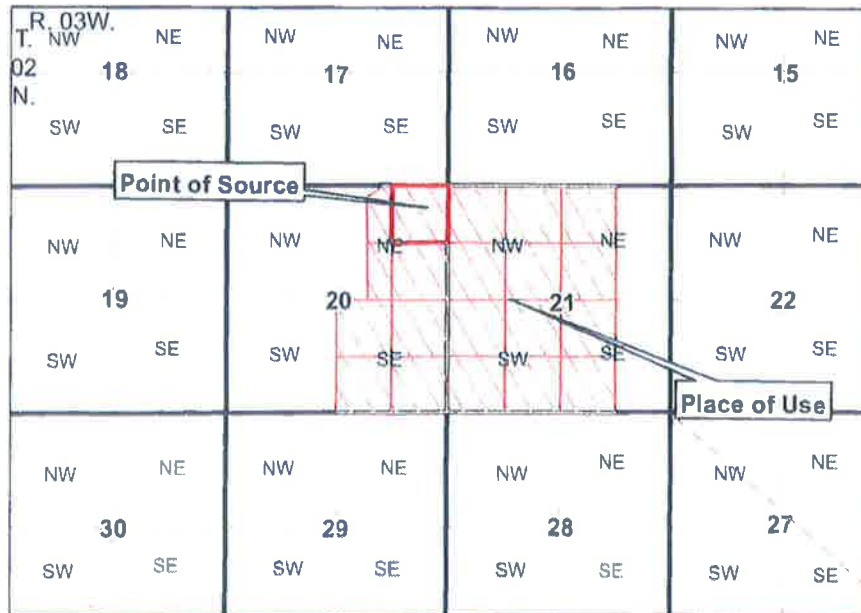

Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: 
Deputy Clerk

Date: 1-21-2020

Water Diversion and Delivery System



NWNW	NENW	NWNE	NENE
160 ac		160 ac	
SWNW	SENW	SWNE	SENE
27			
NWSW	NESW	NWSE	NESE
160 ac		40 ac	40 ac
SWSW	SESW	SWSE	SESE
		40 ac	40 ac

- Point of Source
- Place of Use

NWSWSW	NESWSW
10 acres	10 acres
40 acres	
SWSWSW	SESWSW
10 acres	10 acres



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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	20	C	C	C	C									C	C	C	C	
02N	03W	21		C	C		C	C	C	C	C	C	C	C		C	C		

Total number of acres to be irrigated: N/A

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Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

DATED this 21 day of JANUARY, 2020.

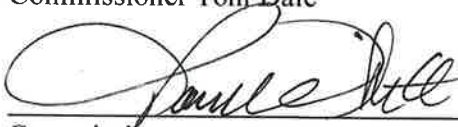
BOARD OF CANYON COUNTY
COMMISSIONERS



Commissioner Leslie Van Beek



Commissioner Tom Dale



Commissioner Pam White

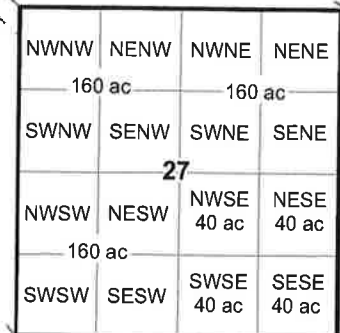
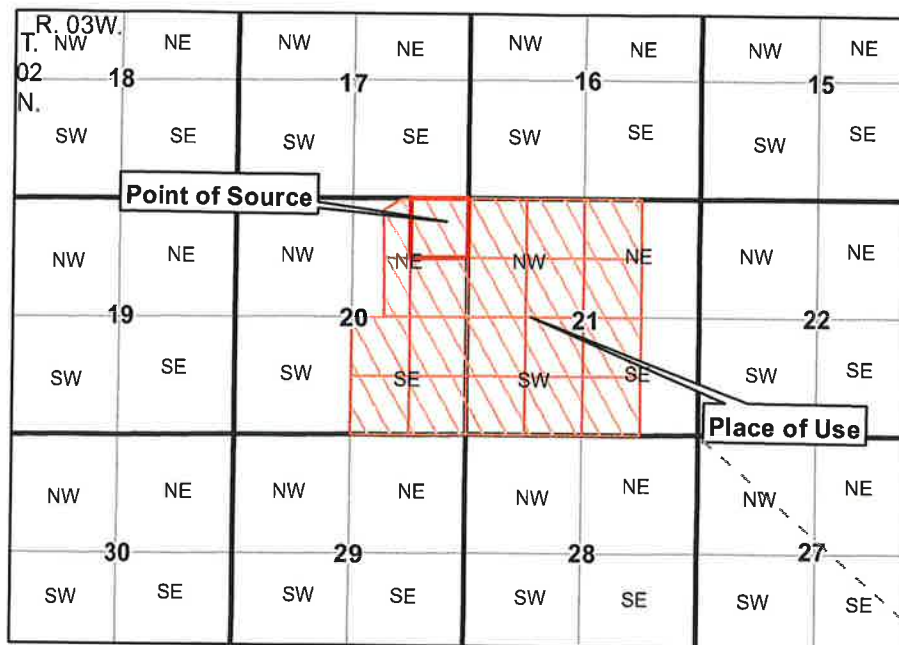
ATTEST: CHRIS YAMAMOTO, CLERK

By: 

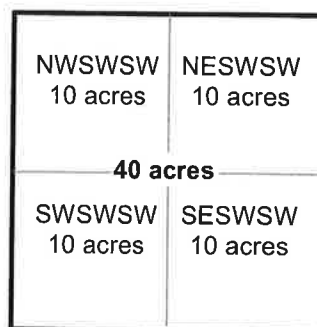
Deputy Clerk

Date: 1-21-2020

Water Diversion and Delivery System



- Point of Source
- Place of Use





[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

10/25/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-21870

Owner Type Name and Address

Current Owner DONALD L STUART

Current Owner SHELLEY R STUART

16241 DEER FLAT RD

CALDWELL, ID 83605

2084599225

Priority Date: 04/01/1980

Basis: Decreed

Status: Active

Source Tributary.

GROUND WATER

Beneficial Use From To Diversion Rate Volume

DOMESTIC 1/01 12/31 0.04 CFS
Total Diversion 0.04 CFS
Location of Point(s) of Diversion:

GROUND WATER NENE Sec. 20 Township 02N Range 03W CANYON County

Place(s) of use:

Place of Use Legal Description: DOMESTIC CANYON County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres

02N 03W 20 NENE

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. 1R30166-000--0

Dates:

Licensed Date:

Decreed Date: 03/31/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 21 2019

WATER RESOURCES
WESTERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-21870	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: DONALD L. STUART AND SHELLEY R. STUART
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): CANYON COUNTY
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 1115 ALBANY STREET CALDWELL ID 83605
Mailing address City State ZIP
- (208) 454-7391 PACIVILMAIL@CANYONCO.ORG
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: SEPTEMBER 27, 2019
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: _____ SEE ATTACHED SIGNATURE PAGE _____
 Signature of new owner/claimant Title, if applicable Date
- Signature: _____
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by KT Date 10/21/19 Receipt No. W047827 Receipt Amt. \$25.00

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒


Name on W-9 _____ Approved by KT Processed by KT Date 11/13/19

DATED this 10 day of Oct., 2019.


BOARD OF CANYON COUNTY
COMMISSIONERS


Commissioner Leslie Van Beek


Commissioner Tom Dale


Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: 
Deputy Clerk

Date: 10-10-19

AFTER RECORDING MAIL TO:

Canyon County
1115 Albany St., Rm. 101
Caldwell, ID 83605

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

WARRANTY DEED

File No.: 4120-3320476 (KD)

Date: September 25, 2015


For Value Received, **Donald L. Stuart and Shelley R. Stuart, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Canyon County, a political subdivision of the State of Idaho**, hereinafter referred to as Grantee, whose current address is **1115 Albany St., Rm. 101, Caldwell, ID 83605**, the following described premises, situated in **Canyon County, Idaho**, to wit:


LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

(See Exhibit "A" attached hereto and made a part hereof by reference.)

APN: 30166000 0; 30166010 0; 30166011 0; 30166012 0

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Donald L. Stuart


Shelley R. Stuart

On this 25th day of **September, 2019**, before me, a Notary Public in and for said State, personally appeared **Donald L. Stuart and Shelley R. Stuart**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

KIMBERLY A DOAN
COMMISSION #7488
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 01/27/2023

Notary Public for the State of Idaho
Residing at: ,
My Commission Expires:



First American

Exhibit A

ISSUED BY

First American Title Insurance Company

File No: 4120-3320476

Commitment File No.: 4120-3320476

The Land referred to herein below is situated in the County of Canyon, State of ID, and is described as follows:

Parcel 1

This parcel is a portion of the Northeast Quarter Northeast Quarter Northeast Quarter of Section 20, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said Northeast Quarter Northeast Quarter Northeast Quarter; Thence South 00° 02' 23" East along the East boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 30.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 00° 02' 23" East along said East boundary a distance of 321.49 feet; thence South 89° 21' 35" West parallel with the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 449.64 feet thence North 08° 15' 45" East a distance of 325.39 feet to a point which lies 30.00 feet South of the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter; thence North 89° 21' 35" East parallel with the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 402.66 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land for right-of-way located in the Northeast Quarter of the Northeast Quarter of Section 20 Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho. Said right-of-way being described as follows:

Commencing at the Northeast corner of Section 20, Township 2 North, Range 3 West, Boise Meridian; Thence along the East line of the Northeast Quarter of Section 20, South 00°38'40" West 30.00 feet, to a point 30.57 feet right of Deer Flat Road Centerline Station 20+55.88 and the TRUE POINT OF BEGINNING;

Thence continuing along said East line of the Northeast Quarter of Section 20, South 00°38'40" West, 34.43 feet, to a point 65.00 feet right of Deer Flat Road Centerline Station 20+55.37; Thence leaving said East line North 89°43'04" West, 407.64 feet;

Thence North 08°54'10" East, 33.12 feet;

Thence South 89°57'27" East, 402.90 feet to the TRUE POINT OF BEGINNING.

Parcel 2

This parcel is a portion of the Northeast Quarter Northeast Quarter Northeast Quarter of Section 20, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said Northeast Quarter Northeast Quarter Northeast Quarter; thence South 00° 02' 23" East along the East boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 30.00 feet; thence South 89° 21' 35" West parallel with the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 402.66 feet to the TRUE POINT OF BEGINNING; thence South 08° 15' 45" West a distance of 453.31 feet; thence South 89° 21' 35" West parallel with the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 161.74 feet to a point which lies 30.00 feet East of the West boundary of said Northeast Quarter Northeast Quarter Northeast Quarter; thence North 00° 03' 17" West parallel with the West boundary of said Northeast Quarter Northeast Quarter Northeast Quarter

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Form 5030016 (5-9-17)

Page 10 of 11

ALTA Commitment for Title Insurance (8-1-16)
Idaho

Quarter a distance of 447.87 feet to a point which lies 30.00 feet South of the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter; thence North 89° 21' 35" East parallel with the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 227.32 feet to the TRUE POINT OF BEGINNING.

