

IDAHO ADMINISTRATIVE BULLETIN

July 1, 2015 -- Volume 15-7

Idaho Department of Administration
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Preface

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **13-1** refers to the first Bulletin issued in calendar year **2013**; Bulletin **14-1** refers to the first Bulletin issued in calendar year **2014**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **13-1** refers to January 2013; Volume No. **13-2** refers to February 2013; and so forth. Example: The Bulletin published in January 2014 is cited as Volume **14-1**. The June 2015 Bulletin is cited as Volume **15-5**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon becoming effective. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so.

The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking - Proposed Rule” in the Bulletin. This notice must include:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority for or is occasioning the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) the deadline for public (written) comments on the proposed rule.

Any proposed rulemaking that is submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of Legislative Services Office who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency’s proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can be accessed on a web site or post this information on its own web site, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s web site.

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of the above legal criteria and the governor determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

The statute that regulates rulemaking in Idaho requires that the text of all proposed rulemakings publish in the Bulletin in order for the rulemaking to be valid. This is true for all temporary rules as well. In most cases, the agency wants the temporary rule to also become a final rule and in most of these cases, the temporary rule and the proposed rule text is identical. In this event, both rulemakings may be promulgated concurrently, however, they remain separate rulemaking actions. The rulemaking is published in the Bulletin as a temporary/proposed rule. Combining the rulemaking allows for a single publication of the text in the Bulletin.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, will rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Rulemaking - Pending Rule." This includes:

- a) a statement giving the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- (e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- (f) a specific description, if applicable, of any negative fiscal impact on the state general fund greater

than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the sections or their subparts that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Rulemaking - Adoption of Pending Rule" is published.

FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

No pending rule adopted by an agency becomes final and effective until it has been submitted to the legislature for review and approval. Where the legislature finds that an agency has violated the legislative intent of the authorizing statute, a concurrent resolution may be adopted to reject the rulemaking in whole or in part. A "Notice of Rulemaking - Final Rule" and the final codified text must be published in the Bulletin for any rule that is partially rejected by concurrent resolution of the legislature. Unless rejected by concurrent resolution, a pending rule that is reviewed by the legislature becomes final and effective at the end of the session in which it is reviewed without any further legislative action. All pending rules that are approved by concurrent resolution become final and effective upon adoption of the concurrent resolution unless otherwise stated. In no event can a pending rule become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: adminrules.idaho.gov

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

The Idaho Administrative Code - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

The Idaho Administrative Bulletin - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM's are available for purchase.

Internet Access - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: adminrules.idaho.gov

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administrations’s Division of Purchasing

“**01.**” refers to Chapter **01** of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section **200**, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.**02**.

“**c.**” refers to Subsection 200.02.**c**.

“**ii.**” refers to Subsection 200.02.c.**ii**.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1401”

“**38-**” denotes the agency’s **IDAPA** number; in this case the Department of Administration.

“**0501-**” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE **05**), Rules of the Division of Purchasing (Chapter **01**).

“**1401**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as “**1402**”. The docket number in this scenario would be 38-0501-**1402**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2015

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
15-1	January 2015	*November 28, 2014	January 7, 2015	January 28, 2015
15-2	February 2015	January 9, 2015	February 4, 2015	February 25, 2015
15-3	March 2015	February 6, 2015	March 4, 2015	March 25, 2015
15-4	April 2015	March 6, 2015	April 1, 2015	April 22, 2015
15-5	May 2015	April 3, 2015	May 6, 2015	May 27, 2015
15-6	June 2015	May 8, 2015	June 3, 2015	June 24, 2015
15-7	July 2015	June 5, 2015	July 1, 2015	July 22, 2015
15-8	August 2015	July 10, 2015	August 5, 2015	August 26, 2015
15-9	September 2015	August 7, 2015	September 2, 2015	September 23, 2015
15-10	October 2015	**September 4, 2015	October 7, 2015	October 28, 2015
15-11	November 2015	October 9, 2015	November 4, 2015	November 25, 2015
15-12	December 2015	November 6, 2015	December 2, 2015	December 23, 2015

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2016

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
16-1	January 2016	*November 27, 2015	January 6, 2016	January 26, 2016
16-2	February 2016	January 8, 2016	February 3, 2016	February 24, 2016
16-3	March 2016	February 5, 2016	March 2, 2016	March 23, 2016
16-4	April 2016	March 4, 2016	April 6, 2016	April 27, 2016
16-5	May 2016	April 8, 2016	May 4, 2016	May 25, 2016
16-6	June 2016	May 6, 2016	June 1, 2016	June 22, 2016
16-7	July 2016	June 3, 2016	July 6, 2016	July 27, 2016
16-8	August 2016	July 8, 2016	August 3, 2016	August 24, 2016
16-9	September 2016	August 5, 2016	September 7, 2016	September 28, 2016
16-10	October 2016	**September 2, 2016	October 5, 2016	October 26, 2016
16-11	November 2016	October 7, 2016	November 2, 2016	November 23, 2016
16-12	December 2016	November 4, 2016	December 7, 2016	December 28, 2016

****Last day to submit a proposed rulemaking before moratorium begins and last day to submit a pending rule to be reviewed by the legislature.***

*****Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.***

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IDAPA 39	Transportation Department, Idaho
IDAPA 54	Treasurer, Office of the State
IDAPA 21	Veterans Services, Division of
IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 71-111, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To incorporate by reference the 2016 edition of the National Institute of Standard and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. NIST documents are available online at <http://www.nist.gov/pml/wmd/index.cfm>.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

This document is recognized nationally as the primary reference document related to weights and measures; incorporating the most current version promotes uniformity throughout the United States.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kevin Merritt, Section Manager at (208) 332-8692.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2015.

DATED this 10th Day of June, 2015.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
PO Box 790
Boise, Idaho 83701
Tel: (208) 332-8500
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0214-1501
(Only those Sections being amended are shown.)

004. INCORPORATION BY REFERENCE.

01. Required Reference Materials. The 201~~5~~⁶ edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (4-11-15)()

02. Required Reference Materials for Checking Prepackaged Commodities. The 4th Edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, “Checking the Net Contents of Packaged Goods,” hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)

03. Specifications for Diesel Fuel and Biodiesel Fuel. American Society of Testing and Materials (ASTM) D975-07a, “Standard Specification for Diesel Fuel Oils,” and ASTM D6751-07a, “Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels,” intended for blending with diesel fuel are hereby incorporated by reference and are the specifications for diesel fuel and biodiesel fuel blend stock (B100 biodiesel). (4-2-08)

04. Specifications for Gasoline. American Society of Testing and Materials (ASTM) D 4814-07a, “Standard Specification for Automotive Spark-Ignition Engine Fuel”, dated October 17, 2007, is hereby incorporated by reference and is the specification for gasoline. (5-8-09)

05. Local Availability. Copies of the incorporated documents are on file with the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712. Copies of NIST documents may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading at <http://www.nist.gov/pml/wmd/index.cfm>. Copies of ASTM specifications are on file with the Idaho State Department of Agriculture or may be purchased from <http://www.astm.org>, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA, 19428. (4-7-11)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS

DOCKET NO. 02-0421-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 25-203, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

**Thursday, July 23, 2015
10:00 a.m. - 12:00 p.m. (MDT)**

**Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

In 2014, the Western States Livestock Health Association issued recommendations to harmonize Trichomoniasis testing regulations for all western states. The following rule changes are consistent with those recommendations:

IDAPA 02.04.21.260.01 – The accepted age for virgin bulls imported into Idaho will be changed to 18 months from 12 months.

IDAPA 02.04.21.260.02 – The validity of a Trichomoniasis test will be extended to 60 days from 30 days.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries at (208) 332-8540. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site, www.agri.idaho.gov.

All written comments must be directed to the undersigned and must be delivered on or before July 30, 2015.

DATED this 10th day of June, 2015.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
P.O. Box 790
Boise, ID 83701
Tel: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.29 - RULES GOVERNING TRICHOMONIASIS

DOCKET NO. 02-0429-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 25-203, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

**Thursday, July 23, 2015
10:00 a.m. - 12:00 p.m. (MDT)**

**Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID, 83712**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved: In 2014, the Western States Livestock Health Association issued recommendations to harmonize Trichomoniasis testing regulations for all western states. The following rule changes are consistent with those recommendations:

IDAPA 02.04.29:

Subsection 200.03 – Acceptable tests will include culture or polymerase chain reaction (PCR).

Subsections 210.01.a-c. – The validity of a Trichomoniasis test will be extended to 60 days from 30 days.

Subsection 210.02 – Accepted age for virgin bulls imported into Idaho will be changed to 18 months from 12 months.

Subsection 310.04 – Acceptable tests will include culture or PCR.

Subsection 331.01-02 – Remove the 48 hour sample submission deadline.

Subsection 400.07 – Acceptable tests will include culture or PCR.

Subsection 410.02 – Acceptable tests will include culture or PCR.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries at (208) 332-8540. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site: www.agri.idaho.gov.

All written comments must be directed to the undersigned and must be delivered on or before July 30, 2015.

DATED this 10th day of June, 2015

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
P.O. Box 790, Boise, ID 83701
Tel: (208) 332-8500 / Fax: (208) 334-2170

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW
DOCKET NO. 02-0602-1501
NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-2710, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To incorporate by reference information and updates contained in the 2016 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

ISDA has incorporated the Association of American Feed Control Officials (AAFCO) Official Publication into the Rules Pertaining to the Idaho Commercial Feed Law for a number of years. The only change to the incorporation by reference section is to the date of the Official Publication.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email jared.stuart@agri.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 22, 2015.

DATED this 10th Day of June, 2015.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
P.O. Box 790
Boise, ID 83701
Tel: (208) 332-8500
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0602-1501
(Only those Sections being amended are shown.)

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions and Policies as published in the “201~~5~~⁶ Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. The AAFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAFCO website at: www.aaeco.org. (~~4-11-15~~) ()

02. The Merck Index. The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc at: <http://www.merckbooks.com/mindex/index.html>. (4-7-11)

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.06.12 - RULES PERTAINING TO THE IDAHO FERTILIZER LAW
DOCKET NO. 02-0612-1501
NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-604, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To incorporate by reference information and updates contained in the 2016 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the fertilizer industry and all state and federal fertilizer control officials and regulators.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email jared.stuart@agri.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 22, 2015.

DATED this 10th Day of June, 2015.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
P.O. Box 790
Boise, ID 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0612-1501
(Only those Sections being amended are shown.)

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (4-7-11)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “2015~~6~~ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: http://www.aapfco.org/pdf/publication_order_form.pdf.
(4-11-15)()

02. The Merck Index. The “2006 Merck Index,” 14th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. at: <http://www.merckbooks.com/mindex/index.html>. (4-7-11)

03. The Association of Official Agricultural Chemists (AOAC) International. The “2005 Official Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. (3-29-12)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.22 - NOXIOUS WEED RULES

DOCKET NO. 02-0622-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-2403, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

**Tuesday, July 14, 2015
10:00 a.m. - 12:00 p.m. (MDT)**

**Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Matt Voile, Section Manager, Invasive Species. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

This noxious weed list proposal is to make permanent the addition of Purple starthistle (*Centauria calcitrapa*) and Iberian starthistle (*Centauria iberica*) to the Early Detection Rapid Response (EDRR) section of the noxious weed list. Both of these species have been listed for the past 15 months as EDRR noxious weeds under the Director's temporary listing authority Section 22-2404(1)(u), Idaho Code.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Matt Voile, Section Manager, Invasive Species, 208-332-8667 or email Matt.Voile@agri.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: http://www.agri.idaho.gov/Categories/LawsRules/sub_rules/Rulemaking.php.

All written comments must be directed to the undersigned and must be delivered on or before July 27, 2015.

DATED this 10th day of June, 2015.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
P.O. Box 790
Boise, ID 83701
Tel: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02 - DEPARTMENT OF AGRICULTURE

**02.06.25 - RULES GOVERNING THE PLANTING OF BEANS,
OTHER THAN *PHASEOLUS* SPECIES, IN IDAHO**

DOCKET NO. 02-0625-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Title 22, Section 20, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

**Wednesday, July 22, 2015
10:00 a.m. - 12:00 p.m. (MDT)**

**Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Jared Stuart, Section Manager, Feed and Plant Services. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

This rule change proposal adds trial ground exemptions to the rule IDAPA 02.06.25 to specify inspection in lieu of disease testing for non-Phaseolus beans of small seed lots. These changes will allow seed researchers importing small lots of seed into the state a way to assure freedom from disease while retaining all of their seed. Current requirements of lab testing require a large portion of small seed lots to be tested, which results in smaller amounts of seed available for research planting.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Jared Stuart, Section Manager, Feed and Plant Services, 208-332-8622 or email Jared.Stuart@agri.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: http://www.agri.idaho.gov/Categories/LawsRules/sub_rules/Rulemaking.php.

All written comments must be directed to the undersigned and must be delivered on or before July 27, 2015.

DATED this 10th day of June, 2015.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
P.O. Box 790
Boise, ID 83701
Tel: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

DOCKET NO. 02-0641-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-2204, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To incorporate by reference information and updates contained in the 2016 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the industry and all state and federal soil and plant amendments control officials and regulators.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or jared.stuart@agri.idaho.gov. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 22, 2015.

DATED this 10th Day of June, 2015.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
P.O. Box 790
Boise, ID 83701
Tel: (208) 332-8500
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0641-1501
(Only those Sections being amended are shown.)

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.41 incorporates by reference: (4-7-11)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The terms, ingredient definitions and policies as published in the “201~~5~~⁶ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: http://www.aapfco.org/pdf/publication_order_form.pdf.

~~(4-11-15)~~()

02. The Merck Index. The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. at: <http://www.merckbooks.com/mindex/index.html>.

(4-7-11)

03. The Association of Official Agricultural Chemists (AOAC) International. The “2005 Official Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International.

(3-29-12)

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION
IDAPA 07 - DIVISION OF BUILDING SAFETY**

DOCKET NO. 07-0800-1500

NOTICE OF LEGISLATIVE ACTION TRANSFERRING RULEMAKING AUTHORITY FROM THE IDAHO INDUSTRIAL COMMISSION TO THE DIVISION OF BUILDING SAFETY FOR RULES FOR MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING OPERATIONS - SENATE BILL NO. 1001

EFFECTIVE DATE: The effective date of this action is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-Third Legislature in the First Regular Session - 2015, passed Senate Bill 1001 and that said bill was signed into law by Governor C.L. "Butch" Otter, Session Law Chapter 110, thereby transferring rulemaking authority from the Idaho Industrial Commission to the Division of Building Safety for rules for minimum safety standards and practices for logging operations and rules concerning safety and health for places of public employment.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative action:

Senate Bill 1001 transferred all existing statutory responsibilities related to safety standards and practices for logging operations to the Division of Building Safety from the Industrial Commission.

The Idaho Industrial Commission currently has authority to perform logging safety inspections. Through written agreement, the Division of Building Safety currently assists the Commission with its responsibilities in these areas by performing inspections, creating reports, and providing other administrative services when necessary. Senate Bill 1001 clarified the scope of the logging safety training programs and the legislation transferred to the Division of Building Safety the existing authority to conduct logging safety inspections and training for logging operations in Idaho, and retained authority for the Division to enforce compliance. The statute also authorizes the Administrator of the Division of Building Safety to promulgate rules in support of its administration of this program.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of Senate Bill 1001 by transferring the affected chapters of rules of the Idaho Industrial Commission currently indexed under **IDAPA 17, Title 08, Chapters 01 through 16**, to the Division of Building Safety. The rules are now indexed as **IDAPA 07, Title 08, Chapters 01 through 16**.

Pursuant to Section 67-5202(2), Idaho Code, and further complying with the legislative intent of Senate Bill No. 1001, non-substantive changes will be made to update all references and citations within the rules now under the authority of the Idaho Industrial Commission and include, but are not limited to, the following:

All citations and references to **IDAPA 17, Title 08, Chapters 01 through 16** are hereby redesignated as:

- 07.08.01** - Idaho Minimum Safety Standards and Practices for Logging -- General Provisions;
- 07.08.02** - Idaho Minimum Safety Standards and Practices for Logging -- Health, Safety, and Sanitation;
- 07.08.03** - Idaho Minimum Safety Standards and Practices for Logging -- Explosives and Blasting;
- 07.08.04** - Idaho Minimum Safety Standards and Practices for Logging -- Garages, Machine Shops, and Related Work Areas;
- 07.08.05** - Idaho Minimum Safety Standards and Practices for Logging -- Signals and Signal Systems;
- 07.08.06** - Idaho Minimum Safety Standards and Practices for Logging -- Truck Road Standards;
- 07.08.07** - Idaho Minimum Safety Standards and Practices for Logging -- Transportation of Employees;

- 07.08.08** - Idaho Minimum Safety Standards and Practices for Logging -- Falling and Bucking;
- 07.08.09** - Idaho Minimum Safety Standards and Practices for Logging -- Rigging, Lines, Blocks, and Shackles;
- 07.08.10** - Idaho Minimum Safety Standards and Practices for Logging -- Canopy and Canopy Construction for Logging Equipment;
- 07.08.11** - Idaho Minimum Safety Standards and Practices for Logging -- Skidding and Yarding;
- 07.08.12** - Idaho Minimum Safety Standards and Practices for Logging -- Road Transportation;
- 07.08.13** - Idaho Minimum Safety Standards and Practices for Logging -- Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing Stiff Boomsticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists;
- 07.08.14** - Idaho Minimum Safety Standards and Practices for Logging -- Helicopter Logging;
- 07.08.15** - Idaho Minimum Safety Standards and Practices for Logging -- Commonly Used Logging Terms;
- 07.08.16** - Idaho Minimum Safety Standards and Practices for Logging -- Recommended Safety Program.

Citations and references to the Idaho Industrial Commission are now changed to the Division of Building Safety. References to “Commission” are removed or changed to “Division” where applicable; references to “Director” are changed to “Administrator”, which is defined in IDAPA 07.08.01; all statute citations are updated to reflect the amendments made pursuant to Senate Bill 1001; and all rule citations are updated to reflect the transfer to the rules of the Division of Building Safety.

Pursuant to Sections 67-5202(2) and (3) and 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the current Idaho Administrative Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this notice contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 22nd Day of May 2015.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
P. O. Box 83720
Boise, ID 83720-0306
Phone: (208) 332-1820

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION
IDAPA 07 - DIVISION OF BUILDING SAFETY**

DOCKET NO. 07-0901-1500

NOTICE OF LEGISLATIVE ACTION TRANSFERRING RULEMAKING AUTHORITY FROM THE IDAHO INDUSTRIAL COMMISSION TO THE DIVISION OF BUILDING SAFETY FOR RULES CONCERNING SAFETY AND HEALTH FOR PLACES OF PUBLIC EMPLOYMENT - SENATE BILL NO. 1001

EFFECTIVE DATE: The effective date of this action is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5203 and 67-5204, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-Third Legislature in the First Regular Session - 2015, passed Senate Bill 1001 and that said bill was signed into law by Governor C.L. "Butch" Otter, Session Law Chapter 110, thereby transferring rulemaking authority from the Idaho Industrial Commission to the Division of Building Safety for rules concerning safety and health for places of public employment and for logging operations.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative action:

Senate Bill 1001 transferred all existing statutory responsibilities related to safety and health for places of public employment to the Division of Building Safety.

The Idaho Industrial Commission currently has authority to ensure a safe workplace for places of public employment. Through written agreement, the Division of Building Safety currently assists the Commission with its responsibilities in these areas by performing inspections, creating reports, and providing other administrative services when necessary. Senate Bill 1001 clarified the scope of workplace safety inspections and programs, as well as transferred all existing statutory responsibilities related thereto to the Division of Building Safety, the majority of which it already performs pursuant to agreement. Further, the legislation identifies the continued use of the Industrial Commission's Administration Fund to fund the Division of Building Safety's inspections of public buildings and public schools.

The legislation also authorizes the Administrator of the Division of Building Safety to continue to conduct safety inspections of state-owned buildings, as well as conduct such inspections of buildings owned or maintained by other political subdivisions of the state upon request. The statute also authorizes the Administrator of the Division of Building Safety to promulgate rules in support of its administration of these programs.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of Senate Bill 1001 by transferring the affected chapter of rules of the Industrial Commission currently indexed under **IDAPA 17, Title 10, Chapter 01 (17.10.01)**, to the Division of Building Safety which is now indexed under **IDAPA 07, Title 09, Chapter 01 (07.09.01)**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of Senate Bill No. 1001, non-substantive changes will be made to update all references and citations within the rules now under the authority of the Idaho Industrial Commission and include, but are not limited to, the following:

All citations and references to **IDAPA 17, Title 10, Chapter 01 (17.10.01)** will be designated as:

07.09.01 - "Safety and Health Rules for Places of Public Employment".

Pursuant to Section 67-5202(2), Idaho Code, citations and references to the Idaho Industrial Commission are now changed to the Division of Building Safety; references to "Commission" are changed to "Division"; and all statute citations are updated to reflect the amendments made pursuant to Senate Bill 1001 and all rule citations are updated to reflect the transfer to the rules of the Division of Building Safety.

Pursuant to Sections 67-5202 and 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the current Idaho Administrative Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this notice, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 22nd Day of May 2015.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
P. O. Box 83720
Boise, ID 83720-0306
Phone: (208) 332-1820

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1503

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 20, 2015.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 33-101, 33-116, 33-1201, 33-1202, 33-1203, and 33-1612, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The temporary rule would address issues some school districts, mainly in rural areas, are having in finding qualified applicants to fill certificated positions. The amendments modify the alternate route for content specialists to allow some of the provisions to be completed during the first year in the classroom rather than the current requirement that they be completed prior to entering the classroom. The temporary rule will allow for these provisions to be in place for school districts who are currently hiring for the 2015-2016 school year.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule will confer a benefit to school districts by allowing them to fill certificated positions in emergency situations. The Department of Education had been granting provisional certificates to school districts that could not fill open positions with qualified applicants. These provisional certificates are not authorized under Idaho code. Idaho code requires teachers who serve in our public schools to be certificated and then only allows the State Board of Education to grant provisional certificates at a school districts request once they have declared an emergency exists. The Department was notified that the current practice was not authorized by law, and it has been discontinued. This has created a hardship on some rural districts that have not been able to find teachers qualified for either a standard teaching certificate or one of the existing alternate routes to certification and had been using the provisional certificate in the past. The amendments would address this issue in these emergency situations.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 5th Day of June, 2015.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St
PO Box 83720
Boise, ID 83720-0037

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0202-1503
(Only those Sections being amended are shown.)

044. ALTERNATIVE AUTHORIZATION -- CONTENT SPECIALIST.

The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district ~~with an identified~~ that has declared an emergency need for teachers in that area. Alternative authorization in this area is valid for three (3) years and is not renewable.

~~(3-20-04)~~(5-20-15)T

01. Initial Qualifications. (3-20-04)

a. ~~Prior to application, a~~ candidate must hold a Bachelor's degree or have completed all of the requirements of a Bachelor's degree except the student teaching or practicum portion.

~~(4-4-13)~~(5-20-15)T

b. ~~The candidate shall meet enrollment qualifications of the alternative route preparation program~~ The hiring district shall ensure the candidate is highly and uniquely qualified to teach in the area of identified need through demonstrated content knowledge. This may be accomplished through a combination of employment experience and education.

~~(3-20-04)~~(5-20-15)T

02. Alternative Route Preparation Program -- College/University Preparation or Other State Board Approved Certification Program.

~~(3-20-04)~~(5-20-15)T

a. ~~During the first year of the authorization, a~~ consortium comprised of a designee from the college/university to be attended or other state board approved certification program, and a representative from the school district, and the candidate shall determine preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This preparation must include mentoring and a minimum of one (1) classroom observation per month ~~until certified~~ while teaching under the alternative authorization.

~~(3-20-04)~~(5-20-15)T

b. ~~Prior to entering the classroom, t~~The candidate must complete eight (8) to sixteen (16) weeks of accelerated study in education pedagogy prior to the end of the first year of the authorization.

~~(3-20-04)~~(5-20-15)T

c. Candidate will work toward completion of the alternative route preparation program through a participating college/university or the state board approved certification program, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for ~~full standard~~-certification.

~~(3-20-04)~~(5-20-15)T

d. The participating college/university or other state board approved certification program shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences.

~~(3-20-04)~~(5-20-15)T

e. Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on appropriate state-approved content, pedagogy, or performance assessment.

(3-20-04)

IDAPA 08 - STATE BOARD OF EDUCATION
08.05.01 - RULES GOVERNING SEED AND PLANT CERTIFICATION
DOCKET NO. 08-0501-1502
NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 20, 2015.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 22-1504, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The temporary rule conveys a benefit to the Idaho seed and crop production industries and amends the standards necessary to comply with the imposed quarantine on some US seed and potatoes being exported by specifying the required seed testing in the amended standards that are incorporated by reference. Additional, changes streamline the standards by removing requirements and language around process that are unnecessary in the standard.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

In 2014, the ICIA standards were incorporated into Board rule exactly as they were published by the ICIA and available to the public through the ICIA web-site. This action brought the standards into compliance with Sections 22-1504 and 22-1505, Idaho Code (which require promulgation of the seed certification standards under the Idaho Administrative Procedures Act (IDAPA) process), and did so in a fashion that did not disrupt the crop seed industry which had been operating under the existing standards for over 50 years. Following the incorporation of the rules into Administrative Rule, the ICIA reviewed its published standards and determined that a significant portion of the materials published on the website fall outside of the standards and are more accurately defined as processes. To address this, ICIA has created separate documents each for the actual standards and for the processes that are used for establishing whether the standards are met for a particular crop. These revisions make the standards more concise and easier to read and incorporate testing requirement necessary to re-open a 5,000 metric ton market in South Korea, which has imposed a quarantine on US potatoes until seed testing includes testing for the causal agent of zebra chip, *Candidatus liberibacte*.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 5th Day of June, 2015.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St
PO Box 83720
Boise, ID 83720-0037

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0501-1502
(Only those Sections being amended are shown.)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this rule. The Idaho Seed and Plant Certification Standards are adopted by the Idaho Crop Improvement Association. Copies of the following documents may be obtained from the Idaho Crop Improvement Association, Inc. website at <http://www.idahocrop.com/index.aspx>, or from the Idaho Crop Improvement Association, Inc. office. (4-6-15)

01. General Seed Certification Standards Prohibited Noxious Seed in Idaho Certified Seed. The standard Prohibited Noxious Seed in Idaho Certified Seed ~~General Seed Certification Standards~~ of the Idaho Crop Improvement Association, Inc., as last modified and approved on ~~February 25, 2014~~ March 17, 2015.
(4-6-15)(5-20-15)T

02. Seed Certification Fee & Application Schedule. The Seed Certification Fee and Application Schedule of the Idaho Crop Improvement Association, Inc., as last modified and approved on July 11, 2014. (4-6-15)

~~**03. Interagency Certification Regulations and Procedures.** The Interagency Certification Regulations and Procedures of the Idaho Crop Improvement Association, Inc., as last modified and approved on April 6, 2006.
(4-6-15)~~

~~**043. Idaho Alfalfa Certification Regulations in Idaho Standards.** The Idaho Alfalfa Certification Regulations Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on April 6, 2006 March 17, 2015.
(4-6-15)(5-20-15)T~~

~~**054. Idaho Beans Certification Regulations in Idaho Standards.** The Idaho Beans Certification Regulations Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on December 12, 2009 March 17, 2015.
(4-6-15)(5-20-15)T~~

~~**065. Idaho Red Clover Certification Regulations in Idaho Standards.** The Idaho Red Clover Certification Regulations Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 6, 2006 March 17, 2015.
(4-6-15)(5-20-15)T~~

~~**076. Idaho Chickpea (Garbanzo Beans) Certification Regulations in Idaho Standards.** The Idaho Chickpea (Garbanzo Beans) Certification Regulations Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 6, 2006 March 17, 2015.
(4-6-15)(5-20-15)T~~

~~**087. Idaho Grain Certification Regulations in Idaho Standards.** The Idaho Grain Certification Regulations Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 10, 2014 March 17, 2015.
(4-6-15)(5-20-15)T~~

~~**098. Idaho Grass Seed Certification Regulations in Idaho Standards.** The Idaho Grass Certification Regulations Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 10, 2014.
(4-6-15)(5-20-15)T~~

~~**109. Canola, Mustard and Idaho Rapeseed/Canola/Mustard Certification Regulations in Idaho Standards.** The Idaho Rapeseed/Canola/Mustard and Rapeseed Certification Regulations Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on January 29, 2014 March 17, 2015.
(4-6-15)(5-20-15)T~~

~~**110. Rules of Certification for Seed Idaho Potatoes in Idaho Certification Standards.** The Rules of Certification for Idaho Seed Potatoes Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 21, 2014 March 17, 2015.
(4-6-15)(5-20-15)T~~

121. Pre-Variety Germplasm Certification Regulations in Idaho. The Pre-variety Germplasm Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved ~~April 11, 2014~~ March 17, 2015. ~~(4-6-15)~~ (5-20-15)T

132. ~~Miscellaneous-Crop~~ Idaho Lentil Certification ~~Regulations in Idaho~~ Standards. The ~~Miscellaneous-Crop~~ Idaho Lentil Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved ~~April 6, 2006~~ March 17, 2015. ~~(4-6-15)~~ (5-20-15)

13. Idaho Blue Flax Certification Standards. The Idaho Blue Flax Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

14. Idaho Milkvech Certification Standards. The Idaho Milkvech Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

15. Idaho Pea Certification Standards. The Idaho Pea Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

16. Idaho Sanfoin Certification Standards. The Idaho Sanfoin Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

17. Idaho Birdsfoot Trefoil Certification Standards. The Idaho Birdsfoot Trefoil Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

18. Idaho White Clover Certification Standards. The Idaho White Clover Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

19. Idaho Penstemon Certification Standards. The Idaho Penstemon Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

IDAPA 09 - DEPARTMENT OF LABOR

09.01.06 - RULES OF THE APPEALS BUREAU

DOCKET NO. 09-0106-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-1333, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 16, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at <http://labor.idaho.gov>.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website at <http://labor.idaho.gov>.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend a scheduled negotiated rulemaking meeting and participate in the negotiation process;
2. Attend through a teleconference;
3. Provide oral or written recommendations, or both, at a scheduled negotiated rulemaking meeting; and/or
4. Submit written recommendations and comments to the address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The rule will allow the Department to send notices of hearing to interested parties by mail or by electronic transmission.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Amy Hohnstein (208) 332-3572 ext. 3330. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at <http://labor.idaho.gov>.