Parcel 3

This parcel is a portion of the Northeast Quarter Northeast Quarter Northeast Quarter of Section 20, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of said Northeast Quarter Northeast Quarter Northeast Quarter; Thence North 89° 21' 13" East along the South boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 30.00 feet to the TRUE POINT OF BEGINNING;
Thence North 00° 03' 17" West parallel with the West boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 184.59 feet to a point which lies 477.87 feet South of the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter;
Thence North 89° 21' 35" East parallel with the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 472.01 feet; thence South 00° 02' 23" East parallel the East boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 184.54 feet to a point on the South boundary of said Northeast Quarter Northeast Quarter Northeast Quarter; thence South 89° 21' 13" West along said South boundary a distance of 471.96 feet to the TRUE POINT OF BEGINNING.

Parcel 4

This parcel is a portion of the Northeast Quarter Northeast Quarter Northeast Quarter of Section 20, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

Beginning at the Southeast corner of said Northeast Quarter Northeast Quarter Northeast Quarter; thence South 89° 21' 13" West along the South boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 157.85 feet to a point which lies 501.96 feet East of the Southwest corner of said Northeast Quarter Northeast Quarter Northeast Quarter; thence North 00° 02' 23" West parallel with the East boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 184.54 feet; thence South 89° 21' 35" West parallel with the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 310.27 feet to a point which lies 191.74 feet East of the West boundary of said Northeast Quarter Northeast Quarter Northeast Quarter;
thence North 08° 15' 45" East a distance of 127.92 feet;
thence North 89° 21' 35" East parallel with the North boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 449.64 feet to a point which lies 351.49 feet South of the Northeast corner of said Northeast Quarter Northeast Quarter Northeast Quarter; thence South 00° 02' 23" East along the East boundary of said Northeast Quarter Northeast Quarter Northeast Quarter a distance of 310.91 feet to the POINT OF BEGINNING.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice, the Commitment to Issue Policy, the Commitment Conditions, Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Canyon County Prosecuting Attorney

Bryan F. Taylor, JD, PhD

Canyon County Courthouse * 1115 Albany Street * Caldwell, ID 83605
Telephone: (208)454-7391 * General Fax: (208)454-7474 * Civil Fax: (208)455-5955



Christopher N. Topmiller
Chief Deputy
Criminal Division

Samuel B. Laugheed
Chief Deputy
Civil Division

October 17, 2019

RECEIVED

OCT 21 2019

WATER RESOURCES
WESTERN REGION

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Water Rights Transfer – 16241 Deer Flat Road, Caldwell, ID 83605

To Whom It May Concern:

Enclosed please find the completed Notice of Change in Water Right Ownership related to the above listed property and submitted by the Canyon County Board of Commissioners. Also enclosed is a check in the amount of \$25.00 for the filing fee. If you have any issues or questions, please contact me at (208) 454-7391 or bgoodsell@canyonco.org.

Sincerely,

Bradford D. Goodsell
Senior County Attorney

BDG/srh



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

November 13, 2019

CANYON COUNTY
1115 ALBANY ST
CALDWELL ID 83605-3522

Re: Change in Ownership for Water Right No(s): 63-21870

Dear Water Right Holder:

The Department of Water Resources Western acknowledges the receipt of correspondence changing ownership of the above referenced water right to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

Kensie Thorneycroft
Office Specialist 2

Enclosure(s)

BOISE RIVER RENTAL POOL LEASE AGREEMENT FOR 2019

The Committee of Water District No. 63 being authorized pursuant to Idaho Code Section 42-1765 to lease stored water which has been provided to the Boise River Rental Pool by water users who own reservoir space and have excess supplies for the current year, does agree to sell to **Canyon County Solid Waste, twenty eight (28) A.F. of water requested for Landfill Dust Control.** This agreement is subject to the adopted Rules and Regulations of the Boise River Rental Pool and execution of same by the party herein named.

Upon receipt of **\$560.00** and the information requested below, the Boise River Watermaster will release to you from storage, at the rate you specify **twenty eight (28)** A.F. of stored water between **April and October of 2018**.

Description of point of diversion:

Located in 1/4 1/4, Sec. , T. , R. ;

Other: **Diversion Dam, New York Canal**

On Source:

Pump H.P. _____ Lift _____

Headgate _____ (canal name if appropriate)

Description of place of use:

Legal Description: Boise Project

Total number of acres irrigated 116 A. Dust Control

Dated this 22 day of March, 2019.

David M. Lyner
(name)

(name)

15500 Missouri Ave

(address)

Nampa, ID 83686

State of Idaho)
County of Canyon)

On this 22 day of MARCH 2019, before me the undersigned Notary Public in and for said county and state, personally appeared David M. Lopez, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, the day and year in the certificate first written.

COMMISSION #41774
NOTARY PUBLIC
STATE OF IDAHO

Subra Arora

Notary Public in and for Idaho

Residing at: Cannon 3/8/22

I have accepted the request of Canyon County Solid Waste to purchase water from the Boise River Rental Pool this 26 day of March 2020

ENTERED

MAR 26 2019

STATE OF IDAHO
WATER DISTRICT #63

Rick R. Barnes

Watermaster, Water District No. 63
Agent for the Committee of Water

IDAHO Department of Water Resources



WATER RIGHT REPORT

1/15/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-12126

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COUNTY OF CANYON 1115 E ALBANY ST CALDWELL, ID 83605 2084547507

Priority Date: 07/12/1994

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	1/01	12/31	0.04 CFS	4.8 AFA
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA
Total Diversion			0.04 CFS	6 AFA

Location of Point(s) of Diversion:

GROUND WATER | SWSE | Sec. 21 | Township 02N | Range 03W | CANYON County

Licensed Diversion Capacity: 0.06

Place(s) of use:

Place of Use Legal Description: COMMERCIAL CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	21		SWSE										

Place of Use Legal Description: DOMESTIC same as COMMERCIAL

Conditions of Approval:

1. Domestic use is for 1 home. Commercial use is for a municipal solid waste landfill facility, including dust suppression, equipment cleaning, fire control, office and restroom use.

Dates:

Licensed Date: 10/07/1998

Decreed Date:

Permit Proof Due Date: 9/1/1995

Permit Proof Made Date: 10/11/1995

Permit Approved Date: 9/22/1994

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 07/12/1994

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

March 1, 2018

David Loper, Director
Pickles Butte Sanitary Landfill
15500 Missouri Ave.
Nampa, ID 83686

RE: Facility ID No. 027-00170, Pickles Butte Sanitary Landfill, Nampa
Final Tier I Operating Permit Letter

Dear Mr. Loper:

The Department of Environmental Quality (DEQ) is issuing Tier I Operating Permit No. T1-2017.0049 to Pickles Butte Sanitary Landfill at Nampa in accordance with IDAPA 58.01.01.300 through 386, Rules for the Control of Air Pollution in Idaho (Rules).

The enclosed permit is effective immediately, summarizes the applicable requirements for your facility, and requires an annual compliance certification for all emissions units. The enclosed operating permit is based on the information contained in your permit application received August 24, 2017. Modifications to and/or renewal of this operating permit shall be requested in a timely manner in accordance with the Rules.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with J.R. Fuentes, Title V source Inspector, at 208-373-0550 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to call Tom Burnham at 208-373-0502 or tom.burnham@deq.idaho.gov to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Simon".

Mike Simon
Stationary Source Program Manager
Air Quality Division

MS/tb Permit No. T1-2017.0049 PROJ 61936

Enclosure

Air Quality

TIER I OPERATING PERMIT

Permittee	Pickles Butte Sanitary Landfill
Permit Number	T1-2017.0049
Project ID	61936
Facility ID	027-00170
Facility Location	15500 Missouri Ave. Nampa, ID 83686

Permit Authority

This permit (a) is issued according to the "Rules for the Control of Air Pollution in Idaho" (Rules) (IDAPA 58.01.01.300–386) (b) incorporates all applicable terms and conditions of prior air quality permits issued by the Idaho Department of Environmental Quality (DEQ) for the permitted source, unless the permittee emits toxic pollutants subject to state-only requirements pursuant to IDAPA 58.01.01.210 and the permittee elects not to incorporate those terms and conditions into this operating permit.

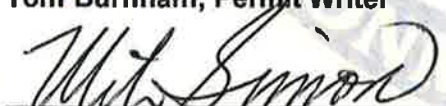
The permittee shall comply with the terms and conditions of this permit. The effective date of this permit is the date of signature by DEQ on this cover page.

Date Issued March 1, 2018

Date Expires March 1, 2023



Tom Burnham, Permit Writer



Mike Simon, Stationary Source Manager

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1 Acronyms, Units, and Chemical Nomenclature

ASTM	American Society for Testing and Materials
Btu	British thermal unit
CAA	Clean Air Act
CAM	Compliance Assurance Monitoring
CEMS	continuous emission monitoring systems
cfm	cubic feet per minute
CFR	Code of Federal Regulations
CI	compression ignition
CMS	continuous monitoring systems
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	CO ₂ equivalent emissions
COMS	continuous opacity monitoring systems
DEQ	Idaho Department of Environmental Quality
EPA	United States Environmental Protection Agency
GHG	greenhouse gases
gr	grains (1 lb = 7,000 grains)
H ₂ S	hydrogen sulfide
HAP	hazardous air pollutants
hp	horsepower
hr/yr	hours per consecutive 12-calendar-month period
ICE	internal combustion engines
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act
lb/hr	pounds per hour
LFG	landfill gas
MACT	Maximum Achievable Control Technology
Mg	megagrams
MMBtu	million British thermal units
MMscf	million standard cubic feet
MRRR	Monitoring, Recordkeeping and Reporting Requirements
MSW	municipal solid waste
MSWLF	municipal solid waste landfill
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMOC	nonmethane organic compounds
NO ₂	nitrogen dioxide
NO _x	nitrogen oxides
NSPS	New Source Performance Standards
O ₂	oxygen
O&M	operation and maintenance
OHV	off-highway vehicles
PM	particulate matter
PM _{2.5}	particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers
PM ₁₀	particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers
ppm	parts per million
ppmv	parts per million by volume

ppmw	parts per million by weight
PBSL	Pickles Butte Sanitary Landfill
PSD	Prevention of Significant Deterioration
PTC	permit to construct
Rules	Rules for the Control of Air Pollution in Idaho
scfm	standard cubic feet per minute
SIP	State Implementation Plan
SSM	startup, shutdown, and malfunction
T/yr	tons per consecutive 12-calendar-month period
T1	Tier I operating permit
ULSD	ultra low sulfur diesel
U.S.C.	United States Code
VOC	volatile organic compound

2 Permit Scope

Purpose

- 2.1 This Initial Tier I operating permit establishes facility-wide requirements in accordance with the Idaho State Implementation Plan control strategy and the Rules.

Regulated Sources

Table 2.1 lists all sources of regulated emissions in this permit.

Table 2.1 Regulated Sources

Permit Section	Source	Control Equipment
3	Fugitive dust emissions created from a number of sources: paved and unpaved roads, landfill equipment/landfill operations that include dozing and grading activities for compressing municipal solid waste and applying daily cover, and storage piles.	Reasonable control
4	PBSL MSWLF – 40 CFR 60, subpart WWW	None
4	PBSL MSWLF – 40 CFR 63, subpart AAAA	None

3 Facility-Wide Conditions

Table 3.1 contains a summary of requirements that apply generally to emissions units at the facility.

Table 3.1 Applicable Requirements Summary

Permit Conditions	Parameter	Limit/Standard Summary	Applicable Requirements Reference	Monitoring, Recordkeeping, and Reporting Requirements
3.1-3.4	Fugitive Dust	Reasonable control	IDAPA 58.01.01.650-651	3.2-3.4, 3.24, 3.29
3.5, 3.6	Odors	Reasonable control	IDAPA 58.01.01.775-776	3.6, 3.24, 3.29
3.7-3.9	Visible Emissions	20% opacity for no more than 3 minutes in any 60-minute period	IDAPA 58.01.01.625	3.8, 3.9, 3.24, 3.29
3.10-3.14	Excess Emissions	Compliance with IDAPA 58.01.01.130-136	IDAPA 58.01.01.130-136	3.10-3.14, 3.24, 3.29
3.15	PM	Natural gas only 0.015 gr/dscf at 3% O ₂ Fuel oil only 0.05 gr/dscf at 3% O ₂ Coal only 0.05 gr/dscf at 8% O ₂ Wood only 0.08 gr/dscf at 8% O ₂	IDAPA 58.01.01.676-677	(see Emissions Unit/Source Name Section)
3.16, 3.17	Sulfur Content	ASTM grade No. 1 fuel oil ≤ 0.3% by weight ASTM grade No. 2 fuel oil ≤ 0.5% by weight	IDAPA 58.01.01.725	3.17, 3.24, 3.29
3.18	Open Burning	Compliance with IDAPA 58.01.01.600-623	IDAPA 58.01.01.600-623	3.18, 3.24, 3.29
3.19	Asbestos	Compliance with 40 CFR 61, Subpart M	40 CFR 61, Subpart M	3.19, 3.24, 3.29
3.20	Accidental Release Prevention	Compliance with 40 CFR 68	40 CFR 68	3.20, 3.24, 3.29
3.21	Recycling and Emissions Reductions	Compliance with 40 CFR 82, Subpart F	40 CFR 82, Subpart F	3.21, 3.24, 3.29
3.22	NSPS/NSHAP General Provisions	Compliance with 40 CFR 60/63, Subpart A	IDAPA 58.01.01.107.03	3.22, 3.23, 3.24, 3.29
3.23	Monitoring and Recordkeeping	Maintenance of required records	IDAPA 58.01.01.322.06	3.24, 3.29
3.24-3.27	Testing	Compliance testing	IDAPA 58.01.01.157	3.25-3.28, 3.24, 3.29
3.28	Reports and Certifications	Submittal of required reports, notifications, and certifications	IDAPA 58.01.01.322.08	3.29
3.29	Incorporation of Federal Requirements by Reference	Compliance with applicable federal requirements referenced	IDAPA 58.01.01.107	3.30

Fugitive Dust

- 3.1 All reasonable precautions shall be taken to prevent particulate matter (PM) from becoming airborne in accordance with IDAPA 58.01.01.650–651.
[IDAPA 58.01.01.650–651, 4/11/15]
- 3.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (e.g., water, chemical dust suppressants) to reasonably control fugitive emissions.
[IDAPA 58.01.01.322.06, 07, 5/1/94]
- 3.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receiving of a valid complaint. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.
[IDAPA 58.01.01.322.06, 07, 5/1/94]
- 3.4 The permittee shall conduct a quarterly facility wide inspection of potential sources of fugitive emissions during daylight hours and under normal operating conditions to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.
[IDAPA 58.01.01.322.06, 07, 5/1/94]

Odors

- 3.5 The permittee shall not allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.
[IDAPA 58.01.01.775–776 (state only), 5/1/94]
- 3.6 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.
[IDAPA 58.01.01.322.06, 07 (state only), 5/1/94]

Visible Emissions

- 3.7 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, NO_x, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section.
[IDAPA 58.01.01.625, 4/5/00]

3.8 The permittee shall conduct a quarterly facility-wide inspection of potential sources of visible emissions, during daylight hours and under normal operating conditions. Sources that are monitored using a continuous opacity monitoring system (COMS) are not required to comply with this permit condition. The inspection shall consist of a see/no see evaluation for each potential source of visible emissions. If any visible emissions are present from any point of emission, the permittee shall either:

- a) Take appropriate corrective action as expeditiously as practicable to eliminate the visible emissions. Within 24 hours of the initial see/no see evaluation and after the corrective action, the permittee shall conduct a see/no see evaluation of the emissions point in question. If the visible emissions are not eliminated, the permittee shall comply with b).

or

- b) Perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20%, as measured using Method 9, for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective actions and report the period or periods as an excess emission in the annual compliance certification and in accordance with IDAPA 58.01.01.130–136.

[IDAPA 58.01.01.322.06, 5/1/94]

3.9 The permittee shall maintain records of the results of each visible emission inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.

[IDAPA 58.01.01.322.07, 5/1/94]

Excess Emissions

Excess Emissions-General

3.10 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130–136 for excess emissions. The provisions of IDAPA 58.01.01.130–136 shall govern in the event of conflicts between the excess emissions facility wide conditions (Permit Conditions 3.10 through 3.14) and the regulations of IDAPA 58.01.01.130–136.

During an excess emissions event, the permittee shall, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing the excess emissions event; to reduce the frequency of occurrence of such events; to minimize the amount by which the emission standard is exceeded; and shall, as provided below or upon request of DEQ, submit a full report of such occurrence, including a statement of all known causes, and of the scheduling and nature of the actions to be taken.

[IDAPA 58.01.01.132, 4/5/00]

Excess Emissions-Startup, Shutdown, and Scheduled Maintenance

- 3.11** In all cases where startup, shutdown, or scheduled maintenance of any equipment or emission unit is expected to result or results in an excess emissions event, the permittee shall demonstrate compliance with IDAPA 58.01.01.133.01(a) through (d), including, but not limited to, the following:
- Prohibiting any scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory or a Wood Stove Curtailment Advisory has been declared by DEQ.
 - Notifying DEQ of the excess emissions event as soon as reasonably possible, but no later than two hours prior to, the start of the event, unless the permittee demonstrates to DEQ's satisfaction that a shorter advance notice was necessary.
 - Reporting and recording the information required pursuant to the excess emissions reporting and recordkeeping requirements (Permit Conditions 3.13 and 3.14) and IDAPA 58.01.01.135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance.
- [IDAPA 58.01.01.133, 4/11/06]

Excess Emissions-Upset, Breakdown, or Safety Measures

- 3.12** In all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, results or may result in an excess emissions event, the permittee shall demonstrate compliance with IDAPA 58.01.01.134.01(a) and (b) and the following:
- Immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health.
 - Notify DEQ of any upset, breakdown, or safety event that results in excess emissions. Such notification shall identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than 24 hours after the event, unless the permittee demonstrates to DEQ's satisfaction that the longer reporting period was necessary.
 - Report and record the information required pursuant to the excess emissions reporting and recordkeeping facility wide conditions (Permit Conditions 3.13 and 3.14) and IDAPA 58.01.01.135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure.
 - During any period of excess emissions caused by upset, breakdown, or operation under facility safety measures, DEQ may require the permittee to immediately reduce or cease operation of the equipment or emissions unit causing the period until such time as the condition causing the excess has been corrected or brought under control. Such action by DEQ shall be taken upon consideration of the factors listed in IDAPA 58.01.01.134.03 and after consultation with the permittee.
- [IDAPA 58.01.01.134, 4/11/06]

Excess Emissions-Reporting and Recordkeeping

- 3.13** The permittee shall submit a written report to DEQ for each excess emissions event, no later than 15 days after the beginning of such an event. Each report shall contain the information specified in IDAPA 58.01.01.135.02.

[IDAPA 58.01.01.135, 4/11/06]

- 3.14** The permittee shall maintain excess emissions records at the facility for the most recent five calendar-year period. The excess emissions records shall be made available to DEQ upon request and shall include the information requested by IDAPA 58.01.01.136.03(a) and (b) as summarized in the following:

- An excess emissions log book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to DEQ pursuant to IDAPA 58.01.01.135 for the particular emissions unit or equipment; and
- Copies of all startup, shutdown, and scheduled maintenance procedures and upset, breakdown, or safety preventative maintenance plans that have been developed by the permittee in accordance with IDAPA 58.01.01.133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans.

[IDAPA 58.01.01.136, 4/5/00]

Fuel-Burning Equipment

- 3.15** The permittee shall not discharge to the atmosphere from any fuel-burning equipment PM in excess of 0.015 grains per dry standard cubic foot (gr/dscf) of effluent gas corrected to 3% oxygen by volume for gas, 0.050 gr/dscf of effluent gas corrected to 3% oxygen by volume for liquid, 0.050 gr/dscf of effluent gas corrected to 8% oxygen by volume for coal, and 0.080 gr/dscf of effluent gas corrected to 8% oxygen by volume for wood products.

[IDAPA 58.01.01.676–677, 5/1/94]

Sulfur Content

- 3.16** The permittee shall not sell, distribute, use, or make available for use any of the following:

- Distillate fuel oil containing more than the following percentages of sulfur:
 - ASTM Grade 1 fuel oil, 0.3% by weight
 - ASTM Grade 2 fuel oil, 0.5% by weight
- Coal containing greater than 1.0% sulfur by weight
- DEQ may approve an exemption from these fuel sulfur content requirements (IDAPA 58.01.01.725.01 725.04) if the permittee demonstrates that, through control measures or other means, SO₂ emissions are equal to or less than those resulting from the combustion of fuels complying with these limitations.

[IDAPA 58.01.01.725, 4/11/15]

- 3.17** The permittee shall maintain documentation of supplier verification of distillate fuel oil sulfur content on an as received basis.

[IDAPA 58.01.01.322.07, 5/1/94]

Open Burning

- 3.18** The permittee shall comply with the “Rules for Control of Open Burning” (IDAPA 58.01.01.600–623).

[IDAPA 58.01.01.600–623, 3/29/12]

Asbestos

3.19 NESHAP 40 CFR 61, Subpart M—National Emission Standard for Asbestos

The permittee shall comply with all applicable requirements of 40 CFR 61, Subpart M—
“National Emission Standard for Asbestos.”