All written comments must be directed to the undersigned and must be delivered on or before July 16, 2015.

DATED this 3rd Day of June, 2015.

Amy Hohnstein
Chief Appeals Bureau
Idaho Department of Labor
317 West Main Street
Boise, ID 83735
amy.hohnstein@labor.idaho.gov
Tel: (208) 332-3752 ext. 3330
Fax: (208) 334-6125

IDAPA 13 - DEPARTMENT OF FISH AND GAME

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To be considered, responses must be received by July 22, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Idaho Fish and Game Commission directed the Department to consider modifying the rule that requires the heads and tails to remain attached on trout, bass and tiger muskie while in transit or in the field.

The negotiated rulemaking would establish specific conditions to allow the removal of the heads and tails of trout, bass and tiger muskie for transit or while in the field.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dave Parrish, (208) 287-2773 or visit the agency website at: fishandgame.idaho.gov/public/about/?getPage=33.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or fishandgame.idaho.gov/public/about/?getPage=33, and must be delivered on or before July 22, 2015.

DATED this 5th Day of June, 2015.

W. Dallas Burkhalter
Deputy Attorney General
600 S. Walnut
PO Box 25
Boise, Idaho 83707
(208) 334-3715
Fax (208) 334-4885
dallas.burkhalter@idfg.idaho.gov

IDAPA 13 - DEPARTMENT OF FISH AND GAME

13.01.17 - RULES GOVERNING THE USE OF BAIT AND TRAPPING FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 36-104(b), Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To be considered, responses must be received by July 22, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Idaho Fish and Game Commission is evaluating aligning the criteria for the distance of black bear baiting sites from water, trails, and roads.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Jon Rachael (208) 334-2920 or visit the agency website at: <http://fishandgame.idaho.gov/public/about/?getPage=33>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or <http://fishandgame.idaho.gov/public/about/?getPage=33>, and must be delivered on or before July 22, 2015.

DATED this 5th Day of June, 2015.

John Rachael, Wildlife Game Manager
Bureau of Wildlife
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, Idaho 83707
Tel: (208)334-2920
Fax: (208)334-2114
jon.rachael@idfg.idaho.gov

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.01 - RULES OF THE IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL

DOCKET NO. 16-0201-1401 (NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendments to the temporary rule is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has amended a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1024 through 56-1030, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for amending a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2014 Legislature authorized the Idaho Time Sensitive Emergency (TSE) System of Care, a TSE Council, and Regional TSE Committees. Temporary rules were adopted to set standards, regions, regional committees, fees, and other requirements for the time sensitive emergencies related to trauma. The current temporary rules are being published as proposed with amendments being made to the temporary rule. Negotiations have been ongoing to determine the criteria and standards for designation related to Stroke and Heart Attack Centers based on nationally accepted practices. The proposed new chapter of rule includes:

1. Regions based on community input, the TSE Council, and regional TSE committees;
2. Standards and requirements for a statewide emergency system for trauma, stroke, and heart attack designations that have been negotiated based on nationally accepted practices;
3. Criteria of designation levels, fees, application processes, on-site survey and inspections, waiver policy, enforcement remedies for probation, suspension, revocation, and appeals of Department actions;
4. Required sections to meet the requirements of the APA and the rules of the Office of the Administrative Rules Coordinator; and
5. Amendments to the temporary rules based on legislative intent.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1), (a), and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This new chapter of rules for the TSE Council was adopted as a temporary rule with an effective date of January 1, 2015, to protect the public health, safety, or welfare. Statutes establishing the Idaho Time Sensitive Emergency System were effective on July 1, 2014. The Governor has found that the fees being charged in this rule are necessary to avoid immediate danger and are justified as a temporary rule.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Fees are being charged on a voluntary basis for hospitals that choose to become designated as trauma, stroke, or heart attack centers. Fees are being charged on a 3-year cycle per designation level and type of center that is payable on an annual basis. Fees may also be charged for on-site surveys that are required for certain designation levels.

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year.

The fiscal impact to the state general fund as appropriated by the Legislature for SFY 2015 is \$225,800.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted as provided in the September 3, 2014, [Idaho Administrative Bulletin, Vol. 14-9, page 187](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, a document is being incorporated by reference into these rules to give it the force and effect of law. The document is not being reprinted in this chapter of rules due to its length, format, and the cost for republication. The document being incorporated by reference is the Time Sensitive Emergency System Standards Manual, Edition 2015-2.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Christian Surjan at (208) 334-6564.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2015.

DATED this 5th Day of June, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500 / Fax: (208) 334-6558
Email: dhwrules@dhw.idaho.gov

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

**This docket has been previously published as a temporary rule.
The temporary effective date is January 1, 2015.**

**The original text of the temporary rule was published in the Idaho Administrative Bulletin,
[Volume 15-2, February 4, 2015, pages 21 through 33](#).**

**THE FOLLOWING IS THE PROPOSED TEXT AND THE AMENDED TEMPORARY RULE
FOR DOCKET NO. 16-0201-1401**

**IDAPA 16
TITLE 02
CHAPTER 01**

16.02.01 - RULES OF THE IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL

000. LEGAL AUTHORITY.

The Idaho Time Sensitive Emergency System Council (TSE) is authorized under Section 56-1028, Idaho Code, to promulgate rules for the purpose of establishing standards and for the administration of a voluntary time sensitive

emergency system of care. Sections 56-1024 through 56-1030, Idaho Code, provide requirements for the TSE Council, its membership, duties, regional TSE committees, standards criteria, and the designation of centers. The Department is authorized to charge and collect fees established by rule under Section 56-1007, Idaho Code, and to establish and collect data for a Time Sensitive Emergency (TSE) Registry under Section 57-2003, Idaho Code. (1-1-15)T

001. TITLE, SCOPE, AND INTENT.

01. Title. The title of these rules is IDAPA 16.02.01, “Rules of the Idaho Time Sensitive Emergency System Council.” (1-1-15)T

02. Scope. These rules provide for the administration and establishment of standards for a voluntary statewide time sensitive emergency system of care that includes procedures and requirements for designation of trauma, stroke, and heart attack centers including data reporting, fees, appeal process and enforcement procedures, determination of regions to provide an effective access to the TSE system within the state, and operational procedures for regional TSE committees. (1-1-15)T

03. Intent. With the maturation of the Time Sensitive Emergency System (TSE), the intent is for the state to have the ability to designate TSE centers without reliance on national accreditation bodies. The TSE Council, upon review of appropriate documentation, may provide reciprocity for facilities in Idaho that also choose to operate under a designation in a neighboring state’s system. (1-1-15)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department may have written statements that pertain to the interpretation of this chapter, or to the documentation of compliance with these rules. (1-1-15)T

003. ADMINISTRATIVE APPEALS.

Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings.” (1-1-15)T

004. INCORPORATION BY REFERENCE.

The Time Sensitive Emergency System Standards Manual, Edition 2015-~~2~~, is incorporated by reference in this chapter of rules. Copies of the manual may be obtained online at www.tse.idaho.gov or from the Bureau of Emergency Medical Services and Preparedness located at 2224 East Old Penitentiary Road, Boise, ID 83712-8249. ~~(1-1-15)T~~(7-1-15)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. (1-1-15)T

02. Mailing Address. (1-1-15)T

a. Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (1-1-15)T

b. Idaho Time Sensitive Emergency System Council, 2224 E. Old Penitentiary Road, Boise, Idaho 83712-8249. (1-1-15)T

03. Street Address. (1-1-15)T

a. The Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (1-1-15)T

b. The Bureau of Emergency Medical Services and Preparedness is located at 2224 E. Old Penitentiary Road, Boise, Idaho 83712. (1-1-15)T

- 04. Telephone.** (1-1-15)T
- a.** The Idaho Department of Health and Welfare number is (208) 334-5500. (1-1-15)T
- b.** The Bureau of Emergency Medical Services and Preparedness number is (208) 334-4000. The toll-free phone number is 1 (877) 554-3367. (1-1-15)T
- 05. Internet Websites.** (1-1-15)T
- a.** The Department internet website is found at <http://www.healthandwelfare.idaho.gov>. (1-1-15)T
- b.** The Time Sensitive Emergency System Council internet website is found at <http://www.tse.idaho.gov>. (1-1-15)T
- c.** The Bureau of Emergency Medical Services and Preparedness internet website is found at <http://www.idahoems.org>. (1-1-15)T

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

01. Confidentiality of Records. Any disclosure of confidential information used or disclosed in the course of the TSE Council's business is subject to the restrictions in state or federal law, and must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (1-1-15)T

02. Public Records Act. The Department will comply with Title 74 Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (1-1-15)T

03. Public Availability of Preliminary Investigations, Site Reviews, and Survey Reports. Preliminary investigations and related documents are confidential until a notice of action is issued for survey reports and findings of complaint investigations relating to a designated center. Documents that are available for public review may be found at <http://www.tse.idaho.gov>. (1-1-15)T

007. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this chapter, the following terms and definitions apply. (1-1-15)T

01. American College of Surgeons (ACS). The American College of Surgeons (ACS) is a national body that sets standards and verifies compliance with published standards. (1-1-15)T

02. Department. The Idaho Department of Health and Welfare. (1-1-15)T

03. Director. The Director of the Idaho Department of Health and Welfare or his designee. (1-1-15)T

04. Division. The Division of Public Health, Idaho Department of Health and Welfare. (1-1-15)T

05. EMS Agency. Any organization licensed by the Department under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements," that operates an air medical service, ambulance service, or non-transport service. (1-1-15)T

06. EMS Bureau. The Bureau of Emergency Medical Services (EMS) & Preparedness of the Idaho Department of Health and Welfare. (1-1-15)T

07. Facility. A health care organization that is voluntarily seeking designation from the Idaho Time Sensitive Emergency Council. A facility may be any of the following: (1-1-15)T

- a. Center. A facility designated by the Idaho Time Sensitive Emergency Council is known as a center. (1-1-15)T
- b. Freestanding emergency department: (1-1-15)T
- i. Is owned by a hospital with a dedicated emergency department; (1-1-15)T
- ii. Is located within 35 miles of the hospital that owns or controls it; (1-1-15)T
- iii. Provides emergency services twenty-four (24) hours per day, seven (7) days per week on an outpatient basis; (1-1-15)T
- iv. Is physically separate from a hospital; and (1-1-15)T
- v. Meets the staffing and service requirements in IDAPA 16.03.14, "Rules and Minimum Standards for Hospitals in Idaho." (1-1-15)T
- c. Hospital. As defined in Section 39-1301, Idaho Code, is a facility which is primarily engaged in providing, by or under the daily supervision of physicians: (1-1-15)T
- i. Concentrated medical and nursing care on a twenty-four (24) hour basis to inpatients experiencing acute illness; (1-1-15)T
- ii. Diagnostic and therapeutic services for medical diagnosis and treatment, psychiatric diagnosis and treatment, and care of injured, disabled, or sick persons; (1-1-15)T
- iii. Rehabilitation services for injured, disabled, or sick persons; (1-1-15)T
- iv. Obstetrical care; (1-1-15)T
- v. Provides for care of two (2) or more individuals for twenty-four (24) or more consecutive hours; and (1-1-15)T
- vi. Is staffed to provide nursing professional nursing care on a twenty-four (24) hour basis. (1-1-15)T
- d. Rural Clinic. A health care clinic in a rural area that is located more than thirty-five (35) miles from a hospital via maintained roads and is capable of providing emergency care to patients. (1-1-15)T
- 08. Heart Attack.** STEMI, which is a common name for ST-elevation myocardial infarction, is a more precise definition for a type of heart attack ~~that is~~ caused by a prolonged period of blocked blood supply that affects a large area of the heart and has a substantial risk of death ~~and~~ or disability calling for a quick response. ~~(1-1-15)T~~ **(7-1-15)T**
- 09. Idaho Time Sensitive Emergency (TSE) System Council.** The Idaho Time Sensitive Emergency System Council established in Section 56-1027, Idaho Code. (1-1-15)T
- 10. National Accrediting Body.** An organization whose standards criteria is recognized by the Idaho Time Sensitive Emergency System Council and verifies compliance with those standards. (1-1-15)T
- 11. Regional Time Sensitive Emergency (TSE) Committee.** An Idaho regional TSE committee established under Section 56-1030, Idaho Code. (1-1-15)T
- 12. STEMI.** STEMI is an ST segment elevation myocardial infarction that is a particular type of heart attack, or MI (myocardial infarction), that is caused by a prolonged period of blocked blood supply. It affects a large area of the heart muscle, and so causes changes on the ECG as well as in blood levels of key chemical markers. This is considered a major heart attack and is referred to in medical shorthand as a STEMI. (1-1-15)T

13. **Stroke.** An interruption of blood flow to the brain causing paralysis, slurred speech, or altered brain function usually caused by a blockage in a blood vessel that carries blood to the brain (ischemic stroke) or by a blood vessel bursting (hemorrhagic stroke). ~~(1-1-15)F~~(7-1-15)T

14. **Time Sensitive Emergency (TSE).** Time sensitive emergencies specifically for this chapter of rules are trauma, stroke, and heart attack. (1-1-15)T

15. **Trauma.** The result of an act or event that damages, harms, or hurts a human being resulting in intentional or unintentional damage to the body resulting from acute exposure to mechanical, thermal, electrical, or chemical energy, or from the absence of such essentials as heat or oxygen. (1-1-15)T

~~16. **TSE Council.** The Idaho Time Sensitive Emergency System Council. (1-1-15)T~~

~~17. **TSE-Designated Center.** A facility that has voluntarily applied for TSE designation, met and is in compliance with the designation criteria and standards of these rules ~~when published~~, and that the TSE Council has designated as one (1) or more of the following: ~~(1-1-15)F~~(7-1-15)T~~

a. Level I Trauma Center; (1-1-15)T

b. Level II Trauma Center; (1-1-15)T

c. Level III Trauma Center; (1-1-15)T

d. Level IV Trauma Center; (1-1-15)T

e. Level V Trauma Center; ~~or~~ ~~(1-1-15)F~~(7-1-15)T

f. Pediatric Level I Trauma Center; (1-1-15)T

g. Pediatric Level II Trauma Center; (1-1-15)T

h. Comprehensive Level I Stroke Center (Comprehensive); ~~(1-1-15)F~~(7-1-15)T

i. Primary Level II Stroke Center (Primary); ~~(1-1-15)F~~(7-1-15)T

j. Acute Stroke Ready Level III Stroke Center (Acute Stroke Ready); ~~(1-1-15)F~~(7-1-15)T

k. Level I STEMI (~~Heart Attack~~) Receiving Center (Heart Attack Receiving); ~~or~~ ~~(1-1-15)F~~(7-1-15)T

l. Level II STEMI (~~Heart Attack~~) Referring Center (Heart Attack Referring); ~~(1-1-15)F~~(7-1-15)T

~~18. **TSE Registry.** The population-based data system ~~that provides ongoing and systematic collection, analysis, interpretation, and dissemination of information related to trauma, stroke, and heart attack for system improvement, prevention and research activities. Elements in the registry describe the nature and scope of the injury, illness, or health condition, identify the incidence and prevalence of traumatic injury, illness, or health condition, the severity of the injury, performance of out-of-hospital and hospital emergency medical systems, patient outcome, and the impact of trauma, stroke, and heart attack on the health care system. The TSE Registry is established~~ defined under Section 57-2003, Idaho Code. ~~(1-1-15)F~~(7-1-15)T~~

~~19. **TSE System.** ~~Under Section 57-2002, Idaho Code, the TSE System is a~~ An organized statewide approach to treating injured trauma, stroke, and heart attack patients that establishes and promotes standards for patient transportation, equipment, and information analysis for effective and coordinated TSE care. ~~TSE systems represent a continuum of care that is fully integrated into the emergency medical services system and is a coordinated effort between out-of-hospital and hospital providers with the close cooperation of medical specialists in each phase of care. The focus is on prevention, coordination of acute care, and aggressive rehabilitation. Systems are designed to~~~~

~~be inclusive of all patients with a TSE requiring acute care facilities, striving to meet the needs of the patient, regardless of the severity of injury, geographic location or population density. A TSE system seeks to prevent injuries from happening and the reduction of death and disability when it does happen.~~ (1-1-15)T(7-1-15)T

011. -- 074. (RESERVED)

075. TSE COUNCIL.

Under Section 56-1027, Idaho Code, the TSE Council will consist of members appointed by the Governor of Idaho and the chair of each regional TSE committee. (1-1-15)T

076. TSE COUNCIL -- RESPONSIBILITIES AND DUTIES.

The TSE Council is responsible for the duties described under Section 56-1028, Idaho Code. (1-1-15)T

077. -- 079. (RESERVED)

080. TSE REGIONS.

Under Section 56-1028, Idaho Code, the TSE Council is required to establish TSE regions that provide more effective access to the Idaho ~~time sensitive emergency~~ TSE system through education, but not for the purpose of promoting competition, restricting, or directing patient referrals within the region. The TSE Council has established six (6) regions in Idaho described in the Time Sensitive Emergency System Standards Manual incorporated under Section 004 of these rules. (1-1-15)T(7-1-15)T

081. TSE REGIONS -- REALIGNMENT OF REGION.

The TSE Council may realign a region ~~of a county~~ by initiation of the TSE Council, or at the request of a regional TSE committee, a county or local government entity within the county region, a TSE-designated center, or a licensed EMS agency within that county the region. (1-1-15)T(7-1-15)T

01. Requesting Entity. The requesting entity must forward correspondence to the TSE Council specifying the reason for the realignment request. The correspondence must include: (1-1-15)T

- a. Existing patient routing patterns used by both EMS agencies and health care centers; (1-1-15)T
- b. Distances and transport times involved in patient routing patterns; (1-1-15)T
- c. A list of all entities affected by the request; (1-1-15)T
- d. A list of all other licensed health care facilities and licensed EMS agencies in the county; and (1-1-15)T
- e. Documentation that all affected regional TSE committees are agreeable to the realignment. (1-1-15)T

02. Copies of Request for Realignment. The entity requesting the TSE Council for realignment must provide copies of the correspondence to all affected regional TSE committees, county and local governments, licensed health care facilities, and EMS agencies in the requesting entity's county. (1-1-15)T(7-1-15)T

03. TSE Decision for Realignment. The TSE Council will evaluate the request based on the impact to patient care and will notify all parties of the council's decision. (1-1-15)T

082. REGIONAL TSE COMMITTEES -- ORGANIZATION AND RESPONSIBILITIES.

The regional TSE committees' organization and responsibilities are described under Section 56-1030, Idaho Code. (1-1-15)T

083. -- 099. (RESERVED)

100. DESIGNATION OF TSE CENTERS -- CRITERIA.

Under Section 56-1029, Idaho Code, the TSE Council will designate a hospital as a trauma, stroke, or STEMI (heart

attack) center when such hospital, upon proper application and verification, is found by the TSE Council to meet an applicable designation level for trauma, stroke, or STEMI (heart attack) designation criteria established in the Time Sensitive Emergency System Standards Manual incorporated under Section 004 of these rules. (1-1-15)T

101. -- 104. (RESERVED)

105. TRAUMA DESIGNATION CENTERS.

To be ~~designated as~~ an Idaho TSE-designated Level I, II, III, IV, V, or a Pediatric Level I or Level II Trauma Center, a facility must meet or exceed ~~requirement~~ required standards published for state designation in the Time Sensitive Emergency System Standards Manual incorporated under Section 004 of these rules. ~~(1-1-15)T~~(7-1-15)T

106. -- 109. (RESERVED)

110. STROKE DESIGNATION CENTERS.

To be ~~designated as~~ an Idaho TSE-designated ~~Comprehensive Stroke Center, Primary Stroke Center, or an Acute Level I, II, or III~~ Stroke ~~Ready~~ Center, a facility must meet or exceed ~~requirement~~ required standards ~~when~~ published for state designation in the Time Sensitive Emergency System Standards Manual incorporated by reference under Section 004 of these rules. ~~(1-1-15)T~~(7-1-15)T

111. -- 114. (RESERVED)

115. STEMI (HEART ATTACK) DESIGNATION CENTERS.

To be ~~designated as~~ an Idaho TSE-designated Level I or II STEMI (Heart Attack) ~~Receiving~~ Center, ~~or STEMI (Heart Attack) Referring Center~~, a facility must meet or exceed ~~requirement~~ required standards ~~when~~ published for state designation in the Time Sensitive Emergency System Standards Manual incorporated under Section 004 of these rules. ~~(1-1-15)T~~(7-1-15)T

116. -- 119. (RESERVED)

120. DESIGNATION OF CENTERS -- GENERAL REQUIREMENTS.

01. Application. A ~~hospital~~ facility applying for initial TSE designation ~~as a TSE-designated center~~ must submit an application along with applicable fees for each designation it is requesting. Application process and requirements are provided in the Time Sensitive Emergency System Standards Manual incorporated under Section 004 of these rules. Fee requirements are provided in Section 200 of these rules. ~~(1-1-15)T~~(7-1-15)T

02. Initial Designation. Initial designation requires completion of appropriate application, submission of appropriate fees, and completion of an appropriate on-site survey based on the Time Sensitive Emergency System Standards Manual incorporated by reference under Section 004 of these rules. (1-1-15)T

121. -- 189. (RESERVED)

190. TSE DESIGNATION -- LENGTH OF DESIGNATION.

A TSE center will be designated for a period of three (3) years, unless the designation is rescinded by the TSE Council for non-compliance with the designation standards of these rules or adjusted to coincide with applicable external verification timetables. (1-1-15)T

191. RENEWAL OF TSE DESIGNATION.

A TSE center's ~~designation will not lapse when the~~ must submit its renewal application ~~for renewal has been timely submitted to the TSE Council, and the application is undergoing review by the TSE Council or awaiting an on-site review through no fault of the applicant~~ and applicable fees no later than six (6) months prior to the center's designation expiration date. Designation will not lapse due to a delay in scheduling the on-site survey, if the delay is through no fault of renewing center. ~~(1-1-15)T~~(7-1-15)T

192. -- 194. (RESERVED)

195. NOTIFICATION OF LOSS OF CERTIFICATION OR LICENSURE.

Any TSE-designated center that has a loss of certification or licensure ~~will~~ **must** immediately notify the TSE Council by contacting TSE program staff. ~~(7-1-15)T~~(7-1-15)T

196. -- 199. (RESERVED)

200. DESIGNATION AND TSE ON-SITE SURVEY FEES.

01. Application With National Verification. An applicant applying for a TSE designation that is verified by a national accrediting body must submit the appropriate designation fees with its application for initial designation and renewal. The designation fees are for a three (3) year designation and are payable on an annual basis. TSE designation fees are not to exceed those listed in Subsections 200.03 through 200.05 of this rule. ~~(7-1-15)T~~(7-1-15)T

02. Application Without National Verification. An applicant who requires a TSE on-site survey prior to designation is required to pay the applicable on-site survey fee at the time of application. TSE designation and on-site survey fees are not to exceed those listed in Subsections 200.03 through 200.05 of this rule. ~~(7-1-15)T~~(7-1-15)T

03. Trauma Designation and TSE On-Site Survey Fees.

TRAUMA DESIGNATIONS 200.03	DESIGNATION FEE 3-years / Annual (Not to exceed)	TSE ON-SITE SURVEY FEE (Not to exceed)
LEVEL I	\$45,000 / \$15,000	\$3,000 / Not applicable with ACS verification
LEVEL II	\$36,000 / \$12,000	\$3,000 / Not applicable with ACS verification
LEVEL III	\$24,000 / \$8,000	\$,3000 / Not applicable with ACS verification
LEVEL IV	\$12,000 / \$4,000	\$1,500 / Not applicable with ACS verification
LEVEL V	\$3,000 / \$1,000	\$1,500
PEDIATRIC LEVEL I and LEVEL II	\$36,000 / \$12,000	\$3000 / Not applicable with ACS verification

~~(7-1-15)T~~(7-1-15)T

04. Stroke Designation and TSE On-Site Survey Fees.

<u>STROKE DESIGNATIONS 200.04</u>	<u>DESIGNATION FEE 3-year / Annual (Not to exceed)</u>	<u>TSE ON-SITE SURVEY FEE (Not to exceed)</u>
<u>LEVEL I</u>	<u>\$21,000 / \$7,000</u>	<u>\$3,000 / Not applicable with national verification</u>
<u>LEVEL II</u>	<u>\$12,000 / \$4,000</u>	<u>\$3,000 / Not applicable with national verification</u>
<u>LEVEL III</u>	<u>\$1,500 / \$500</u>	<u>\$3,000</u>

(7-1-15)T

05. STEMI (Heart Attack) Designation and TSE On-Site Survey Fees.

<u>STEMI (HEART ATTACK) DESIGNATIONS 200.05</u>	<u>DESIGNATION FEE 3-year / Annual (Not to exceed)</u>	<u>TSE ON-SITE SURVEY FEE (Not to exceed)</u>
<u>LEVEL I</u>	<u>\$21,000 / \$7,000</u>	<u>\$3,000 / Not applicable with national verification</u>
<u>LEVEL II</u>	<u>\$1,500 / \$500</u>	<u>\$3,000</u>

(7-1-15)T

046. Designation Fee Payment. After completion of the TSE on-site survey, the TSE Council will ~~officially~~ notify the applicant facility of ~~successfully meeting the~~ designation ~~criteria~~ determination by letter. ~~After this notification takes place, facility designation goes into effect upon the Department's receipt of the first year's designation fee or the entire three (3) year fee. Subsequent annual designation fees are due to the Department within thirty (30) days of receipt of invoice in order to maintain designation~~ The applicant facility must then pay either the annual designation fee or the entire three (3) year designation fee. After designation notification and upon the Department's receipt of the designation fee, designation is effective. The TSE Council will send a certificate of designation and confirmation of the designation period. Annual designation fees for those facilities paying yearly are due to the Department within thirty (30) days of the date of the invoice in order to maintain designation.

~~(7-1-15)T~~(7-1-15)T

201. -- 249. (RESERVED)

250. TSE ON-SITE ~~REVIEW~~ SURVEY.

The TSE Council will conduct an on-site ~~review~~ survey of each TSE-designated center at least once every three (3) years, unless the center has been verified by a national accrediting body to meet or exceed the standards set in these rules. The TSE Council will schedule the on-site ~~review~~ survey with the designated center in a timely manner.