[40 CFR 61, Subpart M]

Accidental Release Prevention

3.20 A permittee of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, shall comply with the requirements of the “Chemical Accident Prevention Provisions” at 40 CFR 68 no later than the latest of the following dates:

- Three years after the date on which a regulated substance present above a threshold quantity is first listed under 40 CFR 68.130.
- The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR 68.10(a)]

Recycling and Emissions Reductions

3.21 40 CFR Part 82—Protection of Stratospheric Ozone

The permittee shall comply with applicable standards for recycling and emissions reduction of refrigerants and their substitutes pursuant to 40 CFR 82, Subpart F, “Recycling and Emissions Reduction.”

[40 CFR 82, Subpart F]

NSPS/NESHAP General Provisions

3.22 NSPS 40 CFR 60, Subpart A-General Provisions

The permittee shall comply with the applicable requirements of 40 CFR 60, Subpart A-“General Provisions”-in accordance with 40 CFR 60.1. A summary of requirements for affected facilities is provided in Table 3.2.

Table 3.2 NSPS 40 CFR 60, Subpart A - Summary of General Provisions

Section	Subject	Summary of Section Requirements
60.4	Address	<ul style="list-style-type: none"> DEQ is delegated these Subparts and all requests, reports, applications, submittals, and other communications associated with 40 CFR 60, Subparts A and WWW shall be submitted to: Department of Environmental Quality Boise Regional Office 1445 N. Orchard Boise, ID 83706
60.7(a), (b), and (f)	Notification and Recordkeeping	<ul style="list-style-type: none"> Notification shall be furnished of commencement of construction postmarked no later than 30 days of such date. Notification shall be furnished of initial startup postmarked within 15 days of such date. Notification shall be furnished of any physical or operational change that may increase emissions postmarked 60 days before the change is made. Records shall be maintained of the occurrence and duration of any startup, shutdown or malfunction; any malfunction of the air pollution control equipment; or any periods during which a CMS or monitoring device is inoperative. Records shall be maintained, in a permanent form suitable for inspection, of all measurements, performance testing measurements, calibration checks, adjustments and maintenance performed, and other required information. Records shall be maintained for a period of two years following the date of such measurements, maintenance, reports, and records.
60.8	Performance Tests	<ul style="list-style-type: none"> At least 30 days prior notice of any performance test shall be provided to afford the opportunity to have an observer to be present. Within 60 days of achieving the maximum production rate, but not later 180 days after initial startup, performance test(s) shall be conducted and a written report of the results of such test(s) furnished. Performance testing facilities shall be provided as follows: Sampling ports adequate for test methods applicable to such facility. Safe sampling platform(s). Safe access to sampling platform(s). Utilities for sampling and testing equipment. Performance tests shall be conducted and data reduced in accordance with 40 CFR 60.8(b), (c), and (f)
60.11(a), (d), (f), and (g)	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> When performance tests are required, compliance with standards is determined by methods and procedures established by 40 CFR 60.8. At all times, including periods of startup, shutdown, and malfunction, the owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.
60.11(b), (c), and (e)	Compliance with Standards and Maintenance Requirements (Opacity)	<ul style="list-style-type: none"> Compliance with opacity standards shall be determined by Method 9 in Appendix A of 40 CFR 60. The permittee may elect to use COM measurements in lieu of Method 9, provided notification is made at least 30 days before the performance test. The opacity standards shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided. Opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 in accordance with the requirements and exceptions in 40 CFR 60.11(e).

Table 3.2 NSPS 40 CFR 60, Subpart A – Summary of General Provisions (continued)

Section	Subject	Summary of Section Requirements
60.12	Circumvention	<ul style="list-style-type: none"> No permittee shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard.
60.13	Monitoring Requirements (CMS)	<ul style="list-style-type: none"> All CMS and monitoring devices shall be installed and operational prior to conducting performance tests required by 40 CFR 60.8. A performance evaluation of the COMS or CEMS shall be conducted before or during any performance test and a written report of the results of the performance evaluation furnished. Reporting requirements include submitting performance evaluations reports within 60 days of the evaluations required by this section, and submitting results of the performance evaluations for the COM within 10 days before a performance test, if using a COM to determine compliance with opacity during a performance test instead of Method 9. The zero and span calibration drifts must be checked at least once daily and adjusted in accordance with the requirements in 40 CFR 60.13(d). The zero and upscale (span) calibration drifts of a COMS must be automatically, intrinsic to the opacity monitor, checked at least once daily. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, all CMS shall be in continuous operation and shall meet minimum frequency of operation requirements as specified in 40 CFR 60.13(e). All CMS or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. CMS shall be located and installed in accordance with the requirements in 40 CFR 60.13(f) and (g). Data shall be reduced and computed in accordance with the procedures in 40 CFR 60.13(h), (i), and (j).
60.14	Modification	<ul style="list-style-type: none"> A physical or operational change which results in an increase in the emission rate to the atmosphere or any pollutant to which a standard applies shall be considered a modification, and upon modification an existing facility shall become an affected facility in accordance with the requirements and exemptions in 40 CFR 60.14. Within 180 days of the completion of any physical or operational change, compliance with all applicable standards must be achieved.
60.15	Reconstruction	<ul style="list-style-type: none"> An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate in accordance with the requirements of 40 CFR 60.15.

[40 CFR 60, Subpart A]

3.23 NESHAP 40 CFR 63, Subpart A—General Provision

The permittee shall comply with the requirements of 40 CFR 63, Subpart A—“General Provisions.” A summary of applicable requirements for affected sources is provided in Table 3.3.

Table 3.3 NESHAP 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources

Section	Subject	Summary of Section Requirements
63.13	Address	<ul style="list-style-type: none"> All requests, reports, applications, submittals, and other communications associated with 40 CFR 63, Subpart(s) shall be submitted to: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Director Air and Waste US EPA 1200 Sixth Ave. Seattle, WA 98101</p> </div> <div style="width: 45%;"> <p>Department of Environmental Quality Boise Regional Office 1445 N. Orchard Boise, ID 83706</p> </div> </div>
63.4(a)	Prohibited Activities	<ul style="list-style-type: none"> No permittee must operate any affected source in violation of the requirements of 40 CFR 63 in accordance with 40 CFR 63.4(a). No permittee subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.
63.4(b)	Circumvention/ Fragmentation	<ul style="list-style-type: none"> No permittee shall build, erect, install or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Fragmentation which divides ownership of an operation, within the same facility among various owners where there is no real change in control, will not affect applicability in accordance with 40 CFR 63.4(c).
63.6(b) and (c)	Compliance Dates	<ul style="list-style-type: none"> The permittee of any new or reconstructed source must comply with the relevant standard as specified in 40 CFR 63.6(b). <p>The permittee of a source that has an initial startup before the effective date of a relevant standard must comply not later than the standard's effective date in accordance with 40 CFR 63.6(b)(1).</p> <p>The permittee of a source that has an initial startup after the effective date of a relevant standard must comply upon startup of the source in accordance with 40 CFR 63.6(b)(2).</p> The permittee of any existing sources must comply with the relevant standard by the compliance date established in the applicable subpart or as specified in 40 CFR 63.6(c). <p>The permittee of an area source that increases its emissions of hazardous air pollutants such that the source becomes a major source shall be subject to relevant standards for existing sources in accordance with 40 CFR 63.6(c)(5).</p>
63.6(e) and (f)	Compliance with Standards and Maintenance Requirements (Non-Opacity)	<ul style="list-style-type: none"> At all times, including periods of startup, shutdown, and malfunction, the permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions in accordance with 40 CFR 63.6(e). The permittee of an affected source must develop a written startup, shutdown, and malfunction plan and a program of corrective action for malfunctioning process, air pollution control, and monitoring equipment used to comply with the relevant standard in accordance with 40 CFR 63.6(e). The permittee must maintain the current plan at the affected source and must make the plan available upon request. If the plan fails to address or inadequately addresses a malfunction, the permittee must revise the plan within 45 days after the event. The permittee must record and report actions taken during a startup, shutdown, or malfunction in accordance with the requirements in 40 CFR 63.6(e). The permittee shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the plan in the semiannual startup, shutdown, and malfunction report. Non-opacity emission standards shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified, in accordance with 40 CFR 63.6(f).

Table 3.3 NESHAP 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources (continued)

Section	Subject	Summary of Section Requirements
63.7	Performance Testing Requirements	<ul style="list-style-type: none"> • If required to do performance testing, the permittee must perform such tests within 180 days of the compliance date in accordance with 40 CFR 63.7(a). • The permittee must notify in writing of the intention to conduct a performance test at least 60 calendar days before the performance test is initially scheduled to begin to allow review of the site-specific test plan and to have an observer present during the test in accordance with 40 CFR 63.7(b). • Before conducting a required performance test, the permittee shall develop and, if requested, shall submit a site-specific test plan for approval in accordance with 40 CFR 63.7(c). The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. • If required to do performance testing, the permittee shall provide performance testing facilities in accordance with 40 CFR 63.7(d): <ul style="list-style-type: none"> Sampling ports adequate for test methods applicable to such source. Safe sampling platform(s); Safe access to sampling platform(s); Utilities for sampling and testing equipment; and Any other facilities deemed necessary for safe and adequate testing of a source. • Performance tests shall be conducted and data reduced in accordance with 40 CFR 63.7(e) and (f). • The permittee shall report the results of the performance test before the close of business on the 60th day following the completion of the test, unless specified or approved otherwise in accordance with 40 CFR 63.7(g).
63.9	Notification Requirements	<ul style="list-style-type: none"> • The permittee of an affected source that has an initial startup before the effective date of a relevant standard shall notify in writing that the source is subject to the relevant standard, in accordance with 40 CFR 63.9(b)(2). The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information: <ul style="list-style-type: none"> The name and address of the permittee; The address (i.e., physical location) of the affected source; An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date; A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and A statement of whether the affected source is a major source or an area source. • The permittee of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required must provide the following information in writing in accordance with 40 CFR 63.9(b)(4): <ul style="list-style-type: none"> A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source; A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date. • The permittee of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required must provide the following information in writing in accordance with 40 CFR 63.9(b)(5): <ul style="list-style-type: none"> A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date. <p>Unless the permittee has requested and received prior permission, the notification must include the information required in the application for approval of construction or reconstruction as specified in 40 CFR 63.5(d)(1).</p>

Table 3.3 NESHAP 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources (continued)

Section	Subject	Summary of Section Requirements
63.9	Notification Requirements (continued)	<ul style="list-style-type: none"> • The permittee shall notify in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the opportunity to review and approve the site-specific test plan required by 40 CFR 63.7(c), and to have an observer present during the test. • The permittee of an affected source shall notify in writing of the anticipated date for conducting the opacity or visible emission observations in accordance with 40 CFR 63.9(f), if such observations are required. • Each time a notification of compliance status is required under this part, the permittee of such source shall submit a notification of compliance status in accordance with 40 CFR 63.9(h)(2)(i). The notification shall list: <ul style="list-style-type: none"> The methods that were used to determine compliance; The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted; The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods; The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard; If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification); A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and A statement by the permittee of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements. • The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard unless otherwise specified in accordance with 40 CFR 63.9(h)(2)(ii). If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with a standard, the notification shall be sent before close of business on the 30th day following the completion of the observations. • Each time a notification of compliance status is required under this part, the permittee of such source shall submit the notification of compliance status following completion of the relevant compliance demonstration activity specified. • If a permittee submits estimates or preliminary information in an application in place of the actual emissions data or control efficiencies, the permittee shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section in accordance with 40 CFR 63.9(h)(5). • Any change in the information already provided under this section shall be provided in writing within 15 calendar days after the change in accordance with 40 CFR 63.9(j).

Table 3.3 NESHAP 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources (continued)

Section	Subject	Summary of Section Requirements
63.10	Recordkeeping and Reporting Requirements	<ul style="list-style-type: none"> • The permittee shall maintain files of all required information recorded in a form suitable and readily available for expeditious inspection and review in accordance with 40 CFR 63.10(b)(1). The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. • The permittee shall maintain relevant records of the following in accordance with 40 CFR 63.10(b)(2); <ul style="list-style-type: none"> The occurrence and duration of each startup or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards; The occurrence and duration of each malfunction of operation or the required air pollution control and monitoring equipment; All required maintenance performed on the air pollution control and monitoring equipment; Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan; or Actions taken during periods of malfunction when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan; All information necessary, including actions taken, to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see 40 CFR 63.6(e)(3)) when all actions taken during periods of startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events); Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods); All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report); All results of performance tests, CMS performance evaluations, and opacity and visible emission observations; All measurements as may be necessary to determine the conditions of performance tests and performance evaluations; All CMS calibration checks; All adjustments and maintenance performed on CMS; All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under 40 CFR 63.8(f)(6); and All documentation supporting initial notifications and notifications of compliance status under 40 CFR 63.9. • If an permittee determines that his or her stationary source that emits one or more HAP, and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to a relevant standard because of limitations on the source's potential to emit or an exclusion, the permittee must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first in accordance with 40 CFR 63.10(b).

[40 CFR 63, Subpart A]

Monitoring and Recordkeeping

- 3.24** The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this operating permit. Monitoring records shall include, but not be limited to, the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.322.06, 07, 5/1/94]

Performance Testing

- 3.25** If performance testing is required, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test or shorter time period as provided in a permit, order, consent decree, or by DEQ approval. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests such testing not be performed on weekends or state holidays.
- 3.26** All testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, prior to conducting any performance test, the permittee is encouraged to submit in writing to DEQ, at least 30 days in advance, the following for approval:
- The type of method to be used.
 - Any extenuating or unusual circumstances regarding the proposed test.
 - The proposed schedule for conducting and reporting the test.

[IDAPA 58.01.01.157, 4/11/15; IDAPA 58.01.01.322.06, 08.a, 09, 4/5/00]

- 3.27** Within 60 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.
- 3.28** The proposed test date(s), test date rescheduling notice(s), compliance test report, and all other correspondence shall be sent to the DEQ address specified in the "Reports and Certifications" facility wide condition (Permit Condition 3.28).

[IDAPA 58.01.01.157, 4/11/15; IDAPA 58.01.01.322.06, 08.a, 09, 4/5/00]

Reports and Certifications

- 3.29** All periodic reports and certifications required by this permit shall be submitted to DEQ within 30 days of the end of each specified reporting period. Excess emissions reports and notifications shall be submitted in accordance with IDAPA 58.01.01.130–136. Reports, certifications, and notifications shall be submitted to:

Air Quality Permit Compliance
Department of Environmental Quality
Boise Regional Office
1445 N. Orchard
Boise, ID 83706

Phone: (208) 208-373-0550
Fax: (208) 208-373-0287

The periodic compliance certification required in the general provisions (General Provision 5.22) shall also be submitted within 30 days of the end of the specified reporting period to:

Part 70 Operating Permit Program
U.S. EPA Region 10, Mail Stop: OAW-150
1200 Sixth Ave., Suite 900
Seattle, WA 98101

[IDAPA 58.01.01.322.08, 11, 4/5/00]

Incorporation of Federal Requirements by Reference

- 3.30** Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein. Documents include, but are not limited to:

- Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills.
- National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP), 40 CFR Part 63, Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as NSPS or NESHAP), should there be any conflict between the requirements of the permit condition and the requirements of the document, the requirements of the document shall govern, including any amendments to that regulation.

[IDAPA 58.01.01.107, 3/29/17]

4 PBSL MSWLF – 40 CFR 60 Subpart WWW and 40 CFR 63 Subpart AAAA

Summary Description

The Pickles Butte Sanitary Landfill (PBSL) is a municipal solid waste landfill (MSWLF) located in Nampa, Idaho. The original design for the PBSL included filling three deep coulees or ravines to a top deck elevation of 2900 feet. This essentially matched the existing grade along the east side of the coulees. The capacity of the site was estimated to be 16 million cubic yards. Two of the ravines were east of Perch Road, and the third ravine was west of Perch Road. The plan was modified in 1980 to allow public use of off-highway vehicles (OHV) west of the active landfill area.

The facility began accepting waste in April 1983. When the Federal Subtitle D rules were implemented in the early 1990's, the County updated the design and hydrogeologic characterization. The fill boundary, follows the top of three coulees along the east side and crossed Perch Road and includes 3H:1V (horizontal to vertical) exterior slopes and building the fill above grade rather than the flat top. The overall capacity of the facility to 25.7 million cubic yards.

The PBSL design capacity is greater than 2.5 million m³ and 2.5 million Mg, and therefore, is a designated facility and subject to NSPS subpart WWW.

Annual hazardous air pollutant (HAP) emissions exceeded 25 T/yr for HAPs in combination and exceeded 10 T/yr for the single HAP, toluene. The facility is therefore a major source of HAPs and subject to Title V permitting rules, as well as the NESHAP subpart regulating municipal landfills, 40 CFR 63, subpart AAAA. However, there are no requirements for this subpart until a gas collection system is required.

Table 4.1 describes the devices used to control emissions from PBSL Landfill.

Table 4.1 PBSL Landfill Description

Emissions Units / Processes	Control Devices
PBSL MSWLF	None

Table 4.2 contains only a summary of the requirements that apply to the PBSL Landfill. Specific permit requirements are listed below.

Table 4.2 Applicable Requirements Summary

Permit Conditions	Parameter	Limit/Standard Summary	Applicable Requirements Reference	Operating, Monitoring, and Recordkeeping Requirements
3.2–3.5	Fugitive Dust	Reasonable control	IDAPA 58.01.01.650–651	3.3–3.5, 3.24, 3.29
3.6–3.7	Odors	Reasonable control	IDAPA 58.01.01.775–776	3.7, 3.24, 3.29
4.1–4.27	NSPS	Compliance with 40 CFR 60 Subpart WWW	40 CFR 60.752–759	4.3–4.27, 3.24, 3.29
4.28	NESHAP	Compliance with 40 CFR 63 Subpart AAAA	40 CFR 63 1930–1990	4.28

40 CFR 60 Subpart WWW Requirements

- 4.1 The permittee shall be in compliance with 40 CFR 60, Subpart WWW in accordance with IDAPA 58.01.01.859.03. The following permit conditions apply to PBSL based on the information in the application. Should, in the future, changes made to PBSL trigger other requirements in 40 CFR 60, Subpart WWW, requirements in 40 CFR 60, Subpart WWW shall govern.

[IDAPA 58.01.01.859, 4/5/00]

- 4.2 If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall operate the collection and control device installed to comply with this subpart in accordance with the provisions of 40 CFR 60.753, 60.755 and 60.756. The collection and control system may be capped or removed provided that all the conditions of 40 CFR 60.752(b)(2)(v) (A), (B), and (C) are met:

- The landfill shall be a closed landfill as defined in 40 CFR 60.751. A closure report shall be submitted to DEQ as provided in 40 CFR 60.757(d);
- The collection and control system shall have been in operation a minimum of 15 years; and following the procedures specified in 40 CFR 60.754(b), the calculated nonmethane organic compounds (NMOC) gas produced by the landfill shall be less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.
- When a MSW landfill subject to this subpart is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under 40 CFR 70 for the landfill if the landfill is not otherwise subject to the requirements of 40 CFR 70 and if the owner or operator meets the conditions for control system removal specified in 40 CFR 60.752(b)(2)(v).

[40 CFR 60.752(b),(d)]

- 4.3 If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator of an MSW landfill with a gas collection and control system used to comply with the provisions of 40 CFR 60.752(b)(2)(ii) shall:

- Operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for:
 - 5 years or more if active or
 - 2 years or more if closed or at final grade.
- Operate the collection system with negative pressure at each wellhead except under the following conditions:
 - A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 40 CFR 60.757(f)(1);
 - Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan;
 - A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by DEQ.
- Operate each interior wellhead in the collection system with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20% or an oxygen level less than 5%. The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at

a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

- The nitrogen level shall be determined using Method 3C, unless an alternative test method is established as allowed by 40 CFR 60.752(b)(2)(i).
- Unless an alternative test method is established as allowed by 40 CFR 60.752(b)(2)(i), the oxygen shall be determined by an oxygen meter using Method 3A or 3C except that:
 - The span shall be set so that the regulatory limit is between 20 and 50% of the span;
 - A data recorder is not required;
 - Only two calibration gases are required, a zero and span, and ambient air may be used as the span;
 - A calibration error check is not required;
 - The allowable sample bias, zero drift, and calibration drift are $\pm 10\%$.
- Operate the collection system so that the methane concentration is less than 500 ppm above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.
- Operate the system such that all collected gases are vented to a control system designed and operated in compliance with 40 CFR 60.752(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one hour; and
- Operate the control or treatment system at all times when the collected gas is routed to the system.
- If monitoring demonstrates that the operational requirements in 40 CFR 60.753(b), (c), or (d) are not met, corrective action shall be taken as specified in 40 CFR 60.755(a)(3) through (5) or 40 CFR 60.755(c). If corrective actions are taken as specified in 40 CFR 60.755, the monitored exceedance is not a violation of the operational requirements in this section.