~~(7-1-15)T~~(7-1-15)T

251. TSE ON-SITE ~~REVIEW~~ SURVEY -- GENERAL REQUIREMENTS.

The TSE on-site ~~review~~ survey will consist of and consider each facility's application and compliance with the standards published for state designation and incorporated under Section 004 of these rules for the specific type of designation being requested. The general requirements in Subsections 251.01 through 251.04 of this rule apply:

~~(7-1-15)T~~(7-1-15)T

01. ~~Review~~ Survey Team Member Requirements. ~~Review~~ Survey team members will meet the following inclusion criteria:

~~(7-1-15)T~~(7-1-15)T

- a. A physician ~~reviewer will~~ surveyor must: ~~(7-1-15)T~~(7-1-15)T
 - i. Be certified by the American Board of Medical Specialties or the American Board of Osteopathic Medicine; (1-1-15)T
 - ii. Be board-certified in the specialty area ~~he is being~~ representing on the review team; ~~(7-1-15)T~~(7-1-15)T
 - iii. Be currently active in trauma, stroke, or emergency cardiac care at a center that is at or above the level being reviewed; (1-1-15)T
 - iv. Have no conflict of interest with the facility under review; ~~and~~ ~~(7-1-15)T~~(7-1-15)T
 - v. Be from another state when performing a ~~review~~ survey for Level I; ~~or~~ Level II, ~~or Pediatric~~ Trauma Center designations; ~~and~~ ~~(7-1-15)T~~(7-1-15)T

- vi. Be from outside the region of the center being verified. (7-1-15)T
- b. A nurse ~~reviewer~~ surveyor or program manager will must: (~~1-1-15~~)T(7-1-15)T
 - i. Be currently active in trauma, stroke, or emergency cardiac care at a center that is at or above the level being reviewed; and (1-1-15)T
 - ii. Have no conflict of interest with the facility under review; ~~and~~ (~~1-1-15~~)T(7-1-15)T
 - iii. Be from another state when performing a ~~review~~ survey for Level I; or Level II, ~~or Pediatric~~ Trauma Center designations; and (~~1-1-15~~)T(7-1-15)T
- iv. Be from outside the region of the center being verified. (7-1-15)T

02. **Review Survey Team Member Notification of Potential Conflict of Interest.** Upon being assigned to an on-site ~~review~~ survey team, a potential team member must notify the TSE Council of any potential conflict of interest regarding any financial, professional, or personal bias that may ~~adversely~~ affect the ~~review~~ survey of the applicant's facility. (~~1-1-15~~)T(7-1-15)T

03. **Notification to Applicant of Review Survey Team Members.** The TSE Council will provide the applicant with the names of the on-site ~~review~~ survey team once they have been selected and at least thirty (30) calendar days prior to the scheduled ~~review~~ survey. (~~1-1-15~~)T(7-1-15)T

04. **Facility Notification to TSE Council of Potential Conflict of Interest.** If the applicant believes that a potential ~~reviewer~~ surveyor has a financial, professional, or personal bias that may ~~adversely~~ affect the ~~review~~ survey, the applicant must notify the TSE Council in writing no later than seven (7) calendar days after the applicant receives the TSE Council's notification of the proposed ~~review~~ survey team. (~~1-1-15~~)T(7-1-15)T

05. **Notification of Decision for Conflict of Interest.** The TSE Council will consider the conflict of interest notice and make a decision concerning replacement of the ~~review~~ survey team member in question. No person who has a substantial conflict of interest in the operation of any ~~center~~ facility under review will participate in the on-site ~~review~~ survey of the applicant. (~~1-1-15~~)T(7-1-15)T

252. **TSE ON-SITE ~~REVIEW~~ SURVEY -- ~~REVIEW~~ SURVEY TEAM COMPOSITION.** The TSE Council will select an on-site ~~review~~ survey team based on the applicant's designation application and specifications provided in these rules and the standards published in the Time Sensitive Emergency System Standards Manual incorporated under Section 004 of these rules. (~~1-1-15~~)T(7-1-15)T

253. **ON-SITE ~~REVIEW~~ SURVEY -- ADDITIONAL ~~REVIEW~~ SURVEYS.** The TSE Council may conduct additional, announced or unannounced, full or partial, on-site reviews of TSE designated centers or applicants when there is reason to believe that the center is not in compliance with the designation criteria standards of these rules. (~~1-1-15~~)T(7-1-15)T

254. -- 259. (RESERVED)

260. **DESIGNATION DECISION.**

01. **Summary Report.** The ~~review~~ survey team will present a verbal summary of the survey results to the applicant and the TSE Council for review The survey team's will submit in writing to the TSE Council its recommendation on the center's designation at the completion of the site survey. (~~1-1-15~~)T(7-1-15)T

02. **Written Report.** The TSE Council will consider all evidence and notify the applicant in writing of its decision within thirty (30) calendar days of receiving the ~~review~~ survey team's recommendation. (~~1-1-15~~)T(7-1-15)T

03. **Final Determination.** The TSE Council's final determination regarding each application will be

based upon consideration of ~~all pertinent factors that include:~~ (1-1-15)T(7-1-15)T

- a. The application; (1-1-15)T
- b. The evaluation and recommendations of the on-site ~~review~~ survey team; (1-1-15)T(7-1-15)T
- c. The best interests of patients; and (1-1-15)T
- d. Any unique attributes or circumstances that make the facility capable of meeting special community needs. (1-1-15)T

04. Provisional Designation. The TSE Council may grant a provisional designation to a facility with deficiencies it deems correctable. A facility receiving a provisional designation must: (7-1-15)T

- a. Resolve the deficiencies within the time period specified by the TSE Council; (7-1-15)T
- b. Submit documentation that the deficiency has been resolved; and (7-1-15)T
- c. If necessary, submit to an additional focused on-site survey and pay the applicable survey fees. (7-1-15)T

045. Denial. If the TSE Council denies an applicant a designation, the provisions of IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings,” will apply. (1-1-15)T

261. -- 269. (RESERVED)

270. WAIVERS.

01. Granting a Waiver. The TSE Council may grant a waiver from one (1) or more designation criteria for a center applying for TSE designation. (1-1-15)T

02. Waiver Application. A center requesting a waiver must submit a completed TSE ~~Waiver~~ Application Form ~~on a TSE Council's form~~. The TSE Council may require the applicant to provide additional information, and the ~~waiver~~ application will not be considered complete until all required information is provided. (1-1-15)T(7-1-15)T

03. Post Notice. A center requesting a waiver must post a notice of the waiver application ~~with a meaningful description of the substance of the request~~ at all public entrances to the center and in at least one (1) area that is commonly used by the patients. The notice must: (1-1-15)T(7-1-15)T

- a. Include a meaningful description of the reason for the waiver; (7-1-15)T
- ~~b.~~ Be posted on the date the waiver application is submitted; (1-1-15)T
- ~~b.~~ Remain posted for a minimum of thirty (30) calendar days; and (1-1-15)T
- ~~d.~~ Describe where and to whom comments may be submitted during the thirty (30) calendar days. (1-1-15)T

04. Notice Distribution. When the notice is posted, the center must also distribute copies of the notice to prehospital emergency medical service agencies active in the community served by the center. (1-1-15)T

05. Waiver Application Submission. The completed waiver application must be submitted to the TSE Council at least thirty (30) calendar days before a TSE Council meeting in order to be placed on the ~~Council~~ agenda. Applications ~~completed~~ submitted less than thirty (30) calendar days in advance of a TSE Council meeting will be placed on ~~a subsequent Council~~ the next agenda. (1-1-15)T(7-1-15)T

06. **Waiver Application Distribution.** The TSE Council ~~will distribute a copy of~~ will make available the public notice of the TSE Council meeting regarding the waiver application to all ~~other~~ TSE-designated centers. ~~(1-1-15)T~~(7-1-15)T

07. **Waiver Application Review.** The regional TSE committee ~~will~~ must review the request and make recommendations to the TSE Council. The TSE Council ~~will~~ must make a decision and notify the facility administrator in writing within thirty (30) calendar days of the TSE Council meeting during which the waiver decision is made. ~~(1-1-15)T~~(7-1-15)T

08. **Waiver Conditions.** When a waiver is granted, the TSE eCouncil ~~will~~ must: ~~(1-1-15)T~~(7-1-15)T

a. Specify the terms and conditions of the waiver; (1-1-15)T

b. Specify the duration of the waiver; duration will not exceed the designation period for that center or three (3) years, whichever is shorter ~~which under no circumstances is a waiver granted for a period longer than the designation cycle for that center~~; and ~~(1-1-15)T~~(7-1-15)T

c. Require the submission of progress reports from ~~any~~ the center that was granted a waiver. ~~(1-1-15)T~~(7-1-15)T

09. **Waiver Renewal.** A center that plans to maintain a waiver beyond its expiration must submit a new waiver application to the TSE eCouncil no less than ~~ninety (90) days~~ three (3) months prior to the expiration of the waiver. ~~(1-1-15)T~~(7-1-15)T

10. **Waiver Revocation.** The TSE Council may revoke or suspend a waiver when it determines: (1-1-15)T

a. That continuation of the waiver jeopardizes the health, safety, or welfare of the patients; (1-1-15)T

b. The applicant has provided false or misleading information in the waiver application; (1-1-15)T

c. The applicant has failed to comply with conditions of the waiver; or (1-1-15)T

d. That a change in federal or state law prohibits continuation of the waiver. (1-1-15)T

~~121.~~ **Notification and Appeals.** When the TSE Council denies, revokes, or suspends a waiver, the TSE Council must provide the center with a written notification of the action and the basis for the action. The notice will inform the facility of the right to appeal and the procedure to appeal the waiver action under the provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings," ~~will apply~~ Notification will be made in writing within thirty (30) calendar days of the TSE Council meeting during which the appeal decision is made. ~~(1-1-15)T~~(7-1-15)T

271. -- 279. (RESERVED)

280. DENIAL AND MODIFICATION.

01. **Denial.** The TSE Council may deny an initial or renewal application for a center's designation when a center: (1-1-15)T

a. Does not meet the criteria for designation required in these rules; (1-1-15)T

b. Application or accompanying documents contain false statements of material facts; (1-1-15)T

c. Refuses to allow any part of an on-site ~~review~~ survey; ~~(1-1-15)T~~(7-1-15)T

d. Fails to comply with or to successfully complete a plan of correction, or (1-1-15)T

- e. Is substantially out of compliance with any ~~of TSE Council's~~ rules. ~~(1-1-15)F(7-1-15)T~~

02. Modification. When a center ~~does not~~ fails to meet the ~~level of designation~~ criteria at the level of designation for which it applied or ~~for which it subsequently~~ opts to surrender its ~~verification~~ designation, the TSE Council may recommend a designation at a lesser level described in Section 290 of these rules, or a complete revocation of state designation. This action, unless agreed to by the applicant, will represent a denial of the application. ~~(1-1-15)F(7-1-15)T~~

03. Notification and Appeal. When the TSE Council denies an application for designation, the TSE Council ~~will~~ must provide the center with a written notification of the denial and the basis for the denial. The notice will inform the facility of the right to appeal and the procedure to appeal the denial under the provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ~~(1-1-15)F(7-1-15)T~~

281. -- 284. (RESERVED)

285. REVOCATION AND SUSPENSION.

01. Revocation. The TSE Council may revoke the designation of a center or a waiver when any owner, officer, director, manager, or other employee: ~~(1-1-15)F(7-1-15)T~~

- a. Fails or refuses to comply with the provisions of these rules; (1-1-15)T
- b. Makes a false statement of material fact about the center's capabilities or other pertinent circumstances in any record or matter under investigation for any purposes connected with these rules; (1-1-15)T
- c. Prevents, interferes with, or attempts to impede in any way, the work of a representative of the TSE Council in implementing or enforcing these rules; (1-1-15)T
- d. Falsely advertises, or in any way misrepresents the facility's ability to care for patients based on its designation status; (1-1-15)T
- e. Is substantially out of compliance with these rules and has not rectified such noncompliance; (1-1-15)T
- f. Fails to provide reports required by the TSE registry or the ~~state~~ Department in a timely and complete fashion; or ~~(1-1-15)F(7-1-15)T~~
- g. Fails to comply with or complete a plan of correction in the time or manner specified. (1-1-15)T

02. Suspension. The TSE Council may suspend a center's designation or waiver when it finds, after investigation, that the center has engaged in a deliberate and willful violation of these rules, or that the public's health, safety, or welfare ~~requires immediate action~~ is endangered. ~~(1-1-15)F(7-1-15)T~~

03. Notification and Appeal. When the TSE Council revokes or suspends a center's designation or waiver, it ~~will~~ must provide the center with a written notification of the action and the basis for the action. The notice will inform the center of the right to appeal and the procedure to appeal the action under the provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ~~(1-1-15)F(7-1-15)T~~

286. -- 289. (RESERVED)

290. DESIGNATION AT A LESSER LEVEL.

01. Inability to Meet Criteria. The TSE Council may ~~determine~~ opt to redesignate a center at a lesser level due to the center's inability to meet current designation criteria, without regard to any waiver previously granted. ~~(1-1-15)F(7-1-15)T~~

- 02. Notification and Appeal.** When the TSE Council decides to redesignate a center, it ~~will~~ must

provide the center with a written notification of the action and the basis for the action. The notice will inform the center of the right to appeal and the procedure to appeal the action under the provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ~~(7-1-15)F~~(7-1-15)I

291. -- 999. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1503

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code, and 42 U.S.C. 1396a(a)(25)(E).

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change adds clarification of exceptions regarding third party liability for early and periodic screening and diagnosis services that are billed to third-party insurers. These rules will align with federal statutes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year.

This rulemaking is meant to be cost neutral. There will be no fiscal impact to the state general funds or any other funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not feasible because these rules are to align with federal statutes.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cale Coyle at (208) 364-1817.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2015.

DATED this 17th Day of June, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500
Fax: (208) 334-6558
Email: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0309-1503
(Only those Sections being amended are shown.)

215. THIRD PARTY LIABILITY.

01. **Determining Liability of Third Parties.** The Department will take reasonable measures to determine any legal liability of third parties for medical care and services rendered to a participant. (3-30-07)

02. **Third Party Liability as a Current Resource.** The Department is to treat any third party liability as a current resource when such liability is found to exist and payment by the third party has been made or will be made within a reasonable time. (3-30-07)

03. **Withholding Payment.** The Department must not withhold payment on behalf of a participant because of the liability of a third party when such liability, or the amount thereof, cannot be currently established or is not currently available to pay the participant's medical expense. (3-30-07)

04. **Seeking Third Party Reimbursement.** The Department will seek reimbursement from a third party when the party's liability is established after reimbursement to the provider is made, and in any other case in which the liability of a third party existed, but was not treated as a current resource, with the exceptions *of EPSDT and EPSDT-related services provided in Subsection 215.05 of this rule.* (3-30-07)()

a. The Department will seek reimbursement from a participant when a participant's liability is established after reimbursement to the provider is made; and (3-30-07)

b. In any other situation in which the participant has received direct payment from any third party resource and has not forwarded the money to the Department for services or items received. (3-30-07)

05. **Billing Third Parties First.** Medicaid providers must bill all other sources of direct third party payment, with the following exceptions: *of absent parent (court ordered) without secondary resources, prenatal, EPSDT and EPSDT related services before submitting the claim to the Department. If the resource is an absent parent (court ordered) and there are no other viable resources available or if the claims are for prenatal, EPSDT, or EPSDT-related services, the claims will be paid and the resources billed by the Department.* (3-30-07)()

a. When the resource is a court-ordered absent parent and there are no other viable resources available, the claims will be paid and the resources billed by the Department; ()

b. Prenatal or preventive pediatric care including early and periodic screening and diagnosis. Screening and diagnosis program services include; ()

i. Regularly scheduled examinations and evaluations of the general physical, dental, and mental health, growth, development, and nutritional status of children under age twenty-one (21), provided according to guidance for child wellness exams published in the Medicaid General Provider and Participant Handbook; ()

ii. Immunizations recommended by the American Academy of Pediatrics immunization schedule; ()

iii. Diagnosis services to identify the nature of an illness or other problem by examination of the symptoms. ()

c. When prior authorization has been approved according to Section 883 of these rules, treatment services to control, correct, or ameliorate health problems found through diagnosis and screenings; ()

d. If the claim is for prenatal or preventative pediatric care as described in Subsection 215.05.b of this rule, the Department will make payment for the service provided in its fee schedule and will seek reimbursement from the third party according to 42 U.S.C. 1396a(a)(25)(E). ()

06. Accident Determination. When the participant's Medicaid card indicates private insurance and/or when the diagnosis indicates an accident for which private insurance is often carried, the claim will be suspended or denied until it can be determined that there is no other source of payment. (3-30-07)

07. Third Party Payments. The Department will pay the provider the lowest amount of the following: (3-29-12)

a. The provider's actual charge for the service; or (3-29-12)

b. The maximum allowable charge for the service as established by the Department in its pricing file. If the service or item does not have a specific price on file, the provider must submit supporting documentation to the Department. Reimbursement will be based on the documentation; or (3-29-12)

c. The third party-allowed amount minus the third party payment, or the patient liability as indicated by the third party. (3-29-12)

08. Subrogation of Third Party Liability. In all cases where the Department will be required to pay medical expenses for a participant and that participant is entitled to recover any or all such medical expenses from any third party, the Department will be subrogated to the rights of the participant to the extent of the amount of medical assistance benefits paid by the Department as the result of the occurrence giving rise to the claim against the third party. (3-30-07)

a. If litigation or a settlement in such a claim is pursued by the medical assistance participant, the participant must notify the Department. (3-30-07)

b. If the participant recovers funds, either by settlement or judgment, from such a third party, the participant must repay the amount of benefits paid by the Department on his behalf. (3-30-07)

09. Subrogation of Legal Fees. (3-30-07)

a. If a medical assistance participant incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim to which the Department is subrogated, the amount which the Department is entitled to recover, or any lesser amount which the Department may agree to accept in compromise of its claim, will be reduced by an amount which bears the same relation to the total amount of attorney fees and court costs actually paid by the participant as the amount actually recovered by the Department, exclusive of the reduction for attorney fees and court costs, bears to the total amount paid by the third party to the participant. (3-30-07)

b. If a settlement or judgment is received by the participant which does not specify portion of the settlement or judgment which is for payment of medical expenses, it will be presumed that the settlement or judgment applies first to the medical expenses incurred by the participant in an amount equal to the expenditure for benefits paid by the Department as a result of the payment or payments to the participant. (3-30-07)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.18 - MEDICAID COST-SHARING

DOCKET NO. 16-0318-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-253, 56-257, Idaho Code, and Title XIX and Title XXI of the Social Security Act.

MEETING SCHEDULE: A public meeting for negotiated rulemaking will be held as follows.

Tuesday, July 21, 2015 - 2:00 p.m. MDT

**Medicaid Central Office
3232 W. Elder Street
Conf. Room D -- West/East
Boise, ID**

**PARTICIPATION BY TELECONFERENCE
(for those who are unable to attend the meeting)**

**Call: 1-(877)-820-7831
At Prompt enter Participant Code: 169996**

Each meeting site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting, to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to the following, on or before July 24, 2015.

Medicaid Central Office
Idaho Department of Health & Welfare
Attn: Alexandra Fernández
PO Box 83720
Boise, ID 83720-0036
FAX: (208) 332-7283

Hand Deliver to:
3232 W. Elder Street
Boise, ID 83705

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the rulemaking:

Advocates representing Idaho's disabled residents have requested the Department of Health and Welfare review the Personal Needs Allowance (PNA) amounts used in the financial eligibility calculation for those Medicaid waiver participants who reside in the community and are responsible for their rent or mortgage expenses. The Department has determined that while the Supplemental Security Income (SSI) figure is adjusted annually by the Social Security Administration to account for cost of living increases, it has not kept pace with the increase of housing and utility expenses in Idaho. An adjustment to the PNA is needed ensure that Medicaid waiver participants are permitted a

sufficient allowance within their financial eligibility calculation to rent or own a reasonably priced home or apartment without causing undue financial hardship.

The negotiated rulemaking meeting listed above will allow stakeholders to provide their input concerning the proposed changes to the Personal Needs Allowance.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Alexandra Fernández at (208) 287-1156 or email Fernanda@dhw.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the contact person named above and must be delivered on or before July 24, 2015.

DATED this 5th Day of June, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500 phone / Fax: (208) 334-6558
Email: dhwrules@dhw.idaho.gov

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)

DOCKET NO. 16-0612-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 56-202, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Thursday, July 9, 2015 - 2:00 to 4:00 p.m.

**Department of Health & Welfare
450 West State Street
Conference Room 2A
Boise, ID**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting;
3. Submit written recommendations and comments to the following, on or before July 15, 2015.

Ericka Rupp
ICCP Program Manager
P.O. Box 83720
Boise, ID 83720-0036

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is holding a negotiated rulemaking meeting for the Idaho Child Care Program to update and align with federal regulations.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Aubrie McArthur at (208) 334-5686.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before July 15, 2015.

DATED this 5th Day of June, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500 phone / Fax: (208) 334-6558
Email: dhwrules@dhw.idaho.gov

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.09 - MEDICAL FEES

DOCKET NO. 17-0209-1503

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2015. This temporary rule will remain in effect through July 1, 2016, at which time the temporary rule will expire and be replaced by a final rule, unless the temporary rule is otherwise affected by an operation of law.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 72-508 and 72-803, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rule will delay the implementation of the 2015 Centers for Medicare & Medicaid Services (CMS) Outpatient Prospective Payment System Ambulatory Payment Classification (APC) relative weights that became effective January 1, 2015. By extending the use of the 2014 OPSS Relative Weights, payments will remain stable while IDAPA 17.02.09.032 is revised to better align with CMS's goal of packaging a broader range of hospital outpatient services into a single payment.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Adoption of this temporary rule will avoid confusion in the calculation of hospital outpatient payments on workers' compensation claims.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Patti Vaughn, Medical Fee Analyst at (208) 334-6084.

DATED this 4th Day of June, 2015.

Mindy Montgomery, Director
Industrial Commission
700 South Clearwater Lane
PO Box 83720
Boise, ID 83720-0041
Tel: (208) 334-6000
Fax: (208) 334-2321

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 17-0209-1503 (Only those Sections being amended are shown.)

032. ACCEPTABLE CHARGES FOR MEDICAL SERVICES PROVIDED BY HOSPITALS AND AMBULATORY SURGERY CENTERS UNDER THE IDAHO WORKERS' COMPENSATION LAW.

Pursuant to Section 72-508 and Section 72-803, Idaho Code, the Commission hereby adopts the following rule for determining acceptable charges for medical services provided by hospitals and ambulatory surgery centers under the Idaho Workers' Compensation Law. (1-1-12)

01. Acceptable Charge. Payors shall pay providers the acceptable charge for medical services provided by hospitals and ambulatory surgery centers. (1-1-12)

02. Adoption of Standards for Hospitals and ASCs. The following standards shall be used to determine the acceptable charge for hospitals and ambulatory surgery centers. (1-1-12)

a. Critical Access and Rehabilitation Hospitals. The standard for determining the acceptable charge for inpatient and outpatient services provided by a critical access or rehabilitation hospital is ninety percent (90%) of the reasonable charge. Implantable hardware charges shall be reimbursed at the rate of the actual cost plus fifty percent (50%). (1-1-12)

b. Hospital Inpatient Services. The standard for determining the acceptable charge for inpatient services provided by hospitals, other than critical access and rehabilitation hospitals, is calculated by multiplying the base rate by the current MS-DRG weight for that service. The base rate for inpatient services is ten thousand two hundred dollars (\$10,200). Inpatient services that do not have a relative weight shall be paid at eighty-five percent (85%) of the reasonable charge; however, implantable hardware charges billed for services without an MS-DRG weight shall be reimbursed at the rate of actual cost plus fifty percent (50%). (7-1-15)

c. Hospital Outpatient and Ambulatory Surgical Center (ASC) Services. The standard for determining the acceptable charge for outpatient services provided by hospitals (other than critical access and rehabilitation hospitals) and for services provided by ambulatory surgical centers is calculated by multiplying the base rate by the Medicare Hospital Outpatient Prospective Payment System (OPPS) APC weight in effect on the first day of January of the current calendar year; however, on and after January 1, 2015, the OPPS APC weight in effect on January 1, 2014, shall be used. The base rate for hospital outpatient services is one hundred forty dollars and seventy-five cents (\$140.75). The base rate for ASC services is ninety-one dollars and fifty cents (\$91.50). ~~(7-1-15)~~(7-1-15)T

i. Medical services for which there is no APC weight listed shall be reimbursed at seventy-five percent (75%) of the reasonable charge. (7-1-12)

ii. Status code N items or items with no CPT or Healthcare Common Procedure Coding System (HCPCS) code shall receive no payment except as provided in Subsection 032.02.c.ii.(1). or 032.02.c.ii.(2). of this rule. (7-1-15)

(1) Implantable Hardware may be eligible for separate payment under Subsection 032.02.e.iii. of this rule. (7-1-15)

(2) Outpatient laboratory tests provided with no other hospital outpatient service on the same date, or outpatient laboratory tests provided on the same date of service as other hospital outpatient services that are clinically unrelated may be paid separately if billed with modifier L1. Payment shall be made in the same manner that services with no APC weight are paid under Subsection 032.02.c.i. of this rule. (7-1-15)

iii. Two (2) or more medical procedures with a status code T on the same claim shall be reimbursed with the highest weighted code paid at one hundred percent (100%) of the APC calculated amount and all other status code T items paid at fifty percent (50%). (1-1-12)

iv. Status code Q items with an assigned APC weight will not be discounted. (1-1-12)

d. Hospitals Outside of Idaho. Reimbursement for services provided by hospitals outside the state of Idaho may be based upon the agreement of the parties. If there is no agreement, services shall be paid in accordance with the workers' compensation fee schedule in effect in the state in which services are rendered. If there is no hospital fee schedule in effect in such state, or if the fee schedule in that state does not allow reimbursement for the services rendered, reimbursement shall be paid in accordance with these rules. (1-1-12)

e. Additional Hospital Payments. When the charge for a medical service provided by a hospital (other than a critical access or rehabilitation hospital) meets the following standards, additional payment shall be made for that service, as indicated. (1-1-12)

i. **Inpatient Threshold Exceeded.** When the charge for a hospital inpatient MS-DRG coded service exceeds the sum of thirty thousand dollars (\$30,000) plus the payment calculated under the provisions of Subparagraph 032.02.b. of this rule, then the total payment for that service shall be the sum of the MS-DRG payment and the amount charged above that threshold multiplied by seventy-five percent (75%). Implantable charges shall be excluded from the calculation for an additional inpatient payment under this Subparagraph. (1-1-12)

ii. **Inpatient Implantable Hardware.** Hospitals may seek additional reimbursement beyond the MSDRG payment for invoiced implantable hardware where the aggregate invoice cost is greater than ten thousand dollars (\$10,000). Additional reimbursement shall be the invoice cost plus an amount which is equal to ten percent (10%) of the invoice cost, but which does not exceed three thousand dollars (\$3,000). Handling and freight charges shall be included in invoice cost. (1-1-12)

iii. **Outpatient Implantable Hardware.** Hospitals and ASCs may seek additional reimbursement beyond the APC payment for invoiced implantable hardware where the aggregate invoice cost is greater than five hundred dollars (\$500). Additional reimbursement shall be the invoice cost plus an amount which is equal to ten percent (10%) of the invoice cost, but which does not exceed one thousand dollars (\$1,000). Handling and freight charges shall be included in invoice cost. (1-1-12)

03. Disputes. The Commission shall determine the acceptable charge for hospital and ASC services that are disputed based on all relevant evidence in accordance with the procedures set out in Section 035 of this rule. (1-1-12)

04. Adjustment of Hospital and ASC Base Rates. The Commission may periodically adjust the base rates set out in Subparagraphs 032.02.b. and 032.02.c. of this rule to reflect changes in inflation or market conditions. (1-1-12)

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION
IDAPA 17 - IDAHO INDUSTRIAL COMMISSION**

DOCKET NO. 17-0800-1500

NOTICE OF LEGISLATIVE ACTION TRANSFERRING RULEMAKING AUTHORITY FROM THE IDAHO INDUSTRIAL COMMISSION TO THE DIVISION OF BUILDING SAFETY FOR RULES FOR MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING OPERATIONS - SENATE BILL NO. 1001

EFFECTIVE DATE: The effective date of this action is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5203 and 67-5204, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-Third Legislature in the First Regular Session - 2015, passed Senate Bill 1001 and that said bill was signed into law by Governor C.L. "Butch" Otter, Session Law Chapter 110, thereby transferring rulemaking authority from the Idaho Industrial Commission to the Division of Building Safety for rules concerning safety and health for places of public employment and for logging operations.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative action:

Senate Bill 1001 transferred all existing statutory responsibilities related to workplace safety in logging operations to the Division of Building Safety.

The Idaho Industrial Commission currently has authority to ensure a safe workplace for places of public employment, as well as perform logging safety inspections. Through written agreement, the Division of Building Safety currently assists the Commission with its responsibilities in these areas by performing inspections, creating reports, and providing other administrative services when necessary. Senate Bill 1001 clarified the scope of workplace safety inspections and programs, as well as transferred all existing statutory responsibilities related thereto to the Division of Building Safety, the majority of which it already performs pursuant to agreement. Further, the legislation identifies the continued use of the Industrial Commission's Administration Fund to fund the Division of Building Safety's logging safety training programs.

The legislation transferred to the Division of Building Safety the existing authority to conduct logging safety inspections and training for logging operations in Idaho, and retained authority for the Division to enforce compliance. The statute also authorizes the Administrator of the Division of Building Safety to promulgate rules in support of its administration of these programs.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of Senate Bill 1001 by transferring the affected chapters of rules of the Industrial Commission, currently indexed under **IDAPA 17, Title 08, Chapters 01** through **16**, to the Division of Building Safety. The rule are now indexed under **IDAPA 07, Title 08, Chapters 01** through **16**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of Senate Bill No. 1001, non-substantive changes will be made to update all references and citations within the rules now under the authority of the Idaho Industrial Commission and include, but are not limited to, the following:

All citations and references to **IDAPA 17, Title 08, Chapters 01** through **16** are hereby redesignated as:

- 07.08.01** - Idaho Minimum Safety Standards and Practices for Logging -- General Provisions;
- 07.08.02** - Idaho Minimum Safety Standards and Practices for Logging -- Health, Safety, and Sanitation;
- 07.08.03** - Idaho Minimum Safety Standards and Practices for Logging -- Explosives and Blasting;
- 07.08.04** - Idaho Minimum Safety Standards and Practices for Logging -- Garages, Machine Shops, and Related Work Areas;
- 07.08.05** - Idaho Minimum Safety Standards and Practices for Logging -- Signals and Signal Systems;

- 07.08.06** - Idaho Minimum Safety Standards and Practices for Logging -- Truck Road Standards;
- 07.08.07** - Idaho Minimum Safety Standards and Practices for Logging -- Transportation of Employees;
- 07.08.08** - Idaho Minimum Safety Standards and Practices for Logging -- Falling and Bucking;
- 07.08.09** - Idaho Minimum Safety Standards and Practices for Logging -- Rigging, Lines, Blocks, and Shackles;
- 07.08.10** - Idaho Minimum Safety Standards and Practices for Logging -- Canopy and Canopy Construction for Logging Equipment;
- 07.08.11** - Idaho Minimum Safety Standards and Practices for Logging -- Skidding and Yarding;
- 07.08.12** - Idaho Minimum Safety Standards and Practices for Logging -- Road Transportation;
- 07.08.13** - Idaho Minimum Safety Standards and Practices for Logging -- Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing Stiff Boomsticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists;
- 07.08.14** - Idaho Minimum Safety Standards and Practices for Logging -- Helicopter Logging;
- 07.08.15** - Idaho Minimum Safety Standards and Practices for Logging -- Commonly Used Logging Terms;
- 07.08.16** - Idaho Minimum Safety Standards and Practices for Logging -- Recommended Safety Program.

Citations and references to the Idaho Industrial Commission are now changed to the Division of Building Safety. References to “Commission” are removed or changed to “Division” where applicable; references to “Director” are changed to “Administrator”, which is defined in 07.08.01; all statute citations are updated to reflect the amendments made pursuant to Senate Bill 1001; and all rule citations are updated to reflect the transfer to the rules of the Division of Building Safety.

Pursuant to Sections 67-5202(2) and 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the current Idaho Administrative Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this notice contact Mindy Montgomery at (208) 334-6000.

DATED this 22nd Day of May 2015.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
P. O. Box 83720
Boise, ID 83720-0306
Phone: (208) 332-1820

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION
IDAPA 17 - IDAHO INDUSTRIAL COMMISSION**

DOCKET NO. 17-1001-1500

**NOTICE OF LEGISLATIVE ACTION TRANSFERRING RULEMAKING AUTHORITY FROM THE IDAHO
INDUSTRIAL COMMISSION TO THE DIVISION OF BUILDING SAFETY FOR RULES CONCERNING
SAFETY AND HEALTH FOR PLACES OF PUBLIC EMPLOYMENT - SENATE BILL NO. 1001**

EFFECTIVE DATE: The effective date of this action is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5203 and 67-5204, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-Third Legislature in the First Regular Session - 2015, passed Senate Bill 1001 and that said bill was signed into law by Governor C.L. "Butch" Otter, Session Law Chapter 110, thereby transferring rulemaking authority from the Idaho Industrial Commission to the Division of Building Safety for rules concerning safety and health for places of public employment and for logging operations.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative action:

Senate Bill 1001 transferred all existing statutory responsibilities related to safety and health for places of public employment to the Division of Building Safety.

The Idaho Industrial Commission currently has authority to ensure a safe workplace for places of public employment. Through written agreement, the Division of Building Safety currently assists the Commission with its responsibilities in these areas by performing inspections, creating reports, and providing other administrative services when necessary. Senate Bill 1001 clarified the scope of workplace safety inspections and programs, as well as transferred all existing statutory responsibilities related thereto to the Division of Building Safety, the majority of which it already performs pursuant to agreement. Further, the legislation identifies the continued use of the Industrial Commission's Administration Fund to fund the Division of Building Safety's inspections of public buildings and public schools.

The legislation also authorizes the Administrator of the Division of Building Safety to continue to conduct safety inspections of state-owned buildings, as well as conduct such inspections of buildings owned or maintained by other political subdivisions of the state upon request. The statute also authorizes the Administrator of the Division of Building Safety to promulgate rules in support of its administration of these programs.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of Senate Bill 1001 by transferring the affected chapter of rules of the Industrial Commission currently indexed under **IDAPA 17, Title 10, Chapter 01 (17.10.01)**, to the Division of Building Safety which is now indexed under **IDAPA 07, Title 09, Chapter 01 (07.09.01)**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of Senate Bill No. 1001, non-substantive changes will be made to update all references and citations within the rules now under the authority of the Idaho Industrial Commission and include, but are not limited to, the following:

All citations and references to **IDAPA 17, Title 10, Chapter 01 (17.10.01)** will be designated as:

07.09.01 - "Safety and Health Rules for Places of Public Employment."

Citations and references to the Idaho Industrial Commission are now changed to the Division of Building Safety; references to "Commission" are changed to "Division"; and all statute citations are updated to reflect the amendments made pursuant to Senate Bill 1001; and all rule citations are updated to reflect the transfer to the rules of the Division of Building Safety.

Pursuant to Sections 67-5202 and 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the current Idaho Administrative Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this notice contact Mindy Montgomery at (208) 334-6000.

DATED this 22nd Day of May 2015.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
P. O. Box 83720
Boise, ID 83720-0306
Phone: (208) 332-1820

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.27 - SELF-FUNDED EMPLOYEE HEALTH CARE PLANS RULE

DOCKET NO. 18-0127-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211 and 41-4020, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Monday, July 27, 2015 at 2:00 p.m.

**Idaho Department of Insurance
700 W. State Street - 3rd Floor
Boise, ID 83720**

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

We expect to amend the existing rule to conform to code changes made during 2013, provide additional clarity, and remove some duplicative language unnecessary to the rule that reiterates the code.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Georgia Siehl, georgia.siehl@doi.idaho.gov (208) 334-4314. Once available, drafts of the rulemaking will be posted on the Idaho Department of Insurance website: www.doi.idaho.gov.

All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth above on or before Friday, July 31, 2015.

DATED this 17th Day of June, 2015.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
Boise, ID 83720
Tel: (208) 334-4250
Fax: (208) 334-4398

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.44 - SCHEDULE OF FEES, LICENSES, AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211, 41-401, 41-1006(2), 41-4005(4), 41-4011(4), 41-5806(1)(g), 41-5807(2) and (3), Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Monday, July 27, 2015 at 1:00 p.m.

**Idaho Department of Insurance
700 W. State Street - 3rd Floor
Boise, ID 83720**

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The proposed rulemaking will amend IDAPA 18.01.44.030 to add a licensing/renewal fee for public adjusters of \$80 (eighty dollars); will amend 18.01.44.020.03 to clarify that registration of self-funded student health plans is subject to the licensing/renewal \$500 (five-hundred dollars) fee just like self-funded employer plans, and may seek to amend the 18.01.04.030.02 regarding the \$60 (sixty dollars) fee an applicant for a producer or adjuster license pays to take an examination.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Thomas A. Donovan, tom.donovan@doi.idaho.gov (208) 334-4214. Once available, drafts of the rulemaking will be posted on the Idaho Department of Insurance website: www.doi.idaho.gov.

All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth above on or before Friday, July 31, 2015.

DATED this 17th Day of June, 2015.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
Boise, ID 83720
Tel: (208) 334-4250
Fax: (208) 334-4398

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.60 - LONG-TERM CARE INSURANCE MINIMUM STANDARDS

DOCKET NO. 18-0160-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211, 41-4608, and 56-1305, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Tuesday, July 28, 2015 at 1:00 p.m.

**Idaho Department of Insurance
700 W. State Street - 3rd Floor
Boise, ID 83720**

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The long-term care rule (IDAPA 18.01.60.017) currently references inflation protection but does not clearly establish a minimum amount applicable to long-term care partnership policies. Qualifying long-term care partnership policies allow consumers who buy them to qualify for Medicaid asset disregard. For long-term care partnership policies, the Department has applied a minimum 5% annual inflation protection, or alternatively, benefit guarantees of not less than the annual change in the Consumer Price Index by [Bulletin 06-07](#). The department expects to pursue rulemaking to modify minimum inflation protection applicable to long term care partnership policies, which should promote more purchases of them. The rulemaking may also impact inflation protection for non-partnership policies.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Thomas A. Donovan, tom.donovan@doi.idaho.gov (208) 334-4214. Once available, drafts of the rulemaking will be posted on the Idaho Department of Insurance website: www.doi.idaho.gov.

All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth above on or before Friday, July 31, 2015.

DATED this 17th Day of June, 2015.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
Boise, ID 83720
Tel: (208) 334-4250
Fax: (208) 334-4398

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held and is scheduled by the Idaho Board of Pharmacy as follows:

Thursday, August 13, 2015 at 9 a.m. (MDT)

**Idaho State Capital Building
Room WW53
514 W. Jefferson
Boise, Idaho 83720**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

All written comments received by July 28, 2015 will be included in the Board's distributed meeting materials for consideration. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board. For all others not planning to attend the meeting, written comments will be accepted by the Deputy Executive Director on or before August 11, 2015.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Board is considering reiterating the "own use doctrine" into state law and creating a provision for statewide protocol agreements in declared emergencies. The Board is also considering updating rules including but not limited to those addressing telepharmacy, non-pharmacy registration fees, technician registration, foreign graduate intern hours, minimum standards of prescription drug orders, and controlled substance, such as storage.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Berk Fraser, Deputy Executive Director, at (208) 334-2356 or at mark.johnston@bop.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 2015 for inclusion in the Board's distributed meeting materials for consideration and August 11, 2015 for delivery to the Board at the meeting. Written comments may also be submitted in person on the day at the location listed above.

DATED this 15th day of June 2015.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Tel: (208) 334-2356
Fax: (208) 334-3536

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105 and 63-3039, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Wednesday, July 8, 2015, 1:30 P.M. MDT

**Idaho State Tax Commission
Room 1CR5 - 1st Floor
800 Park Boulevard, Plaza IV
Boise, ID**

It is possible that the rules will require further discussion in a follow up meeting that will also be open to the public. Notification of any additional meetings will be posted on the Tax Commission's website at <http://tax.idaho.gov/i-1090.cfm> at least one week prior to the date of the meeting. All meeting agendas are also posted on the website which will contain specific information on the rules that will be discussed at a particular meeting. Keep in mind there is no guarantee that a particular rule will be discussed beyond the meeting noted above, so please plan accordingly.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

- 1.) Attend the scheduled meeting and participate in the discussion for any of the rules on the agenda. You may join the meeting by phone if you wish; however, notice must be given in advance so accommodations can be arranged.
- 2.) Submit a written comment addressing one or more of the rules to be negotiated. All written comments must be received by July 31, 2015, or they may not receive consideration in the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Rule 16 is being promulgated to provide guidance regarding the definition of Idaho gross income and how it is calculated.

Rule 171 is being amended to modify the definition of real property, modify the list of nonqualifying property for the Idaho capital gains deduction and modify the procedure when property is distributed by an S corporation or partnership.

Rule 291 is being amended to provide guidance regarding items allowed as a deduction to owners of an interest in a pass-through entity when the tax is paid by the entity.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Cynthia Adrian, (208) 334-7670. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Tax Commission web site at the following web address: <http://www.tax.idaho.gov>.

All written comments must be directed to the undersigned and must be delivered on or before July 31, 2015. Comments may be submitted via email to sherry.briscoe@tax.idaho.gov.

DATED this 4th Day of June, 2015.

Cynthia Adrian, Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
Tel: (208) 334-7670
Fax: (208) 334-7844

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1502

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2015.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 67-5224 and 67-5291, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Rule 626 - Property Exempt From Taxation -- Certain Personal Property - The rule is changed so that the operator's statement reports only the personal property items located in Idaho; the tax code area need not be reported. Operating properties that operate in multiple counties are entitled to an exemption equal to the lesser of the amount computed by multiplying the number of counties that the operating property operates in times \$100,000 or the value of personal property reported by the company. The private rail car company size, which determines the apportionment of value and allocation of the tax collected from rail car companies, is determined after deducting the exemption from the Idaho value prior to apportionment. This rule provides that operating property apportionment occurs after subtracting the exemption from the Idaho value thus solving a major administrative problem.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs, and confers a benefit to taxpayers.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Alan Dornfest (208) 334-7742.

DATED this 20th Day of May, 2015.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
PO Box 36
Boise, ID 83722-0410
(208) 334-7742

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0103-1502
(Only those Sections being amended are shown.)**

626. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY (RULE 626).
Sections 63-105(A), 63-201, 63-302, 63-308, 63-313, 63-602Y, and 63-602KK, Idaho Code

01. Locally Assessed Property - Application Required. (3-20-14)

a. The taxpayer must file one (1) or more of the lists of taxable personal property as required by Section 63-302, Section 63-313, or Section 63-602Y, Idaho Code if the total market value of the property to be listed is greater than one hundred thousand dollars (\$100,000). The filing of said list(s) shall constitute the filing of an application for exemption. For purposes of reporting personal property, the value is to be based on market value, not book value. (3-20-14)

b. Taxpayers establishing initial eligibility for the exemption provided in Section 63-602KK(2), Idaho Code, may in lieu of a list, file only an application attesting to ownership of otherwise taxable personal property having a cost of one hundred thousand dollars (\$100,000) or less. In providing such cost, newly acquired personal property items acquired at a price of three thousand dollars (\$3,000) or less, that are exempt pursuant to Section 63-602KK(1), Idaho Code, shall not be included. The application must be filed no later than April 15th of the first year for which the exemption is claimed. (3-20-14)

02. Locally Assessed Property - Taxpayers' Election of Property Location. (3-20-14)

a. Multiple Locations Within A County. In cases where the taxpayer has personal property located in multiple places within the county, the taxpayer may elect the location of the property to which the exemption will apply by filing the "Idaho Personal Property Exemption Location Application Form" available from the State Tax Commission (Commission) for this purpose. To make the election for property required to otherwise be listed as provided in Section 63-302, Idaho Code, the form must be filed with the county assessor by April 15. For taxpayers with personal property required to be listed as provided in Sections 63-602Y and 63-313, Idaho Code, any application specifying the location of the property to which the exemption provided for in Section 63-602KK(2) will apply, must be filed by the dates specified for filing the lists required by these Sections. Should the taxpayer not make an election as to where to apply the exemption, the county shall have discretion regarding the property to which the exemption shall apply. However, to the extent possible and assuming the assessor is not aware of any changes in eligibility, the exemption will be first applied to the same property to which it applied in the immediate prior year. (3-20-14)

b. Multiple locations in different counties. The one hundred thousand dollar (\$100,000) limit on the exemption applies to a taxpayer's otherwise taxable personal property within any county. If the taxpayer owns qualifying personal property in more than one county, the limit is one hundred thousand dollars (\$100,000) in market value per county. (3-20-14)

03. Centrally Assessed Property - Application Required. (3-20-14)

a. Except for private railcar fleets, the taxpayer may file a list of personal property located in Idaho with the operator's statement filed pursuant to Rule 404 of these rules. The filing of such a list shall constitute the filing of an application for this exemption. Except as provided in Subsections 626.03.b. and 03.c. of this rule, for such personal property to be considered for the exemption, the operator's statement must include: ~~(4-11-15)~~(7-1-15)T

i. A description of the personal property located in Idaho, ~~including any tax code area in which the personal property subject to assessment as situs property is located;~~ ~~(3-20-14)~~(7-1-15)T

ii. Cost and depreciated cost of the personal property located in Idaho; ~~(3-20-14)~~(7-1-15)T

iii. ~~The county in which the personal property is located, if the taxpayer wishes to receive the exemption on property located in more than one county.~~ ~~(3-20-14)~~

b. For private railcar fleets subject to assessment by the Commission, the ~~filing of the annual operator's statement shall constitute application for this exemption~~ Idaho taxable value shall be reduced by subtracting the lesser of the Idaho taxable value before the exemption or the product of one hundred thousand dollars (\$100,000) times the number of counties in Idaho in which the fleet operates. The Commission shall, after using apportionment procedures described in Rule 413 of these rules to apportion the market value of these fleets, allow an exemption of up to one hundred thousand dollars (\$100,000) to be applied to the apportioned market value within each county within which the railcar fleet operates. Provided that the remaining taxable value is five hundred thousand dollars (\$500,000) or ~~greater~~ more, this value is to be further apportioned to each taxing district and urban

renewal revenue allocation area in accordance with procedures described in Rule 415 of these rules.

~~(4-11-15)~~(7-1-15)T

c. After subtraction of the personal property exemption calculated as provided in Subsection 626.03.b. of this rule, for private railcar fleets subject to assessment by the Commission, and having an Idaho taxable market value of less than five hundred thousand dollars (\$500,000), neither the final amount of the exemption nor the taxable value of the fleet shall be subject to apportionment and the remaining taxable value shall be taxed as provided in Rule 415 of these rules.

~~(4-11-15)~~(7-1-15)T

d. When operating property companies have locally assessed property, any exemption pursuant to Section 63-602KK(2), Idaho Code must be applied to the locally assessed property first. In this case, the county assessor must notify the Commission of the value of the exemption granted. If such exemption is entered on the property roll, such notification must be made by the ~~first fourth~~ Monday in ~~August~~ July. ~~After notice by the Commission of the amount of exemption granted to the centrally assessed property, the assessor may make adjustments to assessed values to be entered on any subsequent or missed property rolls to ensure that the exemption does not exceed \$100,000 (one hundred thousand dollars) for any taxpayer. The Commission will then reduce the amount of the exemption otherwise to be granted to the centrally assessed operating property of the company by the exemption value reported by the assessor. This reduction will be made before determining the company's Idaho taxable value. No additional exemption pursuant to section 63-602KK(2) will be granted for any locally assessed property of operating property companies.~~

~~(4-11-15)~~(7-1-15)T

~~**04.** *Centrally Assessed Property—Taxpayers' Election of Property Location.* Except for private rail car fleets having an Idaho taxable value of five hundred thousand dollars (\$500,000) or greater, to which the procedures in Subsection 626.03.b. of this rule shall apply, the taxpayer owning personal property located in multiple counties may indicate the county in which the property is located. Should the taxpayer not make an election as to where to apply the exemption, the exemption shall be limited to one hundred thousand dollars (\$100,000) applied to the Idaho value of the taxpayer prior to apportionment.~~

~~(3-20-14)~~

054. **Valuation Assessment Notice.** The valuation assessment notice required by Section 63-308, Idaho Code, must show the taxable market value before granting the exemption provided in Section 63-602KK(2), Idaho Code, the exempt market value pursuant to the exemption provided in Section 63-602KK(2), Idaho Code, and the net taxable market value of the personal property. After the year of initial eligibility, if the net taxable market value is zero, no valuation assessment notice is required.

(4-11-15)

065. **Correction of Personal Property Tax Replacement Amounts.** If subsequent to finalization of the amount of replacement money to be paid to any county, an amount paid on behalf of any taxpayer is disapproved by the county, the county shall so notify the Commission, which shall adjust the payment to the county. The county may begin proceedings to recover any remaining excessive amounts paid on behalf of any taxpayer, pursuant to the recovery procedures found in Section 63-602KK(7), Idaho Code.

(4-11-15)

076. **Limitation on Eligibility for the Exemption.**

(3-20-14)

a. Except for taxpayers claiming and receiving the exemption provided for in Section 63-4502, Idaho Code, taxpayers receiving the personal property exemption provided in Section 63-602KK, Idaho Code, may be eligible for, and are not precluded from, other applicable exemptions.

(3-20-14)

b. Personal property exempt in accordance with statutes other than Section 63-602KK, Idaho Code, shall not be included in determining when the one hundred thousand dollar (\$100,000) limit provided in Section 63-602KK(2) is reached.

(3-20-14)

c. Taxpayers with requirements to annually apply for, or list personal property for, which other statutorily provided personal property exemptions are sought, must continue to comply with the requirements of these statutes.

(3-20-14)

d. Improvements, as defined or described in Sections 63-201 and 63-309, Idaho Code, shall not be eligible for the exemption provided in Section 63-602KK. Improvements shall be deemed to include mobile and manufactured homes and float homes, regardless of whether such property is considered personal property. Leasehold

real properties and other leasehold improvements that are structures or buildings shall be considered improvements, and therefore ineligible for the exemption. Structures, such as cell towers, are improvements and therefore are not personal property eligible for the exemption. (3-20-14)

~~0~~7. Special Rules for the Exemption Provided in Section 63-602KK(1), Idaho Code. (3-20-14)

a. Newly acquired items of personal property, exempt as provided in Section 63-602KK(1), are not to be reported on any list otherwise required pursuant to Sections 63-302, 63-602Y, and 63-313, Idaho Code. (3-20-14)

b. The exemption provided in Section 63-602KK(1), Idaho Code, is in addition to the one hundred thousand dollar (\$100,000) per taxpayer, per county exemption provided in Section 63-602KK(2), Idaho Code. (3-20-14)

c. No application for the exemption provided in Section 63-602KK(1), Idaho Code, is necessary. (3-20-14)

d. The requirement in Section 63-602KK(6) requiring the assessor to provide the application by no later than March 1, applies only to taxpayers who have an obligation to file any application. (3-20-14)

~~0~~8. Limitation on Replacement Money. (3-20-14)

a. In addition to replacement money reductions due to corrections as provided in Subsection 626.06 of this rule, there may be changes and reductions as follow: (4-11-15)

i. If a taxing district dissolves, the state will make no payment of the amount previously certified for that district, and when an urban renewal district revenue allocation area dissolves and is no longer receiving any allocation of property tax revenues, the state will discontinue payment of amounts previously certified for that revenue allocation area, beginning with the next scheduled distribution. (3-20-14)

ii. If taxing districts or revenue allocation areas within urban renewal districts are consolidated, the amounts of replacement money attributed to each original district or revenue allocation area shall be summed and, in the future, distributed to the consolidated taxing or urban renewal district. (3-20-14)

iii. No urban renewal district shall receive replacement money based on exempt personal property within any revenue allocation area (RAA) established on or after January 1, 2013, or within any area added to an existing RAA on or after January 1, 2013. (3-20-14)

iv. Any payment made to the Idaho Department of Education, as provided in Subsection 626.~~4~~09 of this rule shall be discontinued if the state authorized plant facilities levy is not certified in any year. Certification in subsequent years shall not cause any resumption of this payment. (~~4-11-15~~)(7-1-15)T

b. There shall be no adjustment to replacement money if personal property not receiving the exemption found in Section 63-602KK(2), Idaho Code, receives this exemption in the future. (4-11-15)

~~4~~9. Special Provision For Replacement Money For State Authorized Plant Facilities Levy. The amount of replacement money calculated based on any 2013 state authorized plant facilities levy shall be remitted directly to the Idaho Department of Education for deposit to the Public School Cooperative Fund. (4-11-15)

~~4~~0. Special Provision For Exempt Personal Property Within Urban Renewal Revenue Allocation Areas (RAAs). When personal property subject to the exemption in Section 63-602KK(2), Idaho Code, is within an RAA, any adjustment shall first be to the increment value, and there shall be no adjustment to the base value of the RAA unless the remaining taxable market value of the parcel is less than the most current base value of the parcel. In that case, the base value shall be reduced. The amount to be subtracted is to be determined on a parcel by parcel basis in accordance with procedures found in Rule 804 of these rules. (3-20-14)

~~1~~1. No Reporting of Exempt Value. Beginning in 2014, taxing district values submitted to the Commission as required in Section 63-510, Idaho Code, shall not include or indicate the otherwise taxable value

exempt pursuant to Section 63-602KK(2), Idaho Code.

(4-11-15)

132. Cross Reference. For information on transient personal property, see Rule 313 of these rules. For information on the definition of personal property see Rule 205 of these rules. For information on the definition of a taxpayer, see Rule 627 of these rules. For the purpose of this rule, “taxpayer” means the claimant of the exemption pursuant to section 63-602KK(2), Idaho Code, and must be a person, as that term is defined in section 63-201, Idaho Code. ~~(4-11-15)~~(7-1-15)T

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1503

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-5224 and 67-5291, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2015.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

RULE 803. Budget Certification -- Dollar Certification Form (L-2 Form) - In Subsection 803.10 personal property replacement revenue is added back to the tort budget when computing the school district hypothetical new construction levy. Also, in subparagraphs 803.01.e.iv. and 04.e.vii. personal property recovered after 2013 for which no state replacement money is paid is noted to be deducted from the budget. Paragraph 803.06.g. is added to note that for recoveries related to personal property exempt in 2013 the recovery is to be paid to the state and future replacement amounts are to be reduced by the amount of such recovery.

RULE 804. Tax Levy - Certification - Urban Renewal Districts - Newly enacted HB 76 adds the school emergency levy found in Section 33-805, Idaho Code, to the list of funds in Section 50-2908(1)(f), Idaho Code, which provides that the current equalized assessed value of a taxing district containing a revenue allocation area shall be used to calculate the property tax rate for the school emergency levy. This rule adds the school emergency fund levy to the list of funds that use the current equalized assessed value (includes any increment value) to compute the levy rate.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs, and confers a benefit to taxpayers.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rule making.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Alan Dornfest (208) 334-7742.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2015.

DATED this 20th Day of May, 2015.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
PO Box 36
Boise, ID 83722-0410
(208) 334-7742

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 35-0103-1503
(Only those Sections being amended are shown.)**

803. BUDGET CERTIFICATION -- DOLLAR CERTIFICATION FORM (L-2 FORM) (RULE 803).

Sections 63-602G(5), 63-802, 63-803, 63-3029B(4), 63-3638(11), and (13), Idaho Code. (4-11-15)

01. Definitions. (4-5-00)

a. “Dollar Certification Form” (L-2 Form). The Dollar Certification Form (L-2 Form) is the form used to submit to the State Tax Commission the budget request from each Board of County Commissioners for each taxing district. This form shall be presumed a true and correct representation of the budget previously prepared and approved by a taxing district. The budget will be presumed adopted in accordance with pertinent statutory provisions unless clear and convincing documentary evidence establishes that a budget results in an unauthorized levy and action as provided in Section 63-809, Idaho Code. (4-6-05)

b. “Prior Year’s Market Value for Assessment Purposes.” Prior year’s market value for assessment purposes shall mean the value used to calculate levies during the immediate prior year. This value shall be used for calculating the permanent budget increase permitted for cities, pursuant to Section 63-802(1)(f), Idaho Code. (4-2-08)

c. “Annual Budget.” For the purpose of calculating dollar amount increases permitted pursuant to Section 63-802(1), Idaho Code, the annual budget shall include any amount approved as a result of an election held pursuant to Sections 63-802(1)(f) or 63-802(1)(g), Idaho Code, provided that said amount is certified on the L-2 Form as part of the budget request. If the amount certified does not include the entire amount approved as a result of the election held pursuant to Sections 63-802(1)(f) or 63-802(1)(g), Idaho Code, then the amount not used shall be added to the foregone increase amount determined for the taxing district. See the following example.