[40 CFR 60.753]

- 4.4** If a gas collection system is required by 40 CFR 60, Subpart WWW, after the installation of a collection and control system in compliance with 40 CFR 60.755, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in 40 CFR 60.752(b)(2)(v), using the following equation:

$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} C_{\text{NMOC}}$$

Where,

M_{NMOC} = mass emission rate of NMOC, megagrams per year

Q_{LFG} = flow rate of landfill gas, cubic meters per minute

C_{NMOC} = NMOC concentration, parts per million by volume as hexane

- The flow rate of landfill gas, Q_{LFG} , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of Method 2E of Appendix A of 40 CFR 60.
- The average NMOC concentration, C_{NMOC} , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of Appendix A of 40 CFR 60. If using Method 18 of Appendix A of 40 CFR 60, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C of Appendix A of 40 CFR 60 by six to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.
- The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by DEQ.
- For the NMOC control system performance test required in 40 CFR 60.752(b)(2)(iii)(B), Method 25, 25C, or Method 18 of Appendix A of 40 CFR 60 must be used to determine compliance with the 98 weight-percent efficiency or the 20 ppmv outlet concentration level, unless another method to demonstrate compliance has been approved by the Administrator as provided by 40 CFR 60.752(b)(2)(i)(B). Method 3 or 3A shall be used to determine oxygen for correcting the NMOC concentration as hexane to 3 percent. In cases where the outlet concentration is less than 50 ppm NMOC as carbon (8 ppm NMOC as hexane), Method 25A should be used in place of Method 25. If using Method 18 of appendix A of this part, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The following equation shall be used to calculate efficiency:
 - $\text{Control Efficiency} = (NMOC_{in} - NMOC_{out}) / (NMOC_{in})$
 - Where,
 - $NMOC_{in}$ = mass of NMOC entering control device
 - $NMOC_{out}$ = mass of NMOC exiting control device

[40 CFR 60.754(b)]

- 4.5** If a gas collection system is required by 40 CFR 60, Subpart WWW, for the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with 40 CFR 60.752(b)(2)(ii)(A)(3), the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within five calendar days, except for the three conditions allowed under 40 CFR 60.753(b). If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to DEQ for approval.
- For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in 40 CFR 60.753(c). If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within five calendar days.

- If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to DEQ for approval.
 - An owner or operator seeking to demonstrate compliance with 40 CFR 60.752(b)(2)(ii)(A)(4) through the use of a collection system not conforming to the specifications provided in 40 CFR 60.759 shall provide information satisfactory to DEQ as specified in 40 CFR 60.752(b)(2)(i)(C) demonstrating that off-site migration is being controlled.
- [40 CFR 60.755(a)]

4.6 If a gas collection system is required by 40 CFR 60, Subpart WWW, for purposes of compliance with 40 CFR 60.753(a), each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in 40 CFR 60.752(b)(2)(i). Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

- 5 years or more if active; or
- 2 years or more if closed or at final grade.

[40 CFR 60.755(b)]

4.7 The following procedures shall be used for compliance with the surface methane operational standard as provided in 40 CFR 60.753(d).

- The owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 40 CFR 60.755(d).
- The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.
- Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of Appendix A of 40 CFR 60, except that the probe inlet shall be placed within five to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
- Any reading of 500 ppm or more above background at any location shall be recorded as a monitored exceedance and the actions specified in the following 40 CFR 60.755(c)(4)(i) through (v) shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of 40 CFR 60.753(d).
- The location of each monitored exceedance shall be marked and the location recorded.
- Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.
- If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in 40 CFR 60.755(c)(4)(v) shall be taken, and no further monitoring of that location is required until the action specified in 40 CFR 60.755(c)(4)(v) has been taken.

- Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in 40 CFR 60.755(c)(4)(ii) or (iii) shall be re-monitored one month from the initial exceedance. If the one-month monitoring shows a concentration less than 500 ppm above background, no further monitoring of that location is required until the next quarterly monitoring period. If the one-month monitoring shows an exceedance, the actions specified in 40 CFR 60.755(c)(4) (iii) or (v) shall be taken.
- The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

[40 CFR 60.755(c)]

4.8 Each owner or operator seeking to comply with the provisions in 40 CFR 60.755(c) shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

- The portable analyzer shall meet the instrument specifications provided in Section 3 of Method 21 of Appendix A of 40 CFR 60, except that "methane" shall replace all references to VOC.
- The calibration gas shall be methane, diluted to a nominal concentration of 500 ppm in air.
- To meet the performance evaluation requirements in section 3.1.3 of Method 21 of Appendix A of 40 CFR 60, the instrument evaluation procedures of section 4.4 of Method 21 of Appendix A of 40 CFR 60 shall be used.
- The calibration procedures provided in Section 4.2 of Method 21 of Appendix A of 40 CFR 60 shall be followed immediately before commencing a surface monitoring survey.
- The provisions apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed five days for collection systems and shall not exceed one hour for treatment or control devices.

[40 CFR 60.755(d-e)]

4.9 If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(ii)(A) for an active gas collection system shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:

- Measure the gauge pressure in the gas collection header on a monthly basis as provided in 40 CFR 60.755(a)(3); and
- Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 40 CFR 60.755(a)(5); and
- Monitor temperature of the landfill gas on a monthly basis as provided in 40 CFR 60.755(a)(5).

[40 CFR 60.756(a)]

4.10 If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(iii) using an enclosed combustor shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment.

- A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater.

- A device that records flow to or bypass of the control device. The owner or operator shall either:
 - Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or
 - Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

[40 CFR 60.756(b)]

- 4.11** Each owner or operator seeking to demonstrate compliance with 40 CFR 60.755(c), shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in 40 CFR 60.755(d). Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

[40 CFR 60.756(f)]

- 4.12** An amended design capacity report shall be submitted to DEQ providing notification of an increase in the design capacity of the landfill, within 90 days of an increase in the maximum design capacity of the landfill to or above 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in 40 CFR 60.758(f).

[40 CFR 60.757(a)(3)]

- 4.13** Each owner or operator subject to the requirements shall submit an NMOC emission rate report to DEQ initially and annually thereafter, except as provided for in 40 CFR 60.757(b)(3). DEQ may request such additional information as may be necessary to verify the reported NMOC emission rate.

- The NMOC emission rate report shall contain an annual or five-year estimate of the NMOC emission rate calculated using the formula and procedures provided in 40 CFR 60.754(a) or (b), as applicable.
- The initial NMOC emission rate report may be combined with the initial design capacity report required in 40 CFR 60.757(a) and shall be submitted no later than indicated in 40 CFR 60.757(b)(1)(i)(A) and (B). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(3).
- The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or five-year emissions.
- If a gas collection system is required by 40 CFR 60, subpart WWW, each owner or operator subject to the requirements is exempted from the requirements of 40 CFR 60.757(b)(1) and 40 CFR 60.757(b)(2), after the installation of a collection and control system in compliance with 40 CFR 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR 60.753 and 40 CFR 60.755.

[40 CFR 60.757(b)]

- 4.14** If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator subject to the provisions of 40 CFR 60.752(b)(2)(i) shall submit a collection and control system design plan to DEQ within one year of the first report required under 40 CFR 60.757(b) in which the emission rate equals or exceeds 50 megagrams per year.

[40 CFR 60.757(c)]

- 4.15** Each owner or operator of a controlled landfill shall submit a closure report to DEQ within 30 days of waste acceptance cessation. DEQ may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to DEQ, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 CFR 60.7(a)(4).

[40 CFR 60.757(d)]

- 4.16** Each owner or operator of a controlled landfill shall submit an equipment removal report to DEQ 30 days prior to removal or cessation of operation of the control equipment.

- The equipment removal report shall contain all of the following items:
 - A copy of the closure report submitted in accordance with 40 CFR 60.757(d),
 - A copy of the initial performance test report demonstrating that the 15 year minimum control period has expired; and
 - Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of NMOC per year.
 - DEQ may request such additional information as may be necessary to verify that all of the conditions for removal in 40 CFR 60.752(b)(2)(v) have been met.

[40 CFR 60.757(e)]

- 4.17** If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator of a landfill seeking to comply with 40 CFR 60.752(b)(2) using an active collection system designed in accordance with 40 CFR 60.752(b)(2)(ii) shall submit to DEQ annual reports of the recorded information in 40 CFR 60.757 (f)(1) through 40 CFR 60.757(f)(6). For enclosed combustion devices and flares, reportable exceedances are defined under 40 CFR 60.758(c).

- Value and length of time for exceedance of applicable parameters monitored under 40 CFR 60.756(a), (b), (c), and (d).
- Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR 60.756.
- Description and duration of all periods when the control device was not operating for a period exceeding one hour and length of time the control device was not operating.
- All periods when the collection system was not operating in excess of five days.
- The location of each exceedance of the 500 ppm methane concentration as provided in 40 CFR 60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month.
- The date of installation and the location of each well or collection system expansion added pursuant to 40 CFR 60.755(a)(3), (b), and (c)(4).

[40 CFR 60.757(f)]

- 4.18** If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator of an MSW landfill subject to the provisions of 40 CFR 60.752(b) shall keep for at least five years up-to-date, readily accessible, on-site records of the design capacity report which triggered 40 CFR 60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.

[40 CFR 60.758(a)]

- 4.19** If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in 40 CFR 60.758(b)(1) through 40 CFR 60.758(b)(4) as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until removal. Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR 60.752(b)(2)(ii):

- The maximum expected gas generation flow rate as calculated in 40 CFR 60.755(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by DEQ.
- The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR 60.759(a)(1).
- Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR 60.752(b)(2)(iii) through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity equal to or greater than 44 megawatts:
 - The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test.
 - The percent reduction of NMOC determined as specified in 40 CFR 60.752(b)(2)(iii)(B) achieved by the control device.

[40 CFR 60.758(b)]

- 4.20** If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR 60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

- All 3-hour periods of operation during which the average combustion temperature was more than 28 °C below the average combustion temperature during the most recent performance test at which compliance with 40 CFR 60.752(b)(2)(iii) was determined constitute exceedances that shall be recorded and reported under 40 CFR 60.757(f).
- The permittee shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR 60.756.

[40 CFR 60.758(c)]

- 4.21** If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall keep for at least 5 years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 40 CFR 60.753, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

Except as provided in 40 CFR 60.752(b)(2)(i)(B), the permittee shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR 60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

- The following constitute exceedances that shall be recorded and reported under 40 CFR 60.757(f):
 - For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal unit per hour) or greater, all three-hour periods of operation during which the average combustion temperature was more than 28°C below the average combustion temperature during the most recent performance test at which compliance with 40 CFR 60.752(b)(2)(iii) was determined.
 - Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR 60.756.

[40 CFR 60.758(c)]

- 4.22** If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator subject to the provisions of this subpart shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

- Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under 40 CFR 60.755(b).
- Each owner or operator subject to the provisions of this subpart shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 40 CFR 60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40 CFR 60.759(a)(3)(ii).

[40 CFR 60.758(d)]

- 4.23** If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator subject to the provisions of this subpart shall keep for at least five years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 40 CFR 60.753, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

[40 CFR 60.758(e)]

- 4.24** Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, as provided in the definition of "design capacity", shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.

[40 CFR 60.758(f)]

4.25 If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(i) shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by DEQ as provided in 40 CFR 60.752(b)(2)(i)(C) and (D):

- The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.
- The sufficient density of gas collection devices determined in 40 CFR 60.759(a)(1) shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.
- The placement of gas collection devices determined in 40 CFR 60.759 (a)(1) shall control all gas producing areas, except as provided by 40 CFR 60.759(a)(3)(i) and 40 CFR 60.759(a)(3)(ii).

- Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under 40CFR 60.758(d). The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to DEQ upon request.
- Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than one percent of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to DEQ upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2 k L_o M_i (e^{-k t_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

Where,

Q_i = NMOC emission rate from the i th section, megagrams per year

k = methane generation rate constant, year^{-1}

L_o = methane generation potential, cubic meters per megagram solid waste

M_i = mass of the degradable solid waste in the i th section, megagram

t_i = age of the solid waste in the i th section, years

C_{NMOC} = concentration of nonmethane organic compounds, parts per million by volume
 3.6×10^{-9} = conversion factor

- The values for k and C_{NMOC} determined in field testing shall be used if field testing has been performed in determining the NMOC emission rate or the radii of influence (this distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for k , L_o and C_{NMOC} provided in 40 CFR 60.754(a)(1) or the alternative values from 40 CFR 60.754(a)(5) shall be used. The mass of nondegradable solid waste

contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in 40 CFR 60.759(a)(3)(i).

[40 CFR 60.759(a)]

4.26 If a gas collection system is required by 40 CFR 60, Subpart WWW, each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(i)(A) shall construct the gas collection devices using the following equipment or procedures:

- The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to: convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration.
- Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.
- Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

[40 CFR 60.759(b)]

4.27 Each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(i)(A) shall convey the landfill gas to a control system in compliance with 40 CFR 60.752(b)(2)(iii) through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

- For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in 40 CFR 60.759(c)(2) shall be used.
- For new collection systems, the maximum flow rate shall be in accordance with 40 CFR 60.755(a)(1).

[40 CFR 60.759(c)]

[IDAPA 58.01.01.322.10, 4/5/00]

PBSL– 40 CFR 63, Subpart AAAA

4.28 The permittee shall comply with 40 CFR 63, Subpart AAAA. Should, in the future, changes made to PBSL or the federal regulations trigger other requirements in 40 CFR 63, Subpart AAAA, requirements in 40 CFR 63, Subpart AAAA shall govern.

[40 CFR 63.1930-1990]

5 Insignificant Activities

- 5.1 Table 5.1 lists the units or activities that are insignificant on the basis of size or production rate as provided by the permittee. The regulatory citation for units and activities that are insignificant on the basis of size or production rate is IDAPA 58.01.01.317.01.b. There are no monitoring, recordkeeping, or reporting requirements for insignificant emission units or activities beyond those required in the facility-wide permit conditions (see Section 3).

Table 5.1 Insignificant Activities

Description	Insignificant Activities IDAPA 58.01.01.317.01(b)(i) Citation
1000-gallon gasoline storage tank	IDAPA 58.01.01.317.01(b)(i)3
6000 gallon diesel storage tank	IDAPA 58.01.01.317.01(b)(i)3
1000-gallon propane tank	IDAPA 58.01.01.317.01(b)(i)4
3 propane heaters	IDAPA 58.01.01.317.01(b)(i)18

[IDAPA 58.01.01.317.01(b)(i), 5/3/03]

6 General Provisions

General Compliance

- 6.1** The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.
[IDAPA 58.01.01.322.15.a, 5/1/94; 40 CFR 70.6(a)(6)(i)]
- 6.2** It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the terms and conditions of this permit.
[IDAPA 58.01.01.322.15.b, 5/1/94; 40 CFR 70.6(a)(6)(ii)]
- 6.3** Any permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.
[IDAPA 58.01.01.315.01, 5/1/94; 40 CFR 70.5(b)]

Reopening

- 6.4** This permit may be revised, reopened, revoked and reissued, or terminated for cause. Cause for reopening exists under any of the circumstances listed in IDAPA 58.01.01.386. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable in accordance with IDAPA 58.01.01.360 through 369.
[IDAPA 58.01.01.322.15.c, 5/1/94; IDAPA 58.01.01.386, 3/19/99; 40 CFR 70.7(f)(1), (2); 40 CFR 70.6(a)(6)(iii)]
- 6.5** The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[IDAPA 58.01.01.322.15.d, 5/1/94; 40 CFR 70.6(a)(6)(iii)]

Property Rights

- 6.6** This permit does not convey any property rights of any sort or any exclusive privilege.
[IDAPA 58.01.01.322.15.e, 5/1/94; 40 CFR 70.6(a)(6)(iv)]

Information Requests

- 6.7** The permittee shall furnish all information requested by DEQ, within a reasonable time, that DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.
[Idaho Code §39-108; IDAPA 58.01.01.122, 4/5/00; IDAPA 58.01.01.322.15.f, 4/5/00; 40 CFR 70.6(a)(6)(v)]
- 6.8** Upon request, the permittee shall furnish to DEQ copies of records required to be kept by this permit. For information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality in accordance with Idaho Code §9-342A and applicable implementing regulations including IDAPA 58.01.01.128.
[IDAPA 58.01.01.322.15.g, 5/1/94; IDAPA 58.01.01.128, 4/5/00; 40 CFR 70.6(a)(6)(v)]

Severability

- 6.9** The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

[IDAPA 58.01.01.322.15.h, 5/1/94; 40 CFR 70.6(a)(5)]

Changes Requiring Permit Revision or Notice

- 6.10** The permittee may not commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining all necessary permits to construct or an approval under IDAPA 58.01.01.213, or complying with IDAPA 58.01.01.220 through 223. The permittee shall comply with IDAPA 58.01.01.380 through 386 as applicable.
- [IDAPA 58.01.01.200–223, 3/25/16; IDAPA 58.01.01.322.15.i, 3/19/99; IDAPA 58.01.01.380–386, 7/1/02; 40 CFR 70.4(b)(12), (14), (15); 40 CFR 70.7(d), (e)]
- 6.11** Changes that are not addressed or prohibited by the Tier I operating permit require a Tier I operating permit revision if such changes are subject to any requirement under Title IV of the Clean Air Act (CAA), 42 United States Code (U.S.C.) Section 7651 through 7651c, or are modifications under Title I of the CAA, 42 U.S.C. Section 7401 through 7515. Administrative amendments (IDAPA 58.01.01.381), minor permit modifications (IDAPA 58.01.01.383), and significant permit modifications (IDAPA 58.01.01.382) require a revision to the Tier I operating permit. IDAPA 58.01.01.502(b)(10) changes are authorized in accordance with IDAPA 58.01.01.384. Off permit changes and required notice are authorized in accordance with IDAPA 58.01.01.385.

[IDAPA 58.01.01.381–385, 4/5/00; IDAPA 58.01.01.209.05, 4/11/06; 40 CFR 70.4(b)(14), (15)]

Federal and State Enforceability

- 6.12** Unless specifically identified as a "state-only" provision, all terms and conditions in this permit, including any terms and conditions designed to limit a source's potential to emit, are enforceable: (i) by DEQ in accordance with state law; and (ii) by the United States or any other person in accordance with federal law.

[IDAPA 58.01.01.322.15.j, 5/1/94; 40 CFR 70.6(b)(1), (2)]

- 6.13** Provisions specifically identified as a "state-only" provision are enforceable only in accordance with state law. "State-only" provisions are those that are not required under the Federal Clean Air Act or under any of its applicable requirements or those provisions adopted by the state prior to federal approval.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.k, 3/23/98]

Inspection and Entry

6.14 Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:

- Enter upon the permittee's premises where a Tier I source is located, or emissions related activity is conducted, or where records are kept under conditions of this permit;
- Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
- As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.i, 5/1/94; 40 CFR 70.6(c)(2)]

New Applicable Requirements

6.15 The permittee shall comply with applicable requirements that become effective during the permit term on a timely basis.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.10.a.ii, 5/1/94;
40 CFR 70.6(c)(3) citing 70.5(c)(8)]

Fees

6.16 The permittee shall pay annual registration fees to DEQ in accordance with IDAPA 58.01.01.387 through IDAPA 58.01.01.397.

[IDAPA 58.01.01.387, 4/2/03; 40 CFR 70.6(a)(7)]

Certification

6.17 All documents submitted to DEQ shall be certified in accordance with IDAPA 58.01.01.123 and comply with IDAPA 58.01.01.124.

[IDAPA 58.01.01.322.15.o, 5/1/94; 40 CFR 70.6(a)(3)(iii)(A); 40 CFR 70.5(d)]

Renewal

6.18 The permittee shall submit an application to DEQ for a renewal of this permit at least six months before, but no earlier than 18 months before, the expiration date of this operating permit. To ensure that the term of the operating permit does not expire before the permit is renewed, the permittee is encouraged to submit a renewal application nine months prior to the date of expiration.

[IDAPA 58.01.01.313.03, 4/5/00; 40 CFR 70.5(a)(1)(iii)]

6.19 If a timely and complete application for a Tier I operating permit renewal is submitted, but DEQ fails to issue or deny the renewal permit before the end of the term of this permit, then all the terms and conditions of this permit, including any permit shield that may have been granted pursuant to IDAPA 58.01.01.325, shall remain in effect until the renewal permit has been issued or denied.

[IDAPA 58.01.01.322.15.p, 5/1/94; 40 CFR 70.7(b)]

Permit Shield

- 6.20** Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:
- Such applicable requirements are included and are specifically identified in the Tier I operating permit; or
 - DEQ has determined that other requirements specifically identified are not applicable and all of the criteria set forth in IDAPA 58.01.01.325.01(b) have been met.
 - The permit shield shall apply to permit revisions made in accordance with IDAPA 58.01.01.381.04 (administrative amendments incorporating the terms of a permit to construct), IDAPA 58.01.01.382.04 (significant modifications), and IDAPA 58.01.01.384.03 (trading under an emissions cap).
 - Nothing in this permit shall alter or affect the following:
 - Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers;
 - The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
 - The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651(g)(a); and
 - The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA; or the ability of DEQ to obtain information from a source pursuant to Idaho Code §39-108 and IDAPA 58.01.01.122.
- [Idaho Code §39-108 and 112; IDAPA 58.01.01.122, 4/5/00; IDAPA 58.01.01.322.15.m, 5/1/94;
IDAPA 58.01.01.325, 3/19/99; IDAPA 58.01.01.381.04, 382.04, 383.05, 384.03, 385.03, 3/19/99;
40 CFR 70.6(f)]

Compliance Schedule and Progress Reports

- 6.21** The permittee shall comply with the following:
- For each applicable requirement for which the source is not in compliance, the permittee shall comply with the compliance schedule incorporated in this permit.
 - For each applicable requirement that will become effective during the term of this permit and that provides a detailed compliance schedule, the permittee shall comply with such requirements in accordance with the detailed schedule.
 - For each applicable requirement that will become effective during the term of this permit that does not contain a more detailed schedule, the permittee shall meet such requirements on a timely basis.
 - For each applicable requirement with which the permittee is in compliance, the permittee shall continue to comply with such requirements.
- [IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.9, 5/1/94; IDAPA 58.01.01.314.10, 4/5/00;
40 CFR 70.6(c)(3) and (4)]

Periodic Compliance Certification

6.22 The permittee shall submit compliance certifications during the term of the permit for each emissions unit to DEQ and the EPA as follows:

- The compliance certifications for all emissions units shall be submitted annually from January 1 to December 31 or more frequently if specified by the underlying applicable requirement or elsewhere in this permit by DEQ.
- The initial compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit, including emissions limitations, standards, and work practices;
- The compliance certification shall be in an itemized form providing the following information (provided that the identification of applicable information may cross-reference the permit or previous reports as applicable):
 - The identification of each term or condition of the Tier I operating permit that is the basis of the certification;
 - The identification of the method(s) or other means used by the permittee for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required under Subsections 322.06, 322.07, and 322.08;
 - The status of compliance with the terms and conditions of the Tier I operating permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in Subsection 322.11.c.ii above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and
 - Such information as DEQ may require to determine the compliance status of the emissions unit.