CERTIFIED PROPERTY TAX BUDGET LIBRARY DISTRICT*				
	FY 1999	FY 2000	FY 2001	FY 2002
Annual Budget	\$10,000	\$10,000	\$10,700	\$11,621
3% Increase	\$0	\$300	\$321	\$349
Subtotal	\$10,000	\$10,300	\$11,021	\$11,970
1999 Election Amount	\$0	\$400 of \$1,000	\$600 of \$1,000	\$0
Certified Budget	\$10,000	\$10,700	\$11,621	\$11,970

*The Library District with zero dollars (\$0) in value for new construction and/or annexation approves an additional

budget amount of one thousand dollars (\$1,000) in 1999, but only certifies four hundred dollars (\$400) for the year 2000. Note the example does not account for any foregone amount resulting from the district's decision to not increase its budget by three percent (3%) in 1997, 1998 or 1999. (4-6-05)

d. "Property Tax Funded Budget." Property tax funded budget means that portion of any taxing district's budget certified to the Board of County Commissioners, approved by the State Tax Commission, and subject to the limitations of Section 63-802, Idaho Code. (3-20-04)

e. "Recovered/Recaptured Property Substitute Funds Tax List." Recovered/recaptured property tax substitute funds list means the report sent by the county auditor to the appropriate taxing district(s)/unit(s) by the first Monday in August and to the State Tax Commission with the L-2 Forms, listing the amount of revenue distributed to each appropriate taxing district/unit as recovery of property tax or other payments during the twelve (12) month period ending June 30 each year under the following sections: (5-8-09)

i. Section 63-602G(5), Idaho Code; and (5-8-09)

ii. Section 63-3029B(4), Idaho Code; and (5-8-09)

iii. Section 31-808(11), Idaho Code; and (4-11-15)

iv. Section 63-602KK(7), Idaho Code; for personal property exempted after 2013 for which no replacement money was paid. ~~(4-11-15)~~(7-1-15)T

f. "Taxing District/Unit." Taxing district/unit means any governmental entity with authority to levy property taxes as defined in Section 63-201, Idaho Code, and those noncountywide governmental entities without authority to levy property taxes but on whose behalf such taxes are levied or allocated by an authorized entity such as the county or city for such entities as county road and bridge funds or urban renewal agencies, respectively. (4-6-05)

g. "New Taxing District." For property tax budget and levy purposes, new taxing district means any taxing district for which no property tax revenue has previously been levied. See the Idaho Supreme Court case of Idaho County Property Owners Association, Inc. v. Syringa General Hospital District, 119 Idaho 309, 805 P.2d 1233 (1991). (4-2-08)

02. Budget Certification. The required budget certification shall be made to each Board of County Commissioners representing each county in which the district is located by submitting the completed and signed L-2 Form prescribed by the State Tax Commission. Unless otherwise provided for in Idaho Code, budget requests for the property tax funded portions of the budget shall not exceed the amount published in the notice of budget hearing if a budget hearing notice is required in Idaho Code for the district. The levy approved by the State Tax Commission shall not exceed the levy computed using the amount shown in the notice of budget hearing. (3-20-14)

03. Budget Certification Requested Documents. Using the completed L-2 Form, each board of county commissioners shall submit to the State Tax Commission a budget request for each taxing district in the county that certifies a budget request to finance the property tax funded portion of its annual budget. The board of county commissioners shall only submit documentation specifically requested by the State Tax Commission. (4-2-08)

04. L-2 Form Contents. Each taxing district or unit completing an L-2 Form shall include the following information on or with this form. (3-20-04)

a. "Department or Fund." Identify the department or fund for which the taxing district is requesting a budget for the current tax year. (4-5-00)

b. "Total Approved Budget." List the dollar amount of the total budget for each department or fund identified. The amounts must include all money that a taxing district has a potential to spend at the time the budget is set, regardless of whether funds are to be raised from property tax. (4-5-00)

c. "Cash Forward Balance." List any money retained, but intended to be spent to fund the approved

budget being certified on the L-2 form. (4-11-15)

d. “Other Revenue not Shown in Column 5.” List the revenue included in the total approved budget to be derived from sources other than property tax or money brought forward from a prior year. For example, sales tax revenue is included. (3-15-02)

e. “Property Tax Replacement.” Report the following: (5-8-09)

i. The amount of money received annually under Section 63-3638(11), Idaho Code, as replacement revenue for the agricultural equipment exemption under Section 63-602EE, Idaho Code; (4-11-15)

ii. The amount of money received as recovery of property tax exemption under Section 63-602G(5), Idaho Code, and listed on the “Recovered/recaptured property tax substitute funds list”; (5-8-09)

iii. The amount of money received as recapture of the property tax benefit under Section 63-3029B(4), Idaho Code, and listed on the “Recovered/recaptured property tax substitute funds list”; (4-11-15)

iv. The amount of money transferred from the interest-bearing trust to the county indigent fund under Section 31-808(11), Idaho Code; (5-8-09)

v. The appropriate amount of money listed on the statement and distributed to the county and each appropriate city under Section 63-2603, Idaho Code, as county property tax relief and detention facility debt retirement; and (4-11-15)

vi. The amount of money received annually under Section 63-3638(13), for the personal property exemption under 63-602KK(2), Idaho Code. (4-11-15)

vii. The amount of money received annually under Section 63-602KK(7), Idaho Code, for personal property exempted after 2013, for which no replacement money was paid, and listed on the “Recovered/recaptured property tax substitute funds list”. (7-1-15)T

f. “Balance to be Levied.” Report the amount of money included in the total approved budget to be derived from property tax. (3-15-02)

g. Other Information. Provide the following additional information. (4-5-00)

i. The name of the taxing district or unit; (3-20-04)

ii. The date of voter approval (if required by statute) and effective period for any new or increased fund which is exempt from the budget limitations in Section 63-802, Idaho Code; (4-5-00)

iii. The signature, date signed, printed name, address, and phone number of an authorized representative of the taxing district; and (5-3-03)

iv. For a hospital district which has held a public hearing, a signature certifying such action. (4-5-00)

h. Attached Information. Other information submitted to the county auditor with the L-2 Form. (4-6-05)

i. For all taxing districts, L-2 worksheet. (3-20-04)

ii. For newly formed recreation or auditorium districts, a copy of the petition forming the district showing any levy restrictions imposed by that petition. (3-20-04)

iii. For any new ballot measures (bonds, overrides, permanent overrides, supplemental maintenance and operations funds, and plant facility funds), notice of election and election results. (3-20-04)

- iv. Voter approved fund tracker. (3-20-04)
- v. For fire districts, a copy of any new agreements with utility companies providing for payment of property taxes by that utility company to that fire district. (3-20-04)
- vi. For any city with city funded library operations and services at the time of consolidation with any library district, each such city must submit a certification to the Board of County Commissioners and the Board of the Library District reporting the dedicated portion of that city's property tax funded library fund budget and separately reporting any portion of its property tax funded general fund budget used to fund library operations or services at the time of the election for consolidation with the library district. (3-20-04)
- vii. For any library district consolidating with any city that had any portion of its property tax funded budget(s) dedicated to library operations or services at the time of the election for consolidation, each such library district must submit to the Board of County Commissioners a copy of the certification from that city reporting the information provided for in Subparagraph 803.04.h.vi. of this rule. (4-6-05)

05. Special Provisions for Fire Districts Levying Against Operating Property. To prevent double counting of public utility property values, for any year following the first year in which any fire district increases its budget using the provision of Section 63-802(2), Idaho Code, such fire district shall not be permitted further increases under this provision unless the following conditions are met: (3-30-01)

- a. The fire district and public utility have entered into a new agreement of consent to provide fire protection to the public utility; and (3-30-01)
- b. Said new agreement succeeds the original agreement; and (3-30-01)
- c. In the first year in which levies are certified following the new agreement, the difference between the current year's taxable value of the consenting public utility and public utility value used in previous budget calculations made pursuant to this section is used in place of the current year's taxable value of the consenting public utility. (3-30-01)

06. Special Provisions for Property Tax Replacement. Property tax replacement monies must be reported on the L-2 Form and separately identified on accompanying worksheets. Except as provided in Paragraph 803.06.f. of this rule, for all taxing districts, these monies must be subtracted from the "balance to be levied". The reduced balance shall be used to compute levies, but the maximum amount permitted pursuant to Section 63-802, Idaho Code, shall be based on the sum of these property tax replacement monies, excluding monies received pursuant to Section 31-808(11), Idaho Code, and the amount actually levied. (4-11-15)

- a. The State Tax Commission shall, by the fourth Monday of July, notify each county clerk if the amount of property tax replacement money, pursuant to Sections 63-3638(11) and (13), Idaho Code, to be paid to a taxing district changes from the amount paid in the preceding year. By the first Monday of May, the State Tax Commission shall further notify each school district and each county clerk of any changes in the amount of property tax replacement money to be received by that school district pursuant to Sections 63-3638(11) and (13), Idaho Code. (4-11-15)
- b. By no later than the first Monday of August of each year, each county clerk shall notify each appropriate taxing district or unit of the total amount of property tax replacement monies that will be received, and shall further identify the type of replacement money as described in Paragraph 803.04.e. of this rule. For charter school districts subject to the provisions of Paragraph 803.06.f. of this rule, the amount to be subtracted shall be reported. (4-11-15)
- c. Except as provided in Paragraph 803.06.d. of this rule, the subtraction required in Subsection 803.06 of this rule may be from any fund(s) subject to the limitations of Section 63-802, Idaho Code. For school districts this subtraction must be first from funds subject to the limitations of Section 63-802, Idaho Code, then from other property tax funded budgets. (5-8-09)
- d. For counties receiving monies described in Section 31-808(11), Idaho Code, the amount of money

transferred from the interest-bearing trust to the county indigent fund shall be subtracted from the maximum amount of property tax revenue permitted pursuant to Section 63-802, Idaho Code. (5-8-09)

e. Levy limits shall be tested against the amount actually levied. (3-15-02)

f. For charter school districts with a levy in 2013 for maintenance and operations, as provided in Section 33-802(6), Idaho Code, a portion of the property tax replacement money received for property subject to the exemption in Section 63-602KK, Idaho Code, is not required to be subtracted in determining the "balance to be levied." Said portion shall be the amount calculated by applying the 2013 levy rate for the maintenance and operations levy amount, as authorized in the district's charter, to the 2013 exempt value of personal property used to compute replacement money provided to the school district. (4-11-15)

g. For recovered personal property exemptions, as provided in Section 63-602KK(7), Idaho Code, for personal property exempted in 2013 for which replacement money was paid, recovered amounts shall be distributed to the State Tax Commission. Once received, the amount of future payments to the affected taxing districts shall be reduced by the amount received. (7-1-15)T

07. Special Provisions for Library Districts Consolidating with Any City's Existing Library Operations or Services. For any library district consolidating with any city's existing library operations or services, the amount of the dedicated property tax funded general fund and library fund budgets certified by the city under Subparagraph 803.04.h.vi., of this rule shall be added to that library district's property tax funded budget in effect at the time of the election for consolidation. This total shall be used as this district's property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

08. Special Provisions for Cities with Existing Library Operations or Services Consolidating with Any Library District. For any city with existing library operations or services at the time of consolidation with any library district, the amount of the dedicated property tax funded library fund budget included in the certification by the city under Subparagraph 803.04.h.vi., of this rule shall be subtracted from that city's total property tax funded budget in effect at the time of the election for the consolidation. This difference shall be used as this city's property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

10. Special Provisions for Calculating Total Levy Rate for Taxing Districts or Units with Multiple Funds. Whenever the "Calculated Levy Rate" column of the L-2 Form indicates that a levy rate has been calculated for more than one (1) fund for any taxing district or unit, the "Column Total" entry must be the sum of the levy rates calculated for each fund. Prior to this summation, the levy rates to be summed must be rounded or truncated at the ninth decimal place. No additional rounding is permitted for the column total. (4-6-05)

10. Special Provisions for School Districts' Tort Funds - Hypothetical New Construction Levy. To calculate the new construction portion of the allowed annual increase in a school district's tort fund under Section 63-802(1), Idaho Code, calculate a Hypothetical New Construction Levy. To calculate this hypothetical levy, sum the amount of the school district's tort fund levied for the prior year and the agricultural equipment replacement revenue, and the personal property replacement revenue subtracted from that tort fund, then divide this sum by the school district's taxable value used to determine the tort fund's levy for the prior year. For the current year, the allowed tort fund increase for new construction is this Hypothetical New Construction Levy times the current year's new construction roll value for the school district. ~~(4-2-08)~~(7-1-15)T

11. Special Provisions for Interim Abatement Districts. When an interim abatement district transitions into a formally defined abatement district under Section 39-2812, Idaho Code, the formally defined abatement district shall not be considered a new taxing district as defined in Paragraph 803.01.g. of this rule for the purposes of Section 63-802, Idaho Code. For the formally defined abatement district, the annual budget subject to the limitations of Section 63-802, Idaho Code, shall be the amount of property tax revenue approved for the interim abatement district. (4-2-08)

12. Special Provisions for Levies for Payment of Judgments by Order of Court. The levy permitted pursuant to Section 63-1305A, Idaho Code, requires that the taxing district first budgets the maximum

amount of property tax permitted pursuant to Section 63-802, Idaho Code, including any foregone amount. This requirement shall be deemed to have been met if, despite additional budget allowed pursuant to Section 63-802, Idaho Code, every fund used by the taxing district levies at the maximum levy rate provided by law, or, if no maximum levy rate is provided, the fund levies the maximum permitted budget amount. To the extent necessary to enable all previously accrued foregone amounts to be levied, the taxing district may need to use additional funds within which it is permitted to levy property taxes before levying as permitted pursuant to Section 63-1305A, Idaho Code. (4-4-13)

13. Cross Reference for School Districts with Tuition Funds. School district tuition fund levies are exempt from the limitations of Section 63-802, Idaho Code. See Section 33-1408, Idaho Code. (4-11-15)

804. TAX LEVY - CERTIFICATION - URBAN RENEWAL DISTRICTS (RULE 804). Section 50-2908, 63-803, and 63-811, Idaho Code. (5-8-09)

01. Definitions. (4-5-00)

a. "Urban renewal district." An urban renewal district, as referred to in Section 63-215, Idaho Code, shall mean an urban renewal area formed pursuant to an urban renewal plan adopted in accordance with Section 50-2008, Idaho Code. Urban renewal districts are not taxing districts. (4-5-00)

b. "Revenue allocation area (RAA)." A revenue allocation area (RAA) as referred to in Section 50-2908, Idaho Code, shall be the area defined in Section 50-2903, Idaho Code, in which base and increment values are to be determined. Revenue allocation areas (RAAs) are not taxing districts. (4-5-00)

c. "Current base value." The current base value of each parcel in a taxing district or unit shall be the value of that parcel on the current base assessment roll as defined under Section 50-2903, Idaho Code. Current base value does not include value found on the occupancy roll. (4-5-00)

d. "Initial base value." The initial base value for each parcel is the sum of the taxable value of each category of property in the parcel for the year the RAA is established. In the case of annexation to an RAA, initial base value of each annexed parcel shall be the value of that parcel as of January 1 of the year in which the annexation takes place. (4-11-15)

e. "Increment value." The increment value is the difference between the current equalized value of each parcel of taxable property in the RAA and that parcel's current base value, provided such difference is a positive value. (4-5-00)

02. Establishing and Adjusting Base and Increment Values. (4-5-00)

a. Establishing initial base value. If a parcel's legal description has changed prior to computing initial base year value, the value that best reflects the prior year's taxable value of the parcel's current legal description must be determined and will constitute the initial base year value for such parcel. The initial base value includes the taxable value, as of the effective date of the ordinance adopting the urban renewal plan, of all otherwise taxable property, as defined in Section 50-2903, Idaho Code. Initial base value does not include value found on the occupancy roll. (4-5-00)

b. Adjustments to base value - general value changes. Adjustments to base values will be calculated on a parcel by parcel basis, each parcel being a unit and the total value of the unit being used in the calculation of any adjustment. Base values are to be adjusted downward when the current taxable value of any parcel in the RAA is less than the most recent base value for such parcel. In the case of parcels containing some categories of property which increase in value and some which decrease, the base value for the parcel will only decrease provided the sum of the changes in category values results in a decrease in total parcel value. Any adjustments shall be made by category and may result in increases or decreases to base values for given categories of property for any parcel. Adjustments to base values for any real, personal, or operating property shall establish new base values from which future adjustments may be made. In the following examples the parcel's initial base value is one hundred thousand dollars (\$100,000), including Category 21 value of twenty thousand dollars (\$20,000) and Category 42 value of eighty thousand dollars (\$80,000). (4-5-00)

i. Case 1: Offsetting decreases and increases in value. One (1) year later the parcel has a one thousand dollar (\$1,000) decrease in value in Category 21 and a one thousand dollar (\$1,000) increase in Category 42 value. There is no change in the base value for the parcel. (4-5-00)

ii. Case 2: Partially offsetting decreases and increases in value. One (1) year later the parcel has a three thousand dollars (\$3,000) decrease in value in Category 21 and a one thousand dollars (\$1,000) increase in Category 42 value. The base value decreases two thousand dollars (\$2,000) to ninety-eight thousand dollars (\$98,000). (4-5-00)

iii. Case 3: Future increase in value following decreases. One (1) year after the parcel in Case 2 has a base value reduced to ninety-eight thousand dollars (\$98,000), the value of the parcel increases by five thousand dollars (\$5,000) which is the net of category changes. The base value remains at ninety-eight thousand dollars (\$98,000). (4-5-00)

c. Adjustments to base value - splits and combinations. Before other adjustments can be made, the most recent base value must be adjusted to reflect changes in each parcel's legal description. This adjustment shall be calculated as described in the following subsections. (4-5-00)

i. When a parcel has been split, the most recent base year value is transferred to the new parcels, making sure that the new total equals the most recent base year value. Proportions used to determine the amount of base value assigned to each of the new parcels shall be based on the value of the new parcels had they existed in the year preceding the year for which the value of the new parcels is first established. (4-11-15)

ii. When a parcel has been combined with another parcel, the most recent base year values are added together. (4-5-00)

iii. When a parcel has been split and combined with another parcel in the same year, the value of the split shall be calculated as set forth in Subsection 804.02.c.i. and then the value of the combination will be calculated as set forth in Subsection 804.02.c.ii. (4-5-00)

d. Adjustments to base values when exempt parcels become taxable. Base values shall be adjusted as described in the following subsections. (4-5-00)

i. Fully exempt parcels at time of RAA establishment. When a parcel that was exempt at the time the RAA was established becomes taxable, the base value is to be adjusted upwards to reflect the estimated value of the formerly exempt parcel at the time the RAA was established. (4-5-00)

ii. Partially exempt parcels losing the speculative value exemption. When a partially exempt parcel with a speculative value exemption that applies to farmland within the RAA becomes fully taxable, the base value of the RAA shall be adjusted upwards by the difference between the taxable value of the parcel for the year in which the exemption is lost and the taxable value of the parcel included in the base value of the RAA. For example, assume a parcel of farmland within an RAA had a taxable value of five hundred dollars (\$500) in the year the RAA base value was established. Assume also that this parcel had a speculative value exemption of two thousand dollars (\$2,000) at that time. Two (2) years later the parcel is reclassified as industrial land, loses the speculative value exemption, and has a current taxable value of fifty thousand dollars (\$50,000). The base value within the RAA would be adjusted upwards by forty-nine thousand five hundred dollars (\$49,500), the difference between fifty thousand dollars (\$50,000) and five hundred (\$500). The preceding example applies only in cases of loss of the speculative value exemption that applies to land actively devoted to agriculture and does not apply to timberland. Site improvements, such as roads and utilities, that become taxable after the loss of the speculative value exemption are not to be added to the base value. For example, if, in addition to the fifty thousand dollars (\$50,000) current taxable value of the undeveloped land, site improvements valued at twenty-five thousand dollars (\$25,000) are added, the amount reflected in the base value remains fifty thousand dollars (\$50,000), and the additional twenty-five thousand dollars (\$25,000) is added to the increment value. In addition, this example applies only to land that loses the speculative value exemption as a result of changes occurring in 2010 or later and first affecting taxable values in 2011 or later. Parcels that lost speculative value exemptions prior to 2010 had base value adjustments as described in Subsection 804.02.d.iii. of this rule. (3-29-12)

iii. Partially exempt parcels other than those losing the speculative value exemption. When a partially exempt parcel, other than one subject to the speculative value exemption that applies to farmland, within the RAA becomes fully taxable, the base value of the RAA shall be adjusted upwards by the difference between the value that would have been assessed had the parcel been fully taxable in the year the RAA was established and the taxable value of the parcel included in the base value of the RAA. For example, assume a residential parcel within an RAA had a market value of one hundred thousand dollars (\$100,000), a homeowner's exemption of fifty thousand dollars (\$50,000), and a taxable value of fifty thousand dollars (\$50,000) in the year the RAA base value was established. After five (5) years, this parcel is no longer used for owner-occupied residential purposes and loses its partial exemption. At that time the parcel has a taxable value of one hundred eighty thousand dollars (\$180,000). The base value within the RAA would be adjusted upwards by fifty thousand dollars (\$50,000) to one hundred thousand (\$100,000) to reflect the loss of the homeowner's exemption, but not any other value increases. (3-29-12)

iv. Partially exempt properties for which the amount of the partial exemption changes. For partially exempt properties that do not lose an exemption, but for which the amount of the exemption changes, there shall be no adjustment to the base value, unless the current taxable value is less than the most recent base value for the property. For example, assume a home has a market value of two hundred thousand dollars (\$200,000) and a homeowner's exemption of one hundred thousand dollars (\$100,000), leaving a taxable value of one hundred thousand dollars (\$100,000), all of which is base value. The following year the homeowner's exemption limit changes to ninety thousand dollars (\$90,000), so the property's taxable value increases to one hundred ten thousand dollars (\$110,000). The base value remains at one hundred thousand dollars (\$100,000). Alternatively, assume the property in the preceding example increases in market value to two hundred twenty thousand dollars (\$220,000) and the homeowner's exemption drops to ninety thousand dollars (\$90,000) because of the change in the maximum amount of this exemption. The base value remains at one hundred thousand dollars (\$100,000). Finally, assume the property decreases in value to one hundred eighty-eight thousand dollars (\$188,000) at the same time the homeowner's exemption limit changes to ninety thousand dollars (\$90,000). The property now has a taxable value of ninety-eight thousand dollars (\$98,000), requiring an adjustment in the base value to match this amount, since it is lower than the original base value of one hundred thousand dollars (\$100,000). (3-29-12)

v. Change of exempt status. When a parcel that is taxable and included in the base value at the time the RAA is established subsequently becomes exempt, the base value is reduced by the most current value of the parcel included in the base value. If this parcel subsequently becomes taxable, the base value is to be adjusted upward by the same amount that was originally subtracted. For example, assume a land parcel had a base value of twenty thousand dollars (\$20,000). One (1) year later the parcel has a value of nineteen thousand dollars (\$19,000), so the base value is reduced to nineteen thousand dollars (\$19,000). Three (3) years later, an improvement valued at one hundred thousand dollars (\$100,000) was added. The land at this later date had a value of thirty thousand dollars (\$30,000). Both land and improvements were purchased by an exempt entity. The base would be reduced by nineteen thousand dollars (\$19,000). Five (5) years later, the land and improvement becomes taxable. The base value is to be adjusted upwards by nineteen thousand dollars (\$19,000). (4-11-15)

e. Adjustments to base values when property is removed. Base values are to be adjusted downward for real, personal, and operating property removed from the RAA. Property shall be considered removed only under the conditions described in the following subsections. (4-5-00)

i. For real property, all of the improvement is physically removed from the RAA, provided that there is no replacement of said improvement during the year the original improvement was removed. If said improvement is replaced during the year of removal, the reduction in base value will be calculated by subtracting the value of the new improvement from the current base value of the original improvement, provided that such reduction is not less than zero (0). (4-5-00)

ii. For personal property, all of the personal property associated with one (1) parcel is physically removed from the RAA or any of the personal property associated with a parcel becomes exempt. In the case of exemption applying to personal property, the downward adjustment will first be applied to the increment value and then, if the remaining taxable value of the parcel is less than the most current base value, to the base value. Assume, for example that a parcel consists entirely of personal property with a base value of twenty thousand dollars (\$20,000) and an increment value of ninety thousand dollars (\$90,000). The next year the property receives a one hundred thousand (\$100,000) personal property exemption. The increment value is reduced to zero and the base value is reduced to ten thousand dollars (\$10,000). (4-11-15)

iii. For operating property, any of the property under a given ownership is removed from the RAA. (4-5-00)

f. Adjustments to base value for annexation. When property is annexed into an RAA, the base value in the RAA shall be adjusted upwards to reflect the value of the annexed property as of January 1 of the year in which the annexation takes effect. As an example, assume that parcels with current taxable value of one million dollars (\$1,000,000) are annexed into an RAA with an existing base value of two million dollars (\$2,000,000). The base value of the RAA is adjusted upwards to three million dollars (\$3,000,000). (4-11-15)

g. Adjustments to increment values. In addition to the adjustment illustrated in subsection (02)(e)(ii) of this rule, decreases in total parcel value below the initial base value decrease the base value for the parcel. This leads to greater increment value if the parcel increases in value in future years. For example, if a parcel with a initial base value of one hundred thousand dollars (\$100,000) decreases in value to ninety-five thousand dollars (\$95,000), but later increases to ninety-eight thousand dollars (\$98,000), an increment value of three thousand dollars (\$3,000) is generated. If the same parcel increases in value to one hundred two thousand dollars (\$102,000) after the decrease to ninety-five thousand dollars (\$95,000), the increment value would be seven thousand dollars (\$7,000). (4-11-15)

h. Apportioning operating property values. For operating property, the original base value shall be apportioned to the RAA on the same basis as is used to apportion operating property to taxing districts and units. The operating property base value shall be adjusted as required under Section 50-2903, Idaho Code. (4-5-00)

03. Levy Computation for Taxing Districts Encompassing RAAs Within Urban Renewal Districts. Beginning in 2008, levies shall be computed in one (1) of two (2) ways as follows: (5-8-09)

a. For taxing district or taxing unit funds other than those meeting the criteria listed in Subsection 804.05 of this rule, the property tax levy shall be computed by dividing the dollar amount certified for the property tax portion of the budget of the fund by the market value for assessment purposes of all taxable property within the taxing district or unit, including the value of each parcel on the current base assessment roll (base value), but excluding the increment value. For example, if the taxable value of property within a taxing district or unit is one hundred million dollars (\$100,000,000) but fifteen million dollars (\$15,000,000) of that value is increment value, the levy of the taxing district must be computed by dividing the property tax portion of the district's or unit's budget by eighty-five million dollars (\$85,000,000). (5-8-09)

b. For taxing district or taxing unit funds meeting the criteria listed in Subsection 804.05 of this rule, the property tax levy shall be computed by dividing the dollar amount certified for the property tax portion of the budget of the fund by the market value for assessment purposes of all taxable property within the taxing district or unit, including the increment value. Given the values in the example in Paragraph 804.03.a. of this rule, the levy would be computed by dividing the property tax portion of the fund by one hundred million dollars (\$100,000,000). (5-8-09)

04. Modification of an Urban Renewal Plan. When an authorized municipality passes an ordinance modifying an urban renewal plan containing a revenue allocation financing provision, the current value of property in the RAA shall be determined as if the modification had not occurred. All modifications to urban renewal areas and RAAs must comply with the provisions of Rule 225 of these rules. (4-5-00)

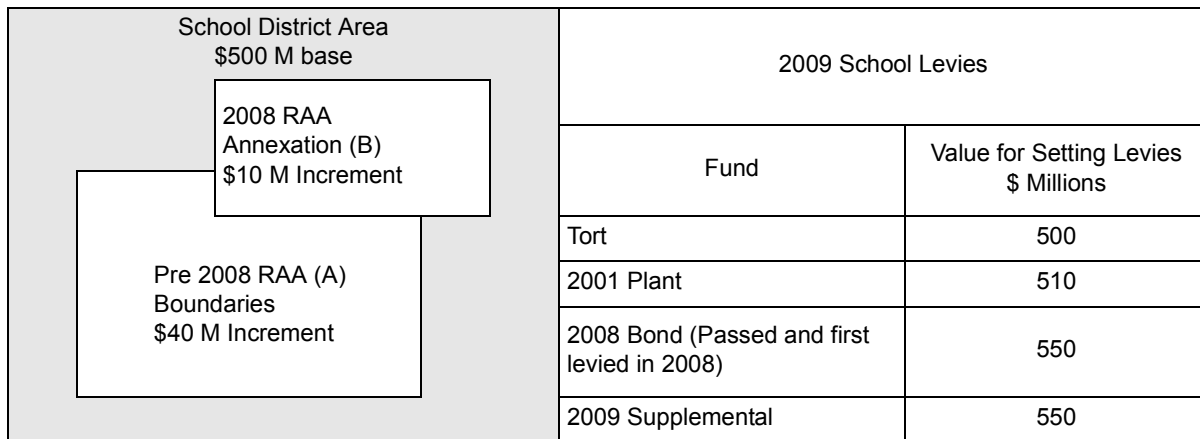
a. Modification by consolidation of RAAs. If such modification involves combination or consolidation of two (2) or more RAAs, the base value shall be determined by adding together independently determined current base values for each of the areas to be combined or consolidated. The current taxable value of property in an area not previously included in any RAA shall be added to determine the total current base value for the consolidated RAA. (4-5-00)

b. Modification by annexation. (5-8-09)

i. If an RAA is modified by annexation, the current taxable value of property in the area annexed shall be added to the most current base value determined for the RAA prior to the annexation. (5-8-09)

ii. For levies described in Paragraphs 804.05.b., c., or d. of this rule approved prior to December 31, 2007, and included within the boundaries of a revenue allocation area by a change in the boundaries of either the revenue allocation area or the area subject to the levy by the taxing district or unit fund after December 31, 2007, the property tax levy shall be computed by dividing the dollar amount certified for the property tax portion of the budget of the fund by the market value for assessment purposes of all taxable property within the taxing district or unit, including the increment value. The example below shows the value to be used for setting levies for various funds within an urban renewal district “A” that annexes area “B” within a school district. Area (B) was annexed after December 31, 2007. Therefore, the Area (B) increment was added back to the base for all funds shown except the tort fund. The Area (A) increment value was added back to the base for the bond and override funds which were certified or passed after December 31, 2007.

2009 Value Table	School District (base only)	\$500 Million
	RAA (A) increment	\$40 Million
	RAA annex (B) increment	\$10 Million



(4-11-15)

05. Criteria for Determining Whether Levies for Funds Are to Be Computed Using Base Value or Market Value for Assessment Purposes. Beginning in 2008, levies to be certified for taxing district or unit funds meeting the following criteria or used for any of the following purposes will be computed as described in Paragraph 804.03.b. of this rule. (5-8-09)

a. Refunds or credits pursuant to Section 63-1305, Idaho Code, and any school district judgment pursuant to Section 33-802(1), Idaho Code, provided the refunds, credits, or judgments were pursuant to actions taken no earlier than January 1, 2008; (5-8-09)

b. Voter approved overrides of the limits provided in Section 63-802, Idaho Code, provided such overrides are for a period not to exceed two (2) years and were passed after December 31, 2007, or earlier as provided in the criteria found in Paragraph 804.05.e.; (5-8-09)

c. Voter approved bonds and plant facilities reserve funds passed after December 31, 2007, or earlier as provided in the criteria found in Paragraph 804.05.e.; (5-8-09)

d. Voter approved school or charter school district temporary supplemental maintenance and operation levies passed after December 31, 2007; or (3-29-10)

e. Levies described in Paragraphs 804.05.b., c., or d. approved prior to December 31, 2007, and included within the boundaries of a revenue allocation area by a change in the boundaries of either the revenue

allocation area or the area subject to the levy by the taxing district or unit fund after December 31, 2007; (3-29-10)

f. Levies authorized by Section 33-317A, Idaho Code, known as the cooperative service agency school plant facility levy. (3-29-10)

g. Levies authorized by Section 33-909, Idaho Code, known as the state-authorized plant facility levy. (4-11-15)

h. Levies authorized by Section 33-805, Idaho Code, known as school emergency fund levies. (7-1-15)T

06. Cross Reference. The county auditor shall certify the full market value by taxing district as specified in Rule 995 of these rules. (4-2-08)

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1504

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105A, Idaho Code, and Section 63-802, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 22, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible. In the event meetings are scheduled, persons may participate in the negotiated rulemaking by doing any of the following:

1. Attend the negotiated rulemaking meeting and participate in the negotiation process;
2. Attend through a teleconference;
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; and/or
4. Submit written recommendations and comments using the contact information below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Property Tax Rule 315 - At termination of a revenue allocation area (raa), the Boise School District needs instructions on how to handle the increment value. The increment value of a terminating raa will be included in the taxable value and if a ratio study indicates that an adjustment should be made, the adjustment will be applied to the actual value including the increment value.

Property Tax Rule 626 - This rule provide guidance to taxpayers and both ISTC appraisers and county assessors on the implementation of HB0029. This rule directs the reporting and apportionment procedures of the I.C. 63-602KK (2) personal property exemption for operating properties as provided for in new law (HB0029). A cross reference is provided to explain that "taxpayer" is the claimant of the exemption and that I.C. 63-201 defines a "person". This rule is changed so that the operator's statement reports only the personal property items located in Idaho; the tax code area need not be reported. Operating properties that operate in multiple counties are entitled to an exemption equal to the lesser of the amount 1) computed by multiplying the number of counties that the operating property operates in times \$100,000, or 2) the value of personal property reported by the company. The private rail car company size, which is measured by the company's taxable value, determines the apportionment of value and allocation of the tax collected from rail car companies, is determined after deducting the exemption from the Idaho value prior to apportionment. This rule provides that operating property apportionment occurs after subtracting the exemption from the Idaho value.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

All written comments must be directed to the address below.

DATED this 10th Day of June, 2015.

Alan Dornfest
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0105-1501
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code, and Section 63-22424, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Motor Fuels Tax Rule 110, Calculation of Tax on Gaseous Fuels. This rule provides the method used by the State Tax Commission to apply the motor fuel tax rate to gaseous special fuels required by Section 63-2424(1), Idaho Code. The current rule gives the conversion factor and resulting tax based on the motor fuel tax rate of twenty-five (25¢) cents per gallon. The rule is being changed to remove the specific tax rate and adding the formula to compute the fuel tax on gaseous special fuels.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Section 4 of HB 312, passed in the 2015 legislative session, amends the motor fuel tax rate from twenty-five (25¢) cents per gallon to thirty-two (32¢) cents per gallon. Section 17 of the bill gives an effective date of July 1, 2015 for Section 4 of the bill. Section 63-2424(1), Idaho Code, requires that the State Tax Commission provide by rule a method to convert the motor fuel tax so that it can be applied to gaseous special fuels.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule change is required by Sections 63-2402(2) and 63-2424(1), Idaho Code.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Don Williams, (208) 334-7855.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2015.

DATED this 1st Day of July, 2015.

Don W. Williams, Tax Policy Specialist
 State Tax Commission
 P.O. Box 36
 Boise, ID 83722-0410
 Tel: (208) 334-7855
 Fax: (208) 334-7844
Don.williams@tax.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
 OF DOCKET NO. 35-0105-1501
 (Only those Sections being amended are shown.)**

110. CALCULATION OF MOTOR FUELS TAX ON GASEOUS SPECIAL FUELS (RULE 110).
 Section 63-2424, Idaho Code.

01. In General. The following applies to gaseous special fuels: (4-11-15)

a. A gaseous special fuel is a special fuel that is a gas at sixty (60) degrees Fahrenheit and fourteen and seven-tenths (14.7) pounds per square inch absolute. (4-11-15)

b. A gaseous special fuel may be sold at volumes or weights other than those listed in this section, but, must be converted to the volumes and weights used in this section for reporting purposes to ensure that the gaseous special fuels are taxed at the energy equivalent to a gallon of gasoline. (4-11-15)

02. Computing Gaseous Special Fuel Tax Equivalents. *The following equivalents will be used when calculating amounts of gaseous special fuel sold and corresponding tax amounts for motor fuels tax reporting purposes* The gaseous special fuel tax is computed by multiplying the percentage of gasoline gallon energy equivalent times the current gasoline tax rate for each type of gaseous special fuel. Gaseous special fuel distributors are required to report the volumes and tax as required on the fuel distributor form.

Motor Fuel	BTUs per <u>Liquid Gallon</u> or <u>Gallon</u> <u>Equivalent</u>	<u>Tax per</u> <u>liquid</u> <u>gallon</u>	<u>Equivalent</u> <u>Volume per</u> <u>Gasoline Gallon</u> <u>Equivalent (GGE)</u>	<u>Tax per</u> <u>GGE</u>	<u>Volume per</u> <u>Diesel</u> <u>Percentage</u> <u>of Gasoline</u> <u>Gallon Energy</u> <u>Equivalent</u> <u>(DGE)</u>	<u>Tax per</u> <u>DGE</u>
Gasoline	127,000	\$0.25	1 gallon	\$0.25	N/A-100%	N/A
Propane	92,000	\$0.184	1.39 4.25 lbs. or 1 gallon	\$0.25	N/A-72.44%	N/A
Compressed Natural gas (CNG)	N/A <u>127,000 per</u> <u>GGE</u>	N/A	126.67 cu. ft. or 5.66 lbs. @ 60° F	\$0.25	N/A-100%	N/A
Liquefied Natural Gas (LNG)	84,800 <u>138,400 per</u> <u>DGE</u>	\$0.167	N/A <u>6.06 lbs.</u>	N/A	6.06 lbs. <u>108.98%</u>	\$0.273

Motor Fuel	BTUs per Liquid Gallon or Gallon Equivalent	Tax per liquid gallon	Equivalent Volume per Gasoline Gallon Equivalent (GGE)	Tax per GGE	Volume per Diesel Percentage of Gasoline Gallon Energy Equivalent (DGE)	Tax per DGE
<i>Diesel</i>	138,400	\$0.25	N/A	N/A	1 gallon	\$0.25

(4-11-15)(7-1-15)T

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0105-1502

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 22, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible. In the event meetings are scheduled, persons may participate in the negotiated rulemaking by doing any of the following:

1. Attend the negotiated rulemaking meeting and participate in the negotiation process;
2. Attend through a teleconference;
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; and/or
4. Submit written recommendations and comments using the contact information below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Motor Fuels Tax Rule 280, Refund to Consumers for Nontaxable Uses of Motor Fuels. This rule will be deleted. The State Tax Commission will require that International Fuel Tax Agreement (IFTA) licensees must use the Form 75, Idaho Fuels Use Report, to claim refunds of the motor fuel tax when using tax-paid special fuels on nontaxable Idaho roads.

Motor Fuels Tax Rule 422, Documentation for Idaho Full-Fee Registrants. This rule outlines the records an Idaho Full Fee registrant is required to maintain to substantiate the miles claimed on an Idaho full-fee registration application.

CONTACT INFORMATION, WEB ADDRESS, and ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Don Williams at (208) 334-7855. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Tax Commission web site at the following web address: <http://tax.idaho.gov/>.

DATED this 1st Day of July 2015.

Don W. Williams, Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Tel: (208) 334-7855
Fax: (208) 334-7844
Don.williams@tax.idaho.gov

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.12 - IDAHO BEER TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0112-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105(2) and 23-1051, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Thursday, July 23, 2015, 1:30 P.M. MDT

**Idaho State Tax Commission
Room 1CR5 - 1st Floor
800 Park Boulevard, Plaza IV
Boise, ID 83712-7742**

It is possible that this rule will require further discussion in follow up meetings that will also be open to the public. Notification of any additional meetings will be posted on the Tax Commission's website at <http://tax.idaho.gov/i-1141.cfm?com=> at least one week prior to the date of the meeting. All meeting agendas are also posted on the website which will contain specific information on the rules that will be discussed at a particular meeting.

Of course, there is no guarantee that this rule will be discussed beyond the meeting noted above, so please plan accordingly.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend the scheduled meeting and participate in the discussion for any of the rules on the agenda. You may join the meeting by phone if you wish; however, notice must be given in advance so accommodations can be arranged.
2. Submit a written comment addressing one or more of the rules to be negotiated. All written comments must be received by July 31, 2015, or they may not receive consideration in the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Rule 011. Sales Subject to Beer Tax

There has been confusion over the precise meaning of this language in subsection 02.b of the rule:

“However, to ensure payment of taxes on beer, any entity holding a brewery license shall be considered a wholesaler to the extent of any dispositions from such brewery for the purpose of resale or consumption in, by or through any retail facilities including, but not limited to, tasting rooms on or near the brewery's premises.”

In particular the language after “a wholesaler...” has caused some uncertainty about who is responsible to pay beer tax and, in specific cases, even resulting in multiple parties paying beer tax where it should only be paid once. We would like to discuss revisions to this subsection to clarify when a wholesaler should be paying tax on beer inventory. Another goal is to clarify which entities qualify for Idaho's wholesaler-to-wholesaler tax exemption. In addition, the rule will be reviewed in its entirety for changes to improve clarity, grammar, etc. These changes will not

have an effect on contracts entered into between wholesalers, distributors, and/or breweries nor will there be an impact on the three-tier system as required by the Alcohol Beverage Control Division of the Idaho State Police.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact McLean Russell at (208) 334-7531. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency's web site at the following web address: <http://tax.idaho.gov/i-1141.cfm?com=s>.

All written comments must be directed to the undersigned and must be delivered on or before July 31, 2015. Comments may be submitted via e-mail to sherry.briscoe@tax.idaho.gov.

DATED this 5th Day of June 2015.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd, Plaza IV
PO Box 36
Boise, ID 83722-0410
Tel: (208) 334-7531
Fax: (208) 334-7844

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.13 - RULES GOVERNING OVERWEIGHT PERMITS

DOCKET NO. 39-0313-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 and 49-1004, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Thursday, July 16, 2015 – 1:00 p.m. to 2:00 p.m. (MDT)

The Department will hold a webinar/conference call

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

To participate in the negotiated rulemaking webinar, you will need to have internet connection on your computer, and follow the instructions below:

Go to ITD's website at <http://itd.idaho.gov> and click the "Rulemaking" button. There you will be provided with instructions on how to participate in the online webinar.

If you would prefer to participate via conference call, dial 1(855) 797-9485 and use Access Code 808 825 280.

The department will provide a brief presentation of the proposed rule changes being negotiated in this process and answer questions from those participating in the webinar or those participants calling in via phone.

The department is also soliciting written comments (see instructions in the "Contact Information" section below).

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The proposed changes will clarify; when a bridge analysis is required, what the expected time frames will be to complete the analysis and whether it will be completed by the Department or a third party. If a third party analysis is required, the applicant is responsible for paying the cost of that analysis. Industry will then have clear guidelines of the analysis process and can plan accordingly, time wise and cost wise, for ordering permits that may require bridge analysis.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Reggie Phipps, Vehicle Size & Weight Specialist at (208) 334-8418.

Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department's web site at <http://itd.idaho.gov> (click the "Rulemaking" button on the right side of the screen).

All written comments must be directed to the undersigned and be delivered on or before August 1, 2015, via the following web page: <http://apps.itd.idaho.gov/apps/WebComments/default.aspx> or by mailing comments to Reggie Phipps at the address below.

DATED this 22nd Day of June, 2015.

Reggie Phipps, Vehicle Size & Weight Specialist
Division of Motor Vehicles
Idaho Transportation Department

Reggie.Phipps@itd.idaho.gov
Phone: (208) 334-8418
3311 W State St, P.O. Box 7129, Boise ID 83707-1129

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.04 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS

DOCKET NO. 58-0104-1501

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting. Participation by telephone and web conferencing will be made available to the public. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meeting will be held as follows. Individuals interested in participating by telephone and web conferencing should contact the undersigned by July 9, 2015.

Tuesday, July 21, 2015, 9:00 a.m. to 12:30 p.m. MDT

**Department of Environmental Quality
Conference Room A
1410 N. Hilton, Boise, Idaho**

PRELIMINARY DRAFT: By July 1, 2015, the preliminary draft rule can be obtained at www.deq.idaho.gov/58-0104-1501 or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to comply with a recent revision to the Clean Water Act that requires planning documents, that are used for State Revolving Fund (SRF) projects, to assess the cost and effectiveness of efficient water use, reuse, recapture and conservation, and energy conservation. This proposed rule change incorporates the required elements of planning documents that are not already in the existing rule. The additional required elements are a result of the 2014 amendments to the Clean Water Act (LawPub.L. 113-121).

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Prospective grant and loan recipients, consulting engineers, grant and loan administrators, and other funding agencies may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the summer of 2015 and then present the final proposal to the Idaho Board of Environmental Quality for adoption of a pending rule in the fall of 2015. If adopted by the Board, the rule will be reviewed by the 2016 Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov, (208)373-0439.

For those who cannot participate by attending the scheduled meeting, written comments may be submitted by mail, fax or email at the address below. Written comments on the preliminary draft rule must be received by August 4, 2015. For information regarding submission of written comments on subsequent drafts of the negotiated rule, to receive copies of submitted written comments, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

Dated this 1st Day of July, 2015.

Paula J. Wilson, Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-1501

NOTICE OF RULEMAKING - PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This rulemaking action is authorized by Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before July 15, 2015. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to adopt into state rules the federal Revised Total Coliform Rule (RTCR) (40 CFR 141, Subpart Y). The Environmental Protection Agency promulgated the RTCR on February 13, 2013. The RTCR is intended to increase public health protection through the reduction of potential pathways of entry for fecal contamination into public water distribution systems. To maintain primary enforcement authority, Idaho is required to adopt the RTCR by April 2016. The RTCR contains some options to negotiate.

The RTCR establishes a maximum contaminant level (MCL) for E.coli and uses E.coli and total coliform positive results to initiate or trigger assessments and follow up corrections as a “find and fix” approach to address fecal contamination that could enter into the distribution system. The rule removes the total coliform MCL and replaces it with a trigger level under which to perform an assessment. This rule also requires systems that operate seasonally to follow start-up procedures unless the system qualifies for an exemption from these procedures. Most of the substantive changes in the rule include performing assessments and changes in monitoring requirements.

DEQ proposes to incorporate most of the RTCR by reference from 40 CFR 141, Subpart Y, which addresses the definitions, sample siting plans, MCLs, assessment triggers and requirements, as well as monitoring and reporting requirements. Incorporation by reference simplifies the overall rule and reduces agency costs for rulemaking.

The negotiated rulemaking committee did discuss portions of the rule where options exist, which include reduced monitoring provisions, qualifications of assessors for Level 2 Assessments, criteria for waiving seasonal system start-up requirements, methods for consulting with the state, and types of sanitary defects.

Additionally, there are some changes DEQ proposes to make to the Idaho Rules for Public Drinking Water Systems that are not associated with the RTCR. These changes should provide clarification and remove unnecessary requirements and include removing the lower temperature flow criteria for slow-sand filters, adding flushing as an adequate means to remove contamination following depressurization, and providing clarifying language for the types of chemicals allowed in performing tracer studies to demonstrate disinfection contact time.

Drinking water system owners and operators, developers, consultants, engineers, cities, counties, industry, drinking water professional organizations, and the public at large may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the fall of 2015 for adoption of a pending rule. The rule is expected to be final and effective upon adjournment of the 2016 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

This proposed rule incorporates federal regulations by reference. Incorporation by reference is necessary to ensure that the state rules are consistent with federal regulations. An electronic copy of the federal regulations incorporated by reference can be obtained at www.gpoaccess.gov/ecfr.

NEGOTIATED RULEMAKING: The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code § 67-5220 and IDAPA 58.01.23.810-815. The Notice of Negotiated Rulemaking was published in the April 2015 Idaho Administrative Bulletin, **Vol. 15-4**, and a preliminary draft rule was made available for public review. A meeting was held on April 22, 2015. Several members of the public participated in this negotiated rulemaking process by attending the meeting. The negotiated rulemaking record, which includes the negotiated rule drafts, and documents distributed during the negotiated rulemaking process, is available at www.deq.idaho.gov/58-0108-1501.

All comments received during the negotiated rulemaking process were considered by DEQ when making decisions that resulted in drafting the proposed rule. At the conclusion of the negotiated rulemaking process, DEQ formatted the final rule draft for publication as a proposed rule. DEQ is now seeking public comment on the proposed rule.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Jerri Henry at jerri.henry@deq.idaho.gov or (208) 373-0471.

Anyone may submit written comments by mail, fax or email at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before July 29, 2015.

Dated this 1st Day of July, 2015.

Paula J. Wilson, Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0108-1501
(Only those Sections being amended are shown.)**

002. INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED MATERIALS.

01. Incorporation by Reference. The following documents are incorporated by reference into these rules. (4-11-06)

a. 40 CFR Part 141, revised as of July 1, ~~2011~~ 2015 (excluding annual monitoring provisions in 40 CFR 141.854(a)(4).(d).(e).(f) and (h), and the Aircraft Drinking Water Rule in Subsection X), and 40 CFR Part 143, revised as of July 1, 2011. Any reference in these rules to requirements, procedures, or specific forms contained in any section or subsection of 40 CFR Parts 141 and 143 shall constitute the full adoption by reference of that section or subsection, including any notes and appendices therein, unless expressly provided otherwise in these rules.

(4-4-13)()

b. American Water Works Association (AWWA) Standards, effective December 2009, available for a fee from the AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235, Telephone (800) 926-7337, <http://apps.awwa.org/ebusmain/OnlineStore.aspx>. (4-7-11)

02. Availability of Specific Referenced Material. Copies of specific documents referenced within these rules are available at the following locations: (4-11-06)

a. All federal regulations: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Telephone (202)783-3238; U.S. Government Bookstore, Room 194, Federal Bldg., 915 Second Ave., Seattle, WA 98174, (206) 553-4270; or **Online at** <http://www.gpoaccess.gov/ecfr/index.html>. (4-7-11)

b. All documents incorporated by reference are available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208) 373-0502. (4-7-11)

c. Recommended Standards for Water Works: a report of the Water Supply Committee of the Great Lakes -- Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, published by Health Education Services, P.O. Box 7126, Albany, New York 12224, Telephone (518) 439-7286. (4-7-11)

d. Manual of Individual and Non-Public Water Supply Systems (EPA 570/9-91-004), published by the U.S. Environmental Protection Agency, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.20402, Telephone (202) 782-3238. (5-3-03)

e. U.S. Department of Commerce, National Bureau of Standards Handbook, No. 69, "Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure" as amended in 1963, NCRP Publications, P.O. Box 20175, Washington, D.C. 20014. (12-10-92)

f. Rules of the Idaho Water Resources Board are available at <http://www.adminrules.idaho.gov/rules/37/37index.htm>, or the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., P.O. Box 83720, Boise, Idaho 83720-0098, Telephone (208) 287-4800. (3-30-07)

g. ANSI/NSF Standard 44-2002e -- 2004, Residential Cation Exchange Water Softeners, available from the National Sanitation Foundation, 789 N. Dixboro Road, Ann Arbor, Michigan 48105, Telephone (734) 769-8010. (4-6-05)

h. ANSI/NSF Standard 53-2002e -- 2003, Drinking Water Treatment Units -- Health Effects, available from the National Sanitation Foundation, 789 N. Dixboro Road, Ann Arbor, Michigan 48105, Telephone (734) 769-8010. (4-6-05)

i. ANSI/NSF Standard 55-2002 -- 2002, Ultraviolet Microbiological Water Treatment Systems, available from the National Sanitation Foundation, 789 N. Dixboro Road, Ann Arbor, Michigan 48105, Telephone (734) 769-8010. (4-6-05)

j. ANSI/NSF Standard 58-2003 -- 2004, Reverse Osmosis Drinking Water Treatment Systems, available from the National Sanitation Foundation, 789 N. Dixboro Road, Ann Arbor, Michigan 48105, Telephone (734) 769-8010. (4-6-05)

k. ANSI/NSF Standard 60-2000a -- 2000, Drinking Water Treatment Chemicals -- Health Effects, available from the National Sanitation Foundation, 789 N. Dixboro Road, Ann Arbor, Michigan 48105, Telephone (734) 769-8010. (4-6-05)

l. ANSI/NSF Standard 61-2000a -- 2000, Drinking Water System Components -- Health Effects, available from the National Sanitation Foundation, 789 N. Dixboro Road, Ann Arbor, Michigan 48105, Telephone (734) 769-8010. (4-6-05)

m. American Water Works Association (AWWA) Standards, available from the AWWA, 6666 West

- Quincy Avenue, Denver, Colorado 80235, (800) 926-7337, www.awwa.org. (3-30-07)
- n.** Cross Connection Control Manual, available from Pacific Northwest Section of the American Water Works Association, P.O. Box 19581, Portland, OR, 97280-0581, Telephone (503) 246-5845. (3-30-07)
- o.** Manual of Cross-Connection Control, Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, KAP-200 University Park MC-2531, Los Angeles, CA 90089-2531, (866)545-6340, www.usc.edu/dept/fccchr/. (3-30-07)
- p.** Manual on Slow Sand Filtration (1991), published by AWWA Research Foundation 6666 West Quincy Avenue, Denver, CO 80235, (800)926-7337, www.awwa.org. (3-30-07)
- q.** Slow Sand Filtration (1991), published by the American Society of Civil Engineers American Society of Civil Engineers, 1801 Alexander Bell Drive, Reston, VA 20191, (800)548-2723, www.asce.org. (3-30-07)
- r.** Slow Sand Filtration and Diatomaceous Earth Filtration for Small Water Systems, DOH Pub #331-204 (4/03), Washington State Department of Health, Division of Environmental Health, Office of Drinking Water, PO Box 47828, Olympia WA 98504-7828, (360)236-3100 or (800)521-0323, http://www.doh.wa.gov/ehp/dw/Programs/water_sys_design.htm. (3-30-07)
- s.** Water System Design Manual, DOH Pub #331-123 (Rev. 8/01), Washington State Department of Health, Division of Environmental Health, Office of Drinking Water, PO Box 47828, Olympia WA 98504-7828, (360)236-3100 or (800)521-0323, http://www.doh.wa.gov/ehp/dw/Programs/water_sys_design.htm. (3-30-07)
- t.** Submersible Motors: Application, Installation, Maintenance (Franklin Electric AIM manual), Franklin Electric, Bluffton, Indiana 46714, (800)348-2420, <http://www.franklin-electric.com/aim-manual.aspx>. (3-30-07)
- u.** Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources (March 1991 Edition), U.S. Environmental Protection Agency, <http://water.epa.gov/lawsregs/rulesregs/sdwa/swtr/upload/guidsws.pdf>. (3-30-07)
- v.** Standard Methods for the Examination of Water and Wastewater, a joint publication of the American Public Health Association, the Water Environment Federation, and the American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235, 800-926-7337, www.standardmethods.org (3-30-07)
- w.** F480-02 Standard Specification for Thermoplastic Well Casing Pipe and Couplings Made in Standard Dimension ratios (SDR), SCH 40 and SCH 80, American Society for Testing and Materials (ASTM Standard F480-02). (3-30-07)
- x.** "Idaho Standards for Public Works Construction," Local Highway Technical Assistance Council, 3330 Grace Street, Boise, ID 83605, (208)344-0565. (4-4-13)
- y.** Memorandum of Understanding between the Idaho Department of Environmental Quality and the Idaho Division of Building Safety Plumbing Bureau, Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706, www.deq.idaho.gov. (3-30-07)
- z.** Idaho General Safety and Health Standards (IGSHS), available from the Idaho Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642, (208)334-3950, <http://dbs.idaho.gov/>. (3-30-07)
- aa.** Implementation Guidance for the Long Term 2 Enhanced Surface Water Treatment Rule, Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706, www.deq.idaho.gov. (4-2-08)
- bb.** Implementation Guidance for the Stage 2 Disinfectants and Disinfection Byproducts Rule, Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706, www.deq.idaho.gov. (4-2-08)
- cc.** Implementation Guidance for the Ground Water Rule, Idaho Department of Environmental Quality,

1410 North Hilton, Boise, Idaho 83706, www.deq.idaho.gov. (5-8-09)

dd. AWWA Recommended Practice for Backflow Prevention and Cross-Connection Control (M14), available from the AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235, Telephone (800) 926-7337. (4-7-11)

ee. Membrane Filtration Guidance Manual (EPA 815-R-06-009) published by the U.S. Environmental Protection Agency, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Telephone (202) 782-3238, http://www.epa.gov/ogwdw/disinfection/lt2/pdfs/guide_lt2_membranefiltration_final.pdf. (4-4-13)

ff. Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface water Treatment Rule (EPA 815-R-06-007) published by the U.S. Environmental Protection Agency, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.20402, Telephone (202) 782-3238, www.epa.gov/safewater/disinfection/lt2/pdfs/guide_lt2_uvguidance.pdf. (4-4-13)

gg. Improving Clearwell Design for CT Compliance, Report #90756, available from the Water Research Foundation, http://waterrf.org/ProjectsReports/PublicReportLibrary/RFR90756_2000_271.pdf. (4-4-13)

hh. Surface Water Treatment Rule Compliance Guidance, dated January 10, 1996, Idaho Department of Environmental Quality, www.deq.idaho.gov. (4-4-13)

ii. Uniform Plumbing Code, available at Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642; and at the Division of Building Safety, 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814, <http://dbs.idaho.gov>. (4-4-13)

03. Precedence. In the event of conflict or inconsistency between the language in these rules and that found in any document incorporated by reference, these rules shall prevail. (4-11-06)

003. DEFINITIONS.

The definitions set forth in 40 CFR 141.2 are herein incorporated by reference except for the definition of the terms "action level," "disinfection," "noncommunity water system," and "person." (4-4-13)

01. Action Level. The concentration of lead or copper in water that determines, in some cases, whether a water system must install corrosion control treatment, monitor source water, replace lead service lines, or undertake a public education program. (12-10-92)

02. Administrator. The Administrator of the United States Environmental Protection Agency.(4-5-00)

03. Annual Samples. Samples that are required once per calendar year. (12-10-92)

04. Annular Opening. As used in well construction, this term refers to the nominal inside diameter of the borehole minus the outside diameter of the casing divided by two (2). (3-30-07)

05. Aquifer. A geological formation of permeable saturated material, such as rock, sand, gravel, etc., capable of yielding an economic quantity of water to wells and springs. (5-3-03)

06. Average Day Demand. The volume of water used by a system on an average day based on a one (1) year period. See also the definition of Water Demand in these rules. (5-8-09)

07. Backflow. The reverse from normal flow direction in a plumbing system or water system caused by back pressure or back siphonage. (12-10-92)

08. Bag Filters. Pressure-driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside. (4-2-08)

09. Bank Filtration. A water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s). (4-2-08)

10. Board. The Idaho Board of Environmental Quality. (5-3-03)

11. Capacity. The capabilities required of a public drinking water system in order to achieve and maintain compliance with these rules and the requirements of the federal Safe Drinking Water Act. It is divided into three (3) main elements: (4-5-00)

a. Technical capacity means the system has the physical infrastructure to consistently meet drinking water quality standards and treatment requirements and is able to meet the requirements of routine and emergency operations. It further means the ability of system personnel to adequately operate and maintain the system and to otherwise implement technical knowledge. Training of operator(s) is required, as appropriate, for the system size and complexity. (4-6-05)

b. Financial capacity means the financial resources of the water system, including an appropriate budget; rate structure; cash reserves sufficient for current operation and maintenance, future needs and emergency situations; and adequate fiscal controls. (5-8-09)

c. Managerial capacity means that the management structure of the water system embodies the aspects of water system operations, including, but not limited to; (5-8-09)

i. Short and long range planning; (4-5-00)

ii. Personnel management; (4-5-00)

iii. Fiduciary responsibility; (4-5-00)

iv. Emergency response; (4-5-00)

v. Customer responsiveness; (4-5-00)

vi. Source water protection; (4-5-00)

vii. Administrative functions such as billing and consumer awareness; and (4-5-00)

viii. Ability to meet the intent of the federal Safe Drinking Water Act. (4-5-00)