6.23 All original compliance certifications shall be submitted to DEQ and a copy of all compliance certifications shall be submitted to the EPA.

[IDAPA 58.01.01.322.11, 4/6/05; 40 CFR 70.6(c)(5)(iii) as amended, 62 Fed. Reg. 54900, 54946 (10/22/97); 40 CFR 70.6(c)(5)(iv)]

False Statements

6.24 No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125, 3/23/98]

No Tampering

6.25 No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/98]

Semiannual Monitoring Reports

- 6.26** In addition to all applicable reporting requirements identified in this permit, the permittee shall submit reports of any required monitoring at least every six months. The permittee's semiannual reporting periods shall be from January 1 to June 30 and July to December 31. All instances of deviations from this operating permit's requirements must be clearly identified in the report. The semiannual reports shall be submitted to DEQ within 30 days of the end of the specified reporting period.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.322.08.c, 4/5/00; 40 CFR 70.6(a)(3)(iii)]

Reporting Deviations and Excess Emissions

- 6.27** The permittee shall promptly report all deviations from permit requirements including upset conditions, their probable cause, and any corrective actions or preventive measures taken. For excess emissions, the report shall be made in accordance with IDAPA 58.01.01.130–136. For all other deviations, the report shall be made in accordance with IDAPA 58.01.01.322.08.c, unless otherwise specified in this permit.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.135, 4/11/06; 40 CFR 70.6(a)(3)(iii)]

Permit Revision Not Required

- 6.28** No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.

[IDAPA 58.01.01.322.05.b, 4/5/00; 40 CFR 70.6(a)(8)]

Emergency

- 6.29** In accordance with IDAPA 58.01.01.332, an “emergency”, as defined in IDAPA 58.01.01.008, constitutes an affirmative defense to an action brought for noncompliance with such technology-based emissions limitation if the conditions of IDAPA 58.01.01.332.02 are met.

[IDAPA 58.01.01.332.01, 4/5/00; 40 CFR 70.6(g)]



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 25, 2020

CANYON COUNTY
1115 ALBANY ST
CALDWELL, ID 83605-3522

RE: Application for Permit No. 63-34858

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 4/2/2020 and 4/9/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

CC:
CANYON COUNTY SOLID WASTE DEPT

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Wednesday, March 25, 2020 11:17 AM
To: 'IDAHO PRESS-TRIBUNE'
Subject: Canyon Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 04/02/2020 and 04/09/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

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**Brad Little
Governor**

**Gary Spackman
Director**

March 25, 2020

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application for Permit No. 63-34858, 63-34865

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/20/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34858

CANYON COUNTY

1115 ALBANY ST

CALDWELL, ID 83605-3522

Point of Diversion NENE S20 T02N R03W CANYON County Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.1 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.04 CFS

Total Diversion: 0.14 CFS

Date Filed: 01-27-2020

Place Of Use: COMMERCIAL, FIRE PROTECTION

T02N R03W S20 NENE, NESE, NENE, NWSE, SWNE, SWSE, SENE, SESE

Place Of Use: COMMERCIAL, FIRE PROTECTION

T02N R03W S21 SENW, SESW, NENW, NESW, NENE, NWNW, NWSW, NWSE, SWNE, SWNW, SWSW, SWSE

Water bearing zone to be appropriated is from 1115 to 1120 feet.

63-34865

FLAMINGO WEST LLC

10906 W VEGA LN

STAR, ID 83669-5458

(2) Point of Diversion NENE S26 T04N R02W CANYON County Source GROUND WATER

Point of Diversion NWNE S26 T04N R02W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.13 CFS

Use: COMMERCIAL 01/01 to 12/31 0.56 CFS

Use: FIRE PROTECTION 01/01 to 12/31 3.3 CFS

Total Diversion: 3.3 CFS

Date Filed: 03-06-2020

Place Of Use: COMMERCIAL, DOMESTIC, FIRE PROTECTION

T04N R02W S26 NENE, NWNE

Water bearing zone to be appropriated is from 42 to 245 feet and 820 to 920 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 4/20/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/2/2020 and 4/9/2020

MEMORANDUM

March 23, 2020

Application for Permit: 63-34858

Author: abradbury

Subject: Legal Notice Remarks

Water bearing zone to be appropriated is from 1115 to 1120 feet.

MEMORANDUM

March 23, 2020

Application for Permit: 63-34858

Author: abradbury

Subject: Comment/Analysis

Item #12 describes the intent of the application is to add commercial use & fire protection to the decreed domestic WR #63-21870. The well log provided with the application incorrectly states the QQ as NWNW Sec 20 instead of NENE Sec 20 however the well log correctly states the address of the well site as 16241 Deerflat. WR 63-21870 correctly lists the QQ as NENE and designates the address and parcel #R3016600000 in the conditions.

63-34858
APPLICATION <number> RESPONSE FORM

CHECK ONE OF THE FOLLOWING OPTIONS

OPTION #1 _____

I withdraw my application. Please issue a full refund of the application fee that was paid.

OPTION #2 ☒ _____

Please publish legal notices for my application. With or without protests against the application, I understand it will be held pending additional information necessary to complete the evaluation of my application.

NOTE: This option requires the following sentence to be completed ¹

The proposed water bearing zone to be appropriated from the aquifer is from 1115 to 1120 feet.

OPTION #3 _____

Delay processing my application for up to 1 year until I provide sufficient information to satisfy the evaluation criteria of 42-203A, *Idaho Code*, specified by IDWR in a cover letter.

.....

I acknowledge Options #2 and #3 will result in a delay of an undetermined amount of time before IDWR can issue a decision regarding my application.

DATE

March 6th, 2020

SIGNATURE(S)

Add or attach additional applicant name(s) and signature(s) if applicable.

David M. Loper ^{for BOCC}
Applicant printed name

David M. Loper ^{for BOCC}
Applicant signature

Applicant printed name

Applicant signature

¹ Most likely available from a qualified consultant or well driller familiar with your area.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 21, 2020

CANYON COUNTY
1115 ALBANY ST
CALDWELL, ID 83605-3522

RE: Application for Permit no. 63-34858

Dear applicant,

I am writing you today in regard to your water right application, no. 63-34858, which proposes to divert 0.18 cfs of groundwater for domestic, fire protection, and dust control. The Department cannot continue to process your permit application until the items I've listed below are addressed.

Department staff are not allowed to make these changes, therefore I would like to suggest the following changes to ensure that the application accurately describes your project. Enclosed is a copy of your original application for you to amend. Changes to your application should be made by crossing out the old values, writing in the new values, and adding the date and your initials next to the changes.

Item 5. Purpose of water use. Please change dust control to commercial and add fire protection as per your description in question #12 in the application.

Item 6. The total quantity to be appropriated should be 0.14 cfs which equates to the maximum production rate indicated by the well log you included. Please amend or provide additional information to justify the quantity of water to be appropriated. This change will **not** affect your application fee rate.

Item 8d. Domestic. Describe domestic use, such as office, restrooms, home, etc. That is if you want to keep the domestic use, you should demonstrate the additional use, otherwise there is no need to duplicate in item 5, if you are just adding commercial and fire protection.

Item 9. Description of place of use. Indicate water use for other purposes (D=Domestic, C=Commercial, F=Fire protection) in the corresponding place of use in the table.

To resume processing of your application, please sign and return the enclosed corrected application. Also, the priority date of your water right will be advanced to reflect the date that the Department receives the amended application. Once I receive your corrected application, I will forward your application to advertising, which is the next step. Advertising your application in the local newspaper provides an opportunity for the public to protest. You will be notified if your application is protested.

Please let me know if you have any questions regarding the content of this letter. I can be reached by phone at 208-334-2190 or by email at allen.bradbury@idwr.idaho.gov. IDWR forms and other information can be found at www.idwr.idaho.gov.

Application 63-34858

2/21/20

Page 2

Please submit your response in writing within **thirty (30) days** of the date of this letter. The application will be voided without a timely written response. Refunds are not issued for voided applications. Thank you for your time and for your attention to these matters.

Respectfully,

Western Region Water Rights Staff

CC: David M. Loper

Enclosure: Original Permit Application



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 21, 2020

CANYON COUNTY
1115 ALBANY ST
CALDWELL, ID 83605-3522

Re: Application for Permit No. 63-34858

Dear Applicant:

The Idaho Department of Water Resources (IDWR) received your application for permit requesting a new ground water right for domestic, commercial, and fire protection use in south Canyon County. A number of applications proposing a considerable amount of new ground water uses for this area are pending before IDWR. The full extent of proposed development is being clarified based on an ongoing process between the applicants, protestants and IDWR.

IDWR has limited data and knowledge regarding water availability for south Canyon County. Ideally, additional data and information will become available as some applications are processed and evaluated on a seniority basis. This should help determine the extent to which new applications should be approved. An estimate of how long this will take is unknown at this time, particularly with respect to protested applications.

Your application might benefit from limited processing while senior applications are being addressed. This would include the portion of processing in which your application could be published by IDWR in the *Press Tribune* newspaper as required by Idaho law. Please review the following information to decide how to respond to the enclosed response form.

New Water Right Applications

Section 42-203A, *Idaho Code*, requires IDWR to consider certain criteria in processing new water right applications. In some cases, the applicant is asked to provide sufficient information to address some or all of the following criteria:

1. Will the new appropriation injure existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought?
3. Is the application made in good faith or for delay or speculation?
4. Does the applicant have sufficient financial resources to complete the project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

Options for Consideration

Based on the above explanation, the following options are available for your application:

1. Withdraw the application and receive a full refund. You may re-file at a later date if desired.
2. Have IDWR publish legal notices for your application to determine if protests will be filed. With or without protests, IDWR will hold the application until there is sufficient information available for continued processing of your application. A refund cannot be issued under this option.
3. Have IDWR delay processing until you provide sufficient information to satisfy the above evaluation criteria. Criteria numbers #1 is applicable to your application. The evidence should include technical data and analysis to support your application.

A consultant list is enclosed for your convenience if you decide to seek expert help.

Please select one of these options by completing and returning the enclosed response form in the next **thirty (30) days**. You may request more time to make your decision. Your application will be voided if a timely written response is not received. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please call me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Western Region Water Rights Staff

CC: David M. Loper

Enclosure: Response Form & Consultant List