12. Cartridge Filters. Pressure-driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside. (4-2-08)

13. Clean Compliance History. For the purposes of the Revised Total Coliform Rule in Subsection 100.01, clean compliance history means a record of no maximum contaminant level violations under Subsection 050.05, no monitoring violations under Subsection 100.01, and no coliform treatment technique trigger exceedances or treatment technique violations under Subsection 100.01. ()

14. Combined Distribution System. The interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water. (4-2-08)

15. Community Water System. A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. See also the definition of a Public Drinking Water System in these rules. (5-8-09)

156. Components of Finished Water Storage. Storage is available to serve the system if the storage structure or facility is elevated sufficiently or is equipped with sufficient booster pumping capability to pressurize the system. Components of finished water storage are further defined as: (5-8-09)

a. Dead Storage. Storage that is either not available for use in the system or can provide only substandard flows and pressures. (3-30-07)

b. Effective Storage. Effective storage is all storage other than dead storage and is made up of the additive components described in Paragraphs c. through f. of this Subsection. (5-8-09)

c. Operational Storage. Operational storage supplies water when, under normal conditions, the sources are off. This component is the larger of; (3-30-07)

i. The volume required to prevent excess pump cycling and ensure that the following volume components are full and ready for use when needed; or (3-30-07)

ii. The volume needed to compensate for the sensitivity of the water level sensors. (3-30-07)

d. Equalization Storage. Storage of finished water in sufficient quantity to compensate for the difference between a water system's maximum pumping capacity and peak hour demand. (3-30-07)

e. Fire Suppression Storage. The water needed to support fire flow in those systems that provide it. (3-30-07)

f. Standby Storage. Standby storage provides a measure of reliability or safety factor should sources fail or when unusual conditions impose higher than anticipated demands. Normally used for emergency operation, if standby power is not provided, to provide water for eight (8) hours of operation at average day demand. (5-8-09)

167. Composite Correction Program (CCP). A systematic approach to identifying opportunities for improving the performance of water treatment and implementing changes that will capitalize on these opportunities. The CCP consists of two (2) elements: (4-5-00)

a. Comprehensive Performance Evaluation (CPE). A thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The CPE must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report. (4-5-00)

b. Comprehensive Technical Assistance (CTA). The implementation phase that is carried out if the CPE results indicate improved performance potential. During the CTA phase, the system must identify and systematically address plant-specific factors. The CTA consists of follow-up to the CPE results, implementation of process control priority setting techniques, and maintaining long term involvement to systematically train staff and administrators. (4-5-00)

178. Compositing of Samples. The mixing of up to five (5) samples by the laboratory. (4-5-00)

189. Confining Layer. A nearly impermeable subsurface stratum which is located adjacent to one (1) or more aquifers and does not yield a significant quantity of water to a well. (5-3-03)

1920. Confirmation Sample. A sample of water taken from the same point in the system as the original sample and at a time as soon as possible after the original sample was taken. (12-10-92)

201. Connection. Each structure, facility, or premises which is connected to a water system, and which is or could be used for domestic purposes, is considered a single connection. A single family residence is considered to be a premises. Multi-family dwellings and apartment, condominium, and office complexes are considered single

connections unless individual units are billed separately for water by the water system, in which case each such unit shall be considered a single connection. (4-7-11)

242. Consecutive System. A public water system that receives some or all of its finished water from one (1) or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems. (4-2-08)

243. Consumer. Any person served by a public water system. (12-10-92)

244. Consumer Confidence Report (CCR). An annual report that community water systems must deliver to their customers. The reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner. (4-5-00)

245. Contaminant. Any physical, chemical, biological, or radiological substance or matter in water. (12-10-92)

256. Cross Connection. Any actual or potential connection or piping arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system used water, water from any source other than an approved public water system, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Cross connections include bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices which, or because of which "backflow" can or may occur. (10-1-93)

267. Dead End Main. A distribution main of any diameter and length that does not loop back into the distribution system. (3-30-07)

278. Dead Storage. Storage that is either not available for use in the system or can provide only substandard flows and pressures. See also the definition of Components of Finished Water Storage in these rules. (5-8-09)

289. Department. The Idaho Department of Environmental Quality. (12-10-92)

293. Director. The Director of the Department of Environmental Quality or his designee. (12-10-92)

301. Direct Integrity Test (DIT). A physical test applied to a microfiltration or ultrafiltration membrane unit in order to identify integrity breaches. (4-4-13)

342. Disinfection. Introduction of chlorine, other agents, or processes that are approved by the Department (such as ultraviolet light) in sufficient concentration, dosage, or application, and for the time required to kill or inactivate pathogenic and indicator organisms. (4-4-13)

323. Disinfection Profile. A summary of daily Giardia lamblia inactivation through the drinking water treatment plant. The procedure for developing a disinfection profile is contained in 40 CFR 141.172 and 40 CFR 141.530-141.536. (5-3-03)

334. Distribution System. Any combination of pipes, tanks, pumps, and other equipment which delivers water from the source(s), treatment facility(ies), or a combination of source(s) and treatment facility(ies) to the consumer. Chlorination may be considered as a function of a distribution system. (5-8-09)

345. Drinking Water. Means "water for human consumption." (3-30-07)

356. Drinking Water System. All mains, pipes, and structures through which water is obtained and distributed, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use. (12-10-92)

367. Dual Sample Set. A set of two (2) samples collected at the same time and same location, with one (1) sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an Initial Distribution System Evaluation (40 CFR Part 141, Subpart U) and for determining compliance with the TTHM and HAA5 MCLs under the Stage 2 Disinfection Byproducts Requirements (40 CFR Part 141, Subpart V). (4-2-08)

378. Effective Contact Time. For the purpose of these rules, effective contact time means the time in minutes that it takes for water to move from the point of completely mixed chemical application to the point where residual concentration is measured. It is the “T” in contact time (CT) calculations and is either “demonstrated” or “calculated.” It is the contact time sufficient to achieve the inactivation of target pathogens under the expected range of raw water pH and temperature variation and must be demonstrated through tracer studies or other evaluations or calculations acceptable to the Department. “Improving Clearwell Design for CT Compliance,” referenced in Subsection 002.02, contains information that may be used as guidance for these calculations. (4-4-13)

389. Effective Storage. Effective storage is all storage other than dead storage and is made up of the additive components described in Paragraphs c. through f. of the definition of Components of Finished Water Storage in these rules. (4-4-13)

3940. Enhanced Coagulation. The addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment. Conventional filtration treatment is defined in 40 CFR 141.2. (5-3-03)

401. Enhanced Softening. The improved removal of disinfection byproduct precursors by precipitative softening. (4-5-00)

472. Equalization Storage. Storage of finished water in sufficient quantity to compensate for the difference between a water system’s maximum pumping capacity and peak hour demand. See also the definition of Components of Finished Water Storage in these rules. (5-8-09)

423. Equivalent Dwelling Unit (EDU). A unit of measure that standardizes all land use types (housing, retail, office, etc.) to the level of demand created by a single-family detached housing unit within a water system. The demand for one (1) equivalent dwelling unit is equivalent to the amount of water provided to the average single-family detached housing unit within a water system. For example, a business designed to use three (3) times as much water as an average single-family detached housing unit would have a demand of three (3) equivalent dwelling units. (5-8-09)

434. Exemption. A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only if the system demonstrates to the satisfaction of the Department that the system cannot comply due to compelling factors and the deferment does not cause an unreasonable risk to public health. (12-10-92)

445. Facility Plan. The facility plan for a public drinking water system describes the overall system, including sources of water, treatment processes and facilities, pumping stations and distribution piping, finished water storage, and waste disposal. It is a comprehensive planning document for infrastructure and includes a plan for the future of the system/facility, including upgrades and additions. It is usually updated on a regular basis due to anticipated or unanticipated growth patterns, regulatory requirements, or other infrastructure needs. A facility plan is sometimes referred to as a master plan or facilities planning study. In general, a facility plan is an overall system-wide plan as opposed to a project specific plan. (3-30-07)

456. Facility Standards and Design Standards. Facility standards and design standards are described in Sections 500 through 552 of these rules. Facility and design standards found in Sections 500 through 552 of these rules must be followed in the planning, design, construction, and review of public drinking water facilities. (3-30-07)

467. Fee Assessment. A charge assessed on public drinking water systems based on a rate structure calculated by system size. (10-1-93)

478. Filter Profile. A graphical representation of individual filter performance, based on continuous

turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed. (4-5-00)

489. Filtrate. As the term relates to microfiltration and ultrafiltration, the product water or the portion of the feed stream that has passed through the membrane. (4-4-13)

4950. Finished Water. Water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals). (4-2-08)

501. Finished Water Storage Structures or Facilities. Finished water storage structures or facilities are defined as: (5-8-09)

a. Above-ground storage structure or facility. A finished water storage structure or facility with a bottom elevation above normal ground surface. (5-8-09)

b. Ground-level storage structure or facility. A finished water storage structure or facility with a bottom elevation at normal ground surface. (5-8-09)

c. Partially buried storage structure or facility. A finished water storage structure or facility with a bottom elevation below normal ground surface and any portion of the structure or facility above normal ground surface. (5-8-09)

d. Below-ground storage structure or facility. A finished water storage structure or facility with a bottom elevation and top elevation below normal ground surface. (5-8-09)

542. Fire Flow Capacity. The water system capacity, in addition to maximum day demand, that is available for fire fighting purposes within the water system or distribution system pressure zone. Adequacy of the water system fire flow capacity is determined by the local fire authority or through a hydraulic analysis performed by a licensed professional engineer to establish required fire flows in accordance with the International Fire Code as adopted by the State Fire Marshal. (4-4-13)

523. Fire Suppression Storage. The water needed to support fire flow in those systems that provide it. See also the definition of Components of Finished Water Storage in these rules. (5-8-09)

534. Fixture Protection. The practice of installing backflow prevention assemblies or devices to isolate one (1) or more cross connections within a customer's facility. (5-8-09)

545. Flowing Stream. As used in the Long Term 2 Enhanced Surface Water Treatment Rule (40 CFR Part 141, Subpart W), this term means a course of running water flowing in a definite channel. (4-2-08)

556. Flux. The throughput of a pressure-driven membrane filtration process expressed as flow per unit of membrane area, usually in gallons per square foot per day or liters per hour per square meter. (4-4-13)

567. Ground Water System. A public water system which is supplied exclusively by a ground water source or sources. (12-10-92)

578. Ground Water Under the Direct Influence of Surface Water (GWUDI). Any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence shall be determined by the Department for individual sources. The determination of direct influence may be based on site-specific measurements of water quality, documentation of well construction characteristics and geology with field evaluation, a combination of water quality and documentation, or other information required by the Department. (4-4-13)

589. Haloacetic Acids (Five) (HAA5). The sum of the concentrations in milligrams per liter of the

haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid) rounded to two (2) significant figures after addition. (4-5-00)

~~59~~**60.** **Health Hazards.** Any condition which creates, or may create, a danger to the consumer's health. Health hazards may consist of, but are not limited to, design, construction, operational, structural, collection, storage, distribution, monitoring, treatment or water quality elements of a public water system. See also the definition of Significant Deficiency, which refers to a health hazard identified during a sanitary survey. (5-3-03)

~~60~~**1.** **Indirect Integrity Monitoring.** Monitoring some aspect of filtrate water quality that is indicative of the removal of particulate matter. (4-4-13)

~~64~~**2.** **Inorganic.** Generally refers to compounds that do not contain carbon and hydrogen. (12-10-92)

~~62~~**3.** **Internal or In-Plant Isolation.** The practice of installing backflow prevention assemblies to protect an area within a water customer's structure, facility, or premises from contaminating another part of the structure, facility, or premises. (4-7-11)

~~63.~~ **Laboratory Certification Reciprocity.** *Acceptance of a laboratory certification made by another state. Laboratory reciprocity may be granted to laboratories outside of Idaho after application, proof of home state certification, and EPA performance evaluation results are submitted and reviewed. Reciprocity must be renewed after a time specified by the Idaho Laboratory Certification Officer to remain valid.* (4-5-00)

64. **Lake/Reservoir.** As used in the Long Term 2 Enhanced Surface Water Treatment Rule (40 CFR Part 141, Subpart W), this term means a natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow. (4-2-08)

65. **Level 1 Assessment.** A Level 1 Assessment is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any Department directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. ()

66. **Level 2 Assessment.** A Level 2 Assessment is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the Department in accordance with Subsection 305.03, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. ()

~~65~~**7.** **License.** A physical document issued by the Idaho Bureau of Occupational Licenses certifying that an individual has met the appropriate qualifications and has been granted the authority to practice in Idaho under the provisions of Chapter 24, Title 54, Idaho Code. (4-6-05)

~~66~~**8.** **Locational Running Annual Average (LRAA).** The average of sample analytical results for samples taken at a particular monitoring location during the previous four (4) calendar quarters, as set forth in the Stage 2 Disinfection Byproducts Requirements (40 CFR Part 141, Subpart V). (4-2-08)

~~679.~~ **Log.** Logarithm to the base ten (10). In the context of these rules, it is used in the determination of removal or inactivation efficiencies. It is expressed as the logarithm to the base ten (10) or “log” of the concentration of the feed or raw water minus the log of the concentration in the filtrate or product water. For example, if the incoming feed or raw water concentration is one hundred (100), and the outgoing filtrate or product water concentration is ten (10), a 10-fold reduction was attained; or 1-log removal. 1-log removal also equates to ninety percent (90%) removal, as ninety (90) of the original feed concentration counts had been removed, leaving ten (10) in the filtrate. Similarly, 2-log equates to ninety-nine percent (99%) removal. (4-4-13)

~~6870.~~ **Log Removal Value (LRV).** LRV is a measure of filtration removal efficiency for a target organism, particulate, or surrogate expressed as Logarithm to the base ten (10). (4-4-13)

~~6971.~~ **Material Deviation.** A change from the design plans that significantly alters the type or location of facilities, requires engineering judgment to design, or impacts the public safety or welfare. (4-11-06)

~~702.~~ **Material Modification.** Those modifications of an existing public water system that are intended to increase system capacity or alter the methods or processes employed. Any project that adds source water to a system, increases the pumping capacity of a system, increases the potential population served by the system or the number of service connections within the system, adds new or alters existing drinking water system components, or affects the water demand of the system is considered to be increasing system capacity or altering the methods or processes employed. Maintenance and repair performed on the system and the replacement of valves, pumps, or other similar items with new items of the same size and type are not considered a material modification. (5-8-09)

~~713.~~ **Maximum Contaminant Level (MCL).** The maximum permissible level of a contaminant in water which is delivered to any user of a public water system. (3-30-07)

~~724.~~ **Maximum Day Demand.** The average rate of consumption for the twenty-four (24) hour period in which total consumption is the largest for the design year. See also the definition of Water Demand in these rules. (5-8-09)

~~735.~~ **Maximum Pumping Capacity.** The pumping capacity with the largest source or pump out of service. (5-8-09)

~~746.~~ **Maximum Residual Disinfectant Level (MRDL).** A level of a disinfectant added for water treatment that may not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a public water system is in compliance with the MRDL, when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a public water system is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two (2) consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under Section 1412 of the Safe Drinking Water Act. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in 40 CFR 141.65, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections. (4-4-13)

~~757.~~ **Maximum Residual Disinfectant Level Goal (MRDLG).** The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants. (4-5-00)

~~768.~~ **Membrane Filtration.** A pressure or vacuum driven separation process in which particulate matter larger than one (1) micrometer (μm) is rejected by an engineered barrier, primarily through a size-exclusion mechanism. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis. (4-4-13)

779. **Membrane Unit.** A group of treatment systems or membrane modules that usually share common control and valving so that the group can be isolated for testing or cleaning. (4-4-13)

780. **Method Detection Limit (MDL).** The lowest concentration which can be determined to be greater than zero with ninety-nine percent (99%) confidence, for a particular analytical method. (12-10-92)

7981. **Microfiltration (MF).** A low pressure membrane filtration process with pore diameter normally in the range of 0.1 to 0.5 μm . (4-4-13)

802. **Module.** As the term relates to membrane filtration, it is the smallest component of a membrane unit in which a specific membrane surface area is housed. The component is typically equipped with a feedwater inlet, a filtrate outlet, and concentrate or backwash outlet structure. (4-4-13)

843. **Nanofiltration (NF).** A membrane filtration process that removes dissolved constituents from water. Nanofiltration is similar to reverse osmosis but allows a higher percentage of certain ions to pass through the membrane. These systems typically operate under higher pressure than microfiltration and ultrafiltration. (4-4-13)

824. **New System.** Any water system that meets, for the first time, the definition of a public water system provided in Section 1401 of the federal Safe Drinking Water Act (42 U.S.C. Section 300f). This includes systems that are entirely new construction and previously unregulated systems that are expanding. (4-5-00)

835. **Noncommunity Water System.** A public water system that is not a community water system. A non-community water system is either a transient noncommunity water system or a non-transient noncommunity water system. See also the definition of a Public Drinking Water System in these rules. (5-8-09)

846. **Non-Potable Fluids.** Any fluids that do not meet the definition of potable water. This definition also includes any gases that are heavier than air such as propane. (4-4-13)

857. **Non-Potable Mains.** Pipelines that collect, deliver, or otherwise convey non-potable fluids. (4-4-13)

868. **Non-Potable Services or Lines.** Pipelines that collect, deliver, or otherwise convey non-potable fluids to or from a non-potable main. These pipelines connect individual facilities to the non-potable main. This term also refers to pipelines that convey non-potable fluids from a pressurized irrigation system, reclaimed wastewater system, and other non-potable systems to individual consumers. (4-4-13)

879. **Nontransient Noncommunity Water System.** A public water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year. See also the definition of a Public Drinking Water System in these rules. (5-8-09)

8890. **Operating Shift.** That period of time during which water system operator decisions that affect public health are necessary for proper operation of the system. (4-5-00)

891. **Operational Storage.** Operational storage supplies water when, under normal conditions, the sources are off. This component is the larger of the volume required to prevent excess pump cycling and ensure that the following volume components are full and ready for use when needed or the volume needed to compensate for the sensitivity of the water level sensors. See also the definition of Components of Finished Water Storage in these rules. (5-8-09)

902. **Operation and Maintenance Manual.** An operation and maintenance manual typically covers three main subjects: a water system specific operations plan (see definition of Operations Plan); maintenance information and checklists; and manufacturer's product information (including trouble shooting information, a parts list and parts order form, special tools, spare parts list, etc.). An operation and maintenance manual may cover every aspect of the water system or any part of the water system, including but not limited to the following: treatment, pump stations, storage reservoirs, distribution system, pressure reducing valve stations, etc. (4-4-13)

943. **Operations Plan.** The operations plan is part of an operation and maintenance manual. Depending

on which facilities of the water system are being addressed, the operations plan may cover many types of information including but not limited to the following: daily, weekly, monthly, and yearly operating instructions; information specific to a particular type of treatment; location of valves and other key distribution system features; pertinent telephone and address contact information including the responsible charge water system operator and water system owner; operator safety procedures; alarm system; emergency procedures; trouble-shooting advice; water quality testing; depressurization events; customer service; and response to customer complaints. (4-4-13)

924. Owner/Purveyor of Water/Supplier of Water. The person, company, corporation, association, or other organizational entity which holds legal title to the public water system, who provides, or intends to provide, drinking water to the customers, and who is ultimately responsible for the public water system operation. (5-8-09)

935. Peak Hour Demand. The highest hourly flow, excluding fire flow, that a water system or distribution system pressure zone is likely to experience in the design year. See also the definition of Water Demand in these rules. (5-8-09)

946. Person. A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity. (12-10-92)

957. Pesticides. Substances which meet the criteria for regulation pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, and any regulations adopted pursuant to FIFRA. For example, pesticides include, but are not limited to insecticides, fungicides, rodenticides, herbicides, and algaecides. (12-10-92)

968. Plant Design Capacity. The maximum design flow through treatment units. The minimum plant design capacity could be equal to peak hour demand but could also be equal to the maximum day demand if equalization storage is provided. (4-4-13)

979. Plant. A physical facility where drinking water or wastewater is treated or processed. (3-30-07)

98100. Point of Use (POU) Treatment Device. A treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap. (3-30-07)

99101. Point of Use (POU) Treatment System. A collection of POU treatment devices. (3-30-07)

1002. Potable Mains. Pipelines that deliver potable water to multiple service connections. (3-30-07)

1013. Potable Services. Pipelines that convey potable water from a connection to the potable water main to individual consumers. (3-30-07)

1024. Potable Water. Water for human consumption. See the definition of Water for Human Consumption in Section 003. (4-4-13)

1035. Preliminary Engineering Report. The preliminary engineering report for a public drinking water system facility is a report that addresses specific portions of the system or facility for which modifications are being designed. Modifications may include, but are not limited to, significant changes to existing processes or facilities, system expansion, addition of treatment, or installation of other processes and facilities. This report addresses specific purpose and scope, design requirements, alternative solutions, costs, operation and maintenance requirements, and other requirements as described in Section 503. Preliminary engineering reports are generally project specific as opposed to an overall system-wide plan, such as a facility plan. (4-4-13)

1046. Premises Isolation or Containment. The practice of separating the customer's structure, facility, or premises from the purveyor's system by means of a backflow prevention assembly installed on the service line before any distribution takes place. (4-7-11)

1057. Presedimentation. A preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant. (4-2-08)

108. **Protected Water Source.** For the purposes of the Revised Total Coliform Rule (40 CFR Part 141, Subpart Y), a protected water source is a ground water well that is not susceptible to contamination on the basis of well construction, hydrologic data, or contamination history. ()

1069. **Public Notice.** The notification of public water system consumers of information pertaining to that water system including information regarding water quality or compliance status of the water system. (12-10-92)

1107. **Public Drinking Water System.** A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "noncommunity water system" as further defined as: (5-8-09)

a. Community water system. A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. (5-8-09)

b. Noncommunity water system. A public water system that is not a community water system. A noncommunity water system is either a transient noncommunity water system or a non-transient noncommunity water system. (5-8-09)

c. Nontransient noncommunity water system. A public water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year. (5-8-09)

d. Transient noncommunity public water system. A noncommunity water system which does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year. (5-8-09)

10811. **Public Water System/Water System/System.** Means "public drinking water system." (4-5-00)

10912. **Pump House.** A structure containing important water system components, such as a well, hydropneumatic tank, booster pump, pump controls, flow meter, well discharge line, or a treatment unit. Pump houses are often called well houses in common usage, even though in modern construction these structures may not contain either a well or a pump. These terms are used interchangeably in national standards and trade publications. (4-4-13)

1103. **Qualified Licensed Professional Engineer (QLPE).** A professional engineer licensed by the state of Idaho; qualified by education or experience in the specific technical fields involved in these rules; and retained or employed by a city, county, quasi-municipal corporation, or regulated public utility for the purposes of plan and specification review. (5-8-09)

1174. **Quasi-Municipal Corporation.** A public entity, other than community government, created or authorized by the legislature to aid the state in, or to take charge of, some public or state work for the general welfare. For the purpose of these rules, this term refers to drinking water districts. (4-11-06)

1125. **Raw Water.** Raw water is any ground water, spring water, or surface water utilized as source water prior to treatment for the purpose of producing potable water. (4-4-13)

1136. **Redundancy.** The installation of duplicate components or backup systems that are designed to maintain minimum pressure and capacity of the system should any component fail or otherwise be out of service for maintenance or repair. (4-4-13)

1147. **Regulated Public Utility.** For the purpose of these rules, any public water system that falls under the jurisdiction of the Idaho Public Utilities Commission and is subject to the rules thereof. (3-30-07)

~~1158~~. **Reverse Osmosis (RO)**. A membrane filtration process that removes dissolved constituents from water. Reverse osmosis is similar to nanofiltration but allows a lower percentage of certain ions to pass through the membrane. These systems typically operate under higher pressure than microfiltration and ultrafiltration. (4-4-13)

~~1169~~. **Repeat Compliance Period**. Any subsequent compliance period after the initial compliance period. (12-10-92)

~~11720~~. **Resolution**. As the term relates to membrane treatment, it is the size of the smallest integrity breach that contributes to a response from a direct integrity test when testing low pressure membranes. (4-4-13)

~~11821~~. **Responsible Charge (RC)**. Responsible Charge means active, daily on-site or on-call responsibility for the performance of operations or active, on-going, on-site, or on-call direction of employees and assistants. (5-8-09)

~~11922~~. **Responsible Charge Operator**. An operator of a public drinking water system, designated by the system owner, who holds a valid license at a class equal to or greater than the drinking water system classification, who is in responsible charge of the public drinking water system. (4-6-05)

~~1203~~. **Reviewing Authority**. For those projects requiring preconstruction approval by the Department, the Department is the reviewing authority. For those projects allowing for preconstruction approval by others, pursuant to Subsection 504.03.b. of these rules, the qualified Idaho licensed professional engineer (QLPE) is also the reviewing authority. (5-8-09)

~~1214~~. **Sampling Point**. The location in a public water system from which a sample is drawn. (12-10-92)

~~1225~~. **Sanitary Defects**. ~~Any faulty structural condition which may allow the water supply to become contaminated.~~ A defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place. Examples of sanitary defects include but are not limited to: cross connections, inadequate distribution system pressures, inadequate or missing sanitary seal, improperly screened storage tank vents, inadequate protection from contamination during flooding, history of treatment failures, deterioration of system components, and water main leaks or breaks. (12-10-92)()

~~1236~~. **Sanitary Survey**. An onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water. The sanitary survey will include, but is not limited to the following elements: (4-5-00)

- a. Source; (4-5-00)
- b. Treatment; (4-5-00)
- c. Distribution system; (4-5-00)
- d. Finished water storage; (4-5-00)
- e. Pumps, pump facilities, and controls; (4-5-00)
- f. Monitoring and reporting and data verification; (4-5-00)
- g. System management and operation; and (4-5-00)
- h. Operator compliance with state requirements. (4-5-00)

~~1247~~. **SDWIS-State**. An acronym that stands for "Safe Drinking Water Information System-State Version." It is a software package developed under contract to the U.S. Environmental Protection Agency and used by a majority of U.S. states to collect, maintain, and report data about regulated public water systems. (4-4-13)

128. **Seasonal System.** A noncommunity water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season. ()

1259. **Sensitivity.** As the term relates to membrane treatment, it is the maximum log removal value (LRV) for a specific resolution that can be reliably verified by the direct integrity test associated with a given low pressure membrane filtration system. (4-4-13)

12630. **Sewage.** The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (3-30-07)

12731. **Significant Deficiency.** As identified during a sanitary survey, any defect in a system's design, operation, maintenance, or administration, as well as any failure or malfunction of any system component, that the Department or its agent determines to cause, or have potential to cause, risk to health or safety, or that could affect the reliable delivery of safe drinking water. See also the definition of Health Hazards. (5-3-03)

12832. **Simple Water Main Extension.** New or replacement water main(s) that require plan and specification review by a qualified licensed professional engineer (QLPE) or by the Department per these rules and that is connected to existing water main facilities and does not require the addition of system components designed to control quantity or pressure, including, but not limited to, booster stations, new sources, pressure reducing valve stations, or reservoirs; and continues to provide the pressure and quantity requirements of Subsection 552.01. (4-4-13)

12933. **Special Irrigation District.** An irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential or similar use where the system or the residential or similar users of the system comply with the exclusion provisions in Section 1401(4)(B)(i)(II) or (III) of the Safe Drinking Water Act. (4-6-05)

1304. **Spring.** A source of water which flows from a laterally percolating water table's intersection with the surface or from a geological fault that allows the flow of water from an artesian aquifer. (12-10-92)

1315. **Standby Storage.** Standby storage provides a measure of reliability or safety factor should sources fail or when unusual conditions impose higher than anticipated demands. See also the definition of Components of Finished Water Storage in these rules. (5-8-09)

1326. **Substantially Modified.** The Department shall consider a public water system to be substantially modified when, as the result of one (1) or more projects, there is a combined increase of twenty-five percent (25%) or more above the system's existing configuration in the population served or number of service connections, the total length of transmission and distribution water mains, and the peak or average water demand. (5-8-09)

1337. **Substitute Responsible Charge Operator.** An operator of a public drinking water system who holds a valid license at a class equal to or greater than the drinking water system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. (4-6-05)

1348. **Surface Water System.** A public water system which is supplied by one (1) or more surface water sources or ground water sources under the direct influence of surface water. Also called subpart H systems in applicable sections of 40 CFR Part 141. (4-5-00)

1359. **Total Organic Carbon (TOC).** Total organic carbon in mg/l measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two (2) significant figures. (4-5-00)

13640. **Total Trihalomethanes (TTHM).** The sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane [chloroform], dibromochloromethane, bromodichloromethane and tribromomethane [bromoform]), rounded to two (2) significant figures. (4-2-08)

13741. Transient Noncommunity Public Water System. A noncommunity water system which does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year. See also the definition of a Public Drinking Water System in these rules. (5-8-09)

13842. Treatment Facility. Any place(s) where a public drinking water system or nontransient noncommunity water system alters the physical or chemical characteristics of the drinking water. Chlorination may be considered as a function of a distribution system. (4-5-00)

13943. Turbidity. A measure of the interference of light passage through water, or visual depth restriction due to the presence of suspended matter such as clay, silt, nonliving organic particulates, plankton and other microscopic organisms. Operationally, turbidity measurements are expressions of certain light scattering and absorbing properties of a water sample. Turbidity is measured by the Nephelometric method. (12-10-92)

1404. Ultrafiltration (UF). A low pressure membrane filtration process with pore diameter normally in the range of five thousandths to one tenth micrometer (0.005 to 0.1 µm). (4-4-13)

1415. Ultraviolet (UV) Light Technology. A physical disinfection process that has proven effective against common pathogens in drinking water. (4-4-13)

1426. UV Transmittance (UVT). A measure of the fraction of incident light transmitted through a material (e.g., water sample or quartz). The UVT is usually reported for a wavelength of two hundred fifty-four (254) nm and a pathlength of one (1) cm. It is often represented as a percentage. (4-4-13)

1437. Unregulated Contaminant. Any substance that may affect the quality of water but for which a maximum contaminant level or treatment technique has not been established. (12-10-92)

1448. Use Assessment. For the purpose of obtaining a waiver from certain monitoring requirements, a use assessment is an evaluation as to whether synthetic organic contaminants are being or have been used, manufactured, transported, stored, or disposed of in the watershed for surface water or the zone of influence for ground water. (5-8-09)

1459. Variance. A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only when the system demonstrates to the satisfaction of the Department that the raw water characteristics prevent compliance with the MCL or requirement after installation of the best available technology or treatment technique and the deterrent does not cause an unreasonable risk to public health. (12-10-92)

14650. Very Small Public Drinking Water System. A Community or Nontransient Noncommunity Public Water System that serves five hundred (500) persons or less and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). (4-5-00)

14751. Volatile Organic Chemicals (VOCs). VOCs are lightweight organic compounds that vaporize or evaporate easily. (10-1-93)

14852. Vulnerability Assessment. A determination of the risk of future contamination of a public drinking water supply. (12-10-92)

14953. Waiver. (12-10-92)

a. For the purposes of these rules, except Sections 500 through 552, “waiver” means the Department approval of a temporary reduction in sampling requirements for a particular contaminant. (3-30-07)

b. For purposes of Sections 500 through 552, “waiver” means a dismissal of any requirement of compliance. (3-30-07)

c. For the purposes of Section 010, “waiver” means the deferral of a fee assessment for a public drinking water system. (10-1-93)

1504. Wastewater. Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any ground water, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, gray water or commercial or industrial pollutants; and sewage. See IDAPA 58.01.16, “Wastewater Rules,” for additional information. (4-7-11)

1505. Water for Human Consumption. Water that is used by humans for drinking, bathing for purposes of personal hygiene (including hand-washing), showering, cooking, dishwashing, and maintaining oral hygiene. In common usage, the terms “culinary water,” “drinking water,” and “potable water” are frequently used as synonyms. (5-3-03)

1506. Water Demand. The volume of water requested by system users to satisfy their needs. Water demand can be further categorized as: (5-8-09)

a. Average day demand. The volume of water used by a system on an average day based on a one (1) year period. (5-8-09)

b. Maximum day demand. The average rate of consumption for the twenty-four (24) hour period in which total consumption is the largest for the design year. (5-8-09)

c. Peak hour demand. The highest hourly flow, excluding fire flow, that a water system or distribution system pressure zone is likely to experience in the design year. (5-8-09)

1507. Water Main. A pipe within a public water system which is under the control of the system operator and conveys water to two (2) or more service connections or conveys water to a fire hydrant. The collection of water mains within a given water supply is called the distribution system. (5-8-09)

1508. Watershed. The land area from which water flows into a stream or other body of water which drains the area. (3-30-07)

1509. Wholesale System. A public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

100. MONITORING AND ANALYTICAL REQUIREMENTS.

01. ~~Microbiological Contaminant~~ Total Coliform Sampling and Analytical Requirements. The Total Coliform Rule, 40 CFR 141.21, is herein incorporated by reference and is effective until March 31, 2016. The Revised Total Coliform Rule, 40 CFR Part 141, Subpart Y, is herein incorporated by reference, excluding the annual monitoring provisions in 40 CFR 141.854 (a)(4), (d), (e), (f) and (h), and is effective April 1, 2016. (10-1-93)()

a. 40 CFR 141.21 is herein incorporated by reference Routine monitoring requirements for public water systems serving more than one thousand (1,000) people. 40 CFR 141.857 is herein incorporated by reference. (4-4-13)()

b. The Department may reduce the total coliform monitoring frequency for community water systems serving twenty five (25) to one thousand (1000) persons, as specified in 40 CFR 141.21(a)(2) and Subsection 100.01. The Department may allow community water systems serving twenty five (25) to one thousand (1000) persons to reduce the total coliform monitoring frequency to once per quarter when; Routine monitoring requirements for

community water systems serving one thousand (1,000) or fewer people using only ground water. 40 CFR 141.855 is herein incorporated by reference. (12-10-92)()

- ~~i. The system submits a written request to the Department in advance of the requirement; and (12-10-92)~~
 - ~~ii. There has been no history of total coliform contamination in its current configuration; and (10-1-93)~~
 - ~~iii. The system has been in compliance with the total coliform monitoring requirements for the last three (3) years; and (12-10-92)~~
 - ~~iv. A sanitary survey has been conducted within the past five (5) years which indicates to the Department that there are no deficiencies which could affect microbial quality; and (12-10-92)~~
 - ~~v. The system uses only a ground water source that is protected. (12-10-92)~~
- c.** The Department may reduce the total coliform monitoring frequency for noncommunity water systems serving less than one thousand (1000) persons as specified in 40 CFR 141.21(a)(3)(i) and Subsection 100.01 of this rule. The Department may allow noncommunity water systems serving less than one thousand (1000) persons to reduce the total coliform monitoring frequency to once per year when; Routine monitoring requirements for subpart H public water system serving one thousand (1,000) or fewer people. 40 CFR 141.856 is herein incorporated by reference. (12-10-92)()

- ~~i. The system submits a written request to the Department in advance of the requirement; and (12-10-92)~~
 - ~~ii. No coliforms have been detected in the last three (3) years of monitoring; and (12-10-92)~~
 - ~~iii. The system has been in compliance with the total coliform monitoring requirements for the last three (3) years; and (12-10-92)~~
 - ~~iv. A sanitary survey has been conducted within the past five (5) years which indicates to the Department that there are no deficiencies which could affect microbial quality; and (12-10-92)~~
 - ~~v. The system uses only a ground water source that is protected. (12-10-92)~~
- d.** The Department may reduce the total coliform monitoring frequency for noncommunity water systems serving more than one thousand (1000) persons during any month the system serves one thousand (1000) persons or fewer as specified in 40 CFR 141.21(a)(3)(ii) and Subsection 100.01. The Department will allow noncommunity water systems serving more than one thousand (1000) persons to reduce the total coliform monitoring frequency for any month the system serves one thousand (1000) persons or fewer, down to a minimum of one (1) sample per year, provided; Routine monitoring requirements for non-community water system serving one thousand (1,000) or fewer people using only ground water. 40 CFR 141.854 is herein incorporated by reference, excluding the annual monitoring provisions in 40 CFR 141.854 (a)(4), (d), (e), (f), and (h). (10-1-93)()

- ~~i. The system submits a written request to the Department in advance of the requirement; and (12-10-92)~~
- ~~ii. No coliforms have been detected in the last three (3) years of monitoring; and (12-10-92)~~
- ~~iii. The system has been in compliance with the total coliform monitoring requirements for the last three (3) years; and (12-10-92)~~
- ~~iv. A sanitary survey has been conducted within the past five (5) years which indicates that there are no deficiencies which could affect microbial quality; and (1-4-13)~~

- ~~v. The system uses only a ground water source that is protected. (12-10-92)~~
- ~~e. A system must collect repeat samples within twenty-four (24) hours of notification of positive results as specified in 40 CFR 141.21(b) and Subsection 100.01. The Department may allow a system to delay collection of repeat samples if the system: (12-10-92)~~
 - ~~i. Identifies the cause of the contamination; (12-10-92)~~
 - ~~ii. Is making progress towards correcting the problem; (12-10-92)~~
 - ~~iii. Submits a written request to delay collecting repeat samples and a written statement admitting an acute MCL violation; (12-10-92)~~
 - ~~iv. Follows public notification requirements specified under 40 CFR Part 141, Subpart Q for Tier 1 MCL violations including notice for consumers to boil their water; (4-4-13)~~
 - ~~v. Continues to collect the regularly scheduled number of routine samples; (12-10-92)~~
 - ~~vi. Collects all repeat samples immediately following correction of the problem; and (12-10-92)~~
 - ~~vii. Collects five (5) routine samples during the month following the end of the violation as required under 40 CFR 141.21 (b)(5), unless waived as allowed under that paragraph. (12-10-92)~~
- 02. Turbidity Sampling and Analytical Requirements.** 40 CFR 141.22 is herein incorporated by reference. (4-4-13)
- 03. Inorganic Chemical Sampling and Analytical Requirements.** 40 CFR 141.23 is herein incorporated by reference. (4-4-13)
- 04. Organic Chemicals, Sampling and Analytical Requirements.** 40 CFR 141.24 is herein incorporated by reference. (4-4-13)
- 05. Analytical Methods for Radioactivity.** 40 CFR 141.25 is herein incorporated by reference. (4-4-13)
- 06. Monitoring Frequency and Compliance Requirements for Radioactivity in Community Water Systems.** 40CFR 141.26 is herein incorporated by reference. (4-4-13)
- 07. Monitoring Waivers.** 40 CFR 141.23(b) 141.23(c), 141.24(f), 141.24(h) are herein incorporated by reference. (4-4-13)
 - a.** Waivers from sampling requirements in Subsections 100.03, 100.04, 200.01, and 503.03.e.v. may be available to all systems for all contaminants except nitrate, nitrite, and disinfection byproducts and are based upon a vulnerability assessment, use assessment, the analytical results of previous sampling, or some combination of vulnerability assessment, use assessment, and analytical results. (4-4-13)
 - b.** There are two (2) general types of monitoring waivers: (12-10-92)
 - i.** Waivers based exclusively upon previous analytical data (12-10-92)
 - ii.** Waivers based on a use or vulnerability assessment. (12-10-92)
 - c.** Waivers are to be made by the Department on a contaminant specific basis and must be in writing. (12-10-92)
 - d.** Vulnerability assessments may be conducted by the Department, the water system, or a third party organization. The Department shall approve or disapprove all vulnerability assessments in writing. (12-10-92)

e. Water systems which do not receive waivers shall sample at the required initial and repeat monitoring frequencies. (12-10-92)

f. If a system elects to request a waiver from monitoring, it shall do so in writing at least sixty (60) days prior to the required monitoring deadline date. (10-1-93)

08. Initial Monitoring Schedule. In addition to the requirements specified in 40 CFR 141.23, 40 CFR 141.24, and 40 CFR 141.40, initial monitoring must be completed according to the following schedule unless otherwise specified by the Department: (4-4-13)

a. Public water systems serving more than one hundred (100) people must conduct initial monitoring before January 1, 1995 except that: (10-1-93)

i. Initial monitoring for nitrate and nitrite must be completed before January 1, 1994 for all surface water sources serving transient noncommunity public water systems and for all ground water sources serving any public water system. (10-1-93)

ii. Initial monitoring for nitrate and nitrite must be completed before April 1, 1993 for all surface water sources serving community or nontransient noncommunity public water systems. (10-1-93)

iii. Initial monitoring required under 40 CFR 141.23(c) must be completed before January 1, 1994 for all surface water sources serving community or nontransient noncommunity public water systems. (10-1-93)

b. Public water systems serving one hundred (100) or less people must conduct initial monitoring before January 1, 1996 except that: (10-1-93)

i. Initial monitoring for nitrate and nitrite must be completed before January 1, 1994 for all surface water sources serving transient noncommunity public water systems and for all ground water sources serving a public water system. (10-1-93)

ii. Initial monitoring for nitrate and nitrite must be completed before April 1, 1993 for all surface water sources serving community or nontransient noncommunity public water systems. (10-1-93)

iii. Initial monitoring required under 40 CFR 141.23(c) must be completed before January 1, 1994 for all surface water sources serving community or nontransient noncommunity public water systems. (10-1-93)

09. Alternate Analytical Techniques. 40 CFR 141.27 is herein incorporated by reference. (10-1-93)

10. Approved Laboratories. 40 CFR 141.28, and beginning April 1, 2016, 40 CFR 141.852(b) is ~~are~~ herein incorporated by reference. All analyses conducted pursuant to these rules, except those listed below, shall be performed in laboratories certified or granted reciprocity by the Idaho Department of Health and Welfare, Bureau of Laboratories, as provided in IDAPA 16.02.13, "Rules Governing Certification of Idaho Water Quality Laboratories." The following analyses may be performed by any person acceptable to the Department of Environmental Quality: (~~4-4-13~~)()

a. pH; (12-10-92)

b. Turbidity (Nephelometric method only); (12-10-92)

c. Daily analysis for fluoride; (12-10-92)

d. Temperature; (5-8-09)

e. Disinfectant residuals, except ozone, which shall be analyzed using the Indigo Method or an acceptable automated method pursuant to Subsection 300.05.ed.; (~~5-8-09~~)()

- f. Alkalinity; (5-8-09)
- g. Calcium; (5-8-09)
- h. Conductivity; (5-8-09)
- i. Silica; and (5-8-09)
- j. Orthophosphate. (5-8-09)
- 11. **Monitoring of Consecutive Water Systems.** 40 CFR 141.29 is herein incorporated by reference. (4-4-13)
- 12. **Disinfection Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors.** 40 CFR Part 141, Subpart L is herein incorporated by reference. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

150. REPORTING, PUBLIC NOTIFICATION, RECORDKEEPING.

- 01. **Reporting Requirements.** 40 CFR 141.31 is herein incorporated by reference. (4-4-13)
- 02. **Public Notification of Drinking Water Violations.** 40 CFR Part 141, Subpart Q is herein incorporated by reference. (4-4-13)
- 03. **Record Maintenance.** 40 CFR 141.33 is herein incorporated by reference. (4-4-13)
- 04. **Reporting for Unregulated Contaminant Monitoring Results.** 40 CFR 141.35 is herein incorporated by reference. (4-4-13)
- 05. **Reporting and Record Keeping Requirements for the Interim Enhanced Surface Water Treatment Rule.** 40 CFR 141.175 is herein incorporated by reference. (4-4-13)
- 06. **Reporting and Record Keeping Requirements for the Disinfectants and Disinfectant Byproducts Rule.** 40 CFR 141.134 is herein incorporated by reference. (4-4-13)
- 07. **Reporting and Record Keeping Requirements for the Revised Total Coliform Rule.** 40 CFR 141.861 is herein incorporated by reference. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. FILTRATION AND DISINFECTION.

- 01. **General Requirements.** 40 CFR 141.70 is herein incorporated by reference. Each public water system using a surface water source or ground water source directly influenced by surface water shall be operated by personnel, as specified in Sections 553 and 554, who have met state requirements for licensing of water system operators. (4-4-13)
- 02. **Filtration.** 40 CFR 141.73 is herein incorporated by reference. (4-4-13)
 - a. Each system which provides filtration treatment shall submit engineering evaluations, other documentation, or some combination of engineering evaluations and other documentation as required by the Department to demonstrate ongoing compliance with these rules. (4-7-11)

b. The Department will establish filtration removal credit on a system-by-system basis. Unless otherwise demonstrated to the satisfaction of the Department, the maximum log removal allowed for filtration is as follows:

Maximum Log Removal			
Filtration Type	Giardia lamblia	Viruses	Cryptosporidium
Conventional	2.5	2.0	2.5
Direct	2.0	1.0	2.0
Slow sand	2.0	2.0	2.0
Diatomaceous earth	2.0	1.0	2.0
Microfiltration	3.0	0.5	3.0
Ultrafiltration	3.5	2.0	3.5
Nanofiltration	4.0	3.0	4.0
Reverse Osmosis	4.0	3.0	4.0
Alternate technology	2.0	0	2.0

(4-4-13)

c. Filtration removal credit shall be granted for filtration treatment provided the system is: (4-7-11)

i. Operated in accordance with the Operations Plan specified in Subsection 552.03.a.; and (4-7-11)

ii. The system is in compliance with the turbidity performance criteria specified under 40 CFR 141.73; and (4-7-11)

iii. Coagulant chemicals must be added and coagulation and flocculation unit process must be used at all times during which conventional and direct filtration treatment plants are in operation; and (4-7-11)

iv. Slow sand filters are operated at rates not to exceed: one-tenth (0.1) gallons per minute per square foot or as approved by the Department; and (4-4-13)()

~~(1) One-tenth (0.1) gallons per minute per square foot when anticipated temperatures are expected above five degrees Celsius (5°C); and~~ (4-4-13)

~~(2) Five hundredths (0.05) gallons per minute per square foot when anticipated temperatures are expected at or below five degrees Celsius (5°C); and~~ (4-4-13)

v. Diatomaceous earth filters are operated at a rate not to exceed one point five (1.5) gallons per minute per square foot. (4-7-11)

03. Criteria for Avoiding Filtration. 40 CFR 141.71 is herein incorporated by reference. (4-4-13)

04. Disinfection. 40 CFR 141.72 is herein incorporated by reference. (10-1-93)

a. In addition to the disinfection requirements in 40 CFR 141.72, each system with a surface water source or ground water source directly influenced by surface water shall maintain a minimum of at least two-tenths (0.2) parts per million of chlorine in the treated water after an effective contact time of at least thirty (30) minutes at peak hour demand before delivery to the first customer. Effective contact time is either demonstrated or calculated. ()

i. Demonstrated effective contact time is generally determined by tracer studies on a completed contact basin. Prior to conducting a tracer study, a testing plan shall be submitted to the Department for review and approval. The tracer chemical shall not be reactive with anything in the water or be consumed in the process. (____)

ii. Calculated effective contact time for tank type contact basins is based on tank baffling and inlet/outlet configurations for the maximum hourly flow rate through that contact basin. Calculated effective contact time in a “pipeline type contact basin” (often called a pipeline contactor) is calculated by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipeline contactor. (~~4-4-13~~)(____)

b. The Department may allow a system to utilize automatic shut-off of water to the distribution system whenever total disinfectant residual is less than two-tenths (0.2) mg/l rather than provide redundant disinfection components and auxiliary power as required in 40 CFR 141.72(a)(2). An automatic water shut-off may be used if the system demonstrates to the satisfaction of the Department that, at all times, a minimum of twenty (20) psi pressure and adequate fire flow can be maintained in the distribution system when water delivery is shut-off to the distribution system and, at all times, minimum *Giardia lamblia* and virus inactivation removal rates can be achieved prior to the first customer. (12-10-92)

c. Each system which is required to provide filtration must provide disinfection treatment such that filtration plus disinfection provide at least 3-Log or ninety-nine and nine tenths percent (99.9%) inactivation/removal of *Giardia lamblia* cysts and at least 4-Log or ninety-nine and ninety-nine hundredths percent (99.99%) inactivation/removal of viruses as specified in 40 CFR 141.72 and Section 300, and at least 2-Log or ninety-nine percent (99%) removal of *Cryptosporidium* as required by 40 CFR Part 141, Subpart P or Subpart T. However, in all cases the disinfection portion of the treatment train shall be designed to provide not less than five tenths (0.5) log *Giardia lamblia* inactivation, irrespective of the *Giardia lamblia* removal credit awarded to the filtration portion of the treatment train. (4-4-13)

05. Analytical and Monitoring Requirements. 40 CFR 141.74 is herein incorporated by reference. (4-4-13)

a. Each public water system which is required to provide disinfection shall monitor as follows: (4-4-13)

i. Each day the system is in operation, the purveyor shall determine the total level of inactivation of *Giardia lamblia* cysts and viruses achieved through disinfection based on CT99.9 values provided in 40 CFR 141.74(b)(3) (Tables 1.1 through 1.6, 2.1 and 3.1). (12-10-92)

ii. At least once per day, the system shall monitor the following parameters to determine the total inactivation ratio achieved through disinfection: (12-10-92)

(1) Temperature of the disinfected water at each residual disinfectant concentration sampling point; and (12-10-92)

(2) If using chlorine, the pH of the disinfected water at each chlorine residual sampling point. (12-10-92)

(3) The effective contact time, “T,” must be determined each day during peak hour demand. Disinfectant contact time, “T,” in pipelines used for *Giardia lamblia* and virus inactivation shall be calculated by dividing the internal volume of the pipe by the peak hour flow rate through that pipe. Effective contact time, “T,” for all other system components used for *Giardia lamblia* and virus inactivation shall be determined by tracer studies or other evaluations or calculations acceptable to the Department. (4-4-13)

(4) The residual disinfectant concentrations at each residual disinfectant sampling point at or before the first customer, must be determined each day during peak hour demand, or at other times approved by the Department. (5-8-09)

iii. The purveyor may demonstrate to the Department, based on a Department approved on-site

disinfection challenge study protocol, that the system is achieving disinfection requirements specified in Subsection 300.04 utilizing CT99.9 values other than those specified in 40 CFR 141.74(b)(3) (Tables 2.1 and 3.1) for ozone, chlorine dioxide, and chloramine. (4-4-13)

iv. The total inactivation ratio shall be calculated as follows: (12-10-92)

(1) If the system applies disinfectant at only one (1) point, the system shall determine the total inactivation ratio by either of the two (2) following methods: (12-10-92)

(a) One inactivation ratio (CT_{calc}/CT_{99.9}) is determined at/or before the first customer during peak hour demand; or (5-8-09)

(b) Sequential inactivation ratios are calculated between the point of disinfectant application and a point at or before the first customer during peak hour demand. The following method must be used to calculate the total inactivation ratio: (5-8-09)

(i) Step 1: Determine (CT_{calc}/CT_{99.9}) for each sequence. (12-10-92)

(ii) Step 2: Add the (CT_{calc}/CT_{99.9}) values for all sequences. The result is the total inactivation ratio. (12-10-92)

(2) If the system uses more than one point of disinfectant application at or before the first customer, the system must determine the CT value of each disinfection sequence immediately prior to the next point of disinfectant application during peak hour demand. The sum of the (CT_{calc}/CT_{99.9}) values from all sequences is the total inactivation ratio. (CT_{calc}/CT_{99.9}) must be determined by the methods described in 40 CFR 141.74(b)(4)(i)(B). (5-8-09)

v. Log removal credit for disinfection shall be determined by multiplying the total inactivation ratio by three (3). (12-10-92)

vi. The Department may reduce the CT monitoring requirements specified under Section 300, for any system which demonstrates that the required inactivation levels are consistently exceeded. Reduced CT monitoring shall be allowed only where the reduction in monitoring will not endanger the health of consumers served by the water system. (12-10-92)

b. Residual disinfectant concentrations for ozone must be measured using the Indigo Method, or automated methods may be used if approved by the Department as provided for in 40 CFR 141.74(a)(4). (4-4-13)()

c. Unfiltered Subpart H systems. 40 CFR 141.857(c) is herein incorporated by reference. ()

d. As provided for in 40 CFR 141.74(b), the Department may specify interim monitoring requirements for unfiltered systems notified by the Department or U.S. Environmental Protection Agency that filtration treatment must be installed. Until filtration is installed, systems shall conduct monitoring for turbidity and disinfectant residuals as follows unless otherwise specified by the Department. (4-4-13)()

i. Disinfectant residual concentrations entering the distribution system shall be measured at the following minimum frequencies, and samples must be taken at evenly spaced intervals throughout the workday.

Minimum Frequencies	
Population	Samples/day
Less than 500	1
501 - 1000	2

Minimum Frequencies	
Population	Samples/day
1,001 - 2,500	3
Greater than 2501	4

(12-10-92)

ii. Turbidity shall be measured at least once per day at the entry point to the distribution system. (12-10-92)

iii. The Department may, at its discretion, reduce the turbidity monitoring frequency for any noncommunity system which demonstrates to the satisfaction of the Department: (12-10-92)

(1) A free chlorine residual of two-tenths (0.2) part per million is maintained throughout the distribution system; (12-10-92)

(2) The water source is well protected; (12-10-92)

(3) Through March 31, 2016, the total coliform MCL is not exceeded, or after March 31, 2016, a Level 1 or Level 2 Assessment has not been triggered in accordance with 40 CFR 141.859; and ~~(12-10-92)~~()

(4) No significant health risk is present. (12-10-92)

de. The Department may allow systems with surface water sources or ground water sources under the direct influence of surface water, to substitute continuous turbidity monitoring for grab sample monitoring as specified in 40 CFR 141.74(b)(2) and 40 CFR 141.74(c)(1) and Subsection 300.05. The Department may allow continuous turbidity monitoring provided the continuous turbidimeter is operated, maintained, standardized and calibrated per the manufacturer's recommendations. For purposes of determining compliance with turbidity performance criteria, discrete values must be recorded every four (4) hours water is supplied to the distribution system. (10-1-93)

ef. The Department may allow systems using both a surface water source(s), or ground water source(s) under the direct influence of surface water, and one (1) or more ground water sources, to measure disinfectant residual at points other than the total coliform sampling points, as specified in 40 CFR 141.74(b)(6)(i) and 40 CFR 141.74(c)(3)(i) and Subsection 300.05. The Department may allow alternate sampling points provided the system submits an acceptable alternate monitoring plan to the Department for approval in advance of the monitoring requirement that demonstrates the alternative points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in 40 CFR 141.74(a)(1), may be measured in lieu of residual disinfectant concentration as outlined in 40 CFR 141.74(b)(6)(i). ~~(10-1-93)~~()

fg. The Department may allow a reduced turbidity monitoring frequency for systems using slow sand filtration or technology other than conventional, direct, or diatomaceous earth filtration, as specified in 40 CFR 141.74(c)(1) and Subsection 300.05. To be considered for a reduced turbidity monitoring frequency, a system must submit a written request to the Department in advance of the monitoring requirement. (12-10-92)

06. Reporting and Recordkeeping Requirements. 40 CFR 141.75 is herein incorporated by reference. (4-4-13)

a. As provided in 40 CFR 141.75(a) and Section 300, the Department may establish interim reporting requirements for systems notified by the Department or U.S. Environmental Protection Agency that filtration treatment must be installed as specified in 40 CFR 141.75(a) and as referred to in Subsection 300.06. Until filtration treatment is installed, systems required to install filtration treatment shall report as follows: (4-4-13)

i. The purveyor shall immediately report to the Department via telephone or other equally rapid means, but no later than the end of the next business day, the following information: (12-10-92)

- (1) The occurrence of a waterborne disease outbreak potentially attributable to that water system; (12-10-92)
- (2) Any turbidity measurement which exceeds five (5) NTU; and (12-10-92)
- (3) Any result indicating that the disinfectant residual concentration entering the distribution system is below two-tenths (0.2) mg/l free chlorine. (12-10-92)

ii. The purveyor shall report to the Department within ten (10) days after the end of each month the system serves water to the public the following monitoring information using a Department-approved form: (12-10-92)

- (1) Turbidity monitoring information; and (12-10-92)
- (2) Disinfectant residual concentrations entering the distribution system. (12-10-92)

iii. Personnel qualified under Subsection 300.01 shall complete and sign the monthly report forms submitted to the Department as required in Subsection 300.06. (12-10-92)

b. In addition to the reporting requirements in 40 CFR 141.75(b) pertaining to systems with filtration treatment, each public water system which provides filtration treatment must report the level of *Giardia lamblia* and virus inactivation/removal achieved each day by filtration and disinfection. (4-4-13)

07. Recycle Provisions. 40 CFR 141.76 is herein incorporated by reference. (4-4-13)

a. The Department shall evaluate recycling records kept by water systems pursuant to 40 CFR 141.76 during sanitary surveys, comprehensive performance evaluations, or other inspections. (5-3-03)

b. The Department may require a system to modify recycling practices if it can be shown that these

(BREAK IN CONTINUITY OF SECTIONS)

303. SANITARY SURVEYS FOR PUBLIC WATER SYSTEMS USING GROUND WATER.

The Department shall conduct a sanitary survey of all public water systems that use ground water. 40 CFR Part 141, Subpart S, is herein incorporated by reference. (4-4-13)

01. Frequency. For non-community water systems, a sanitary survey shall be conducted every five (5) years. For community water systems, a sanitary survey shall be conducted every three (3) years, except as provided below. (5-8-09)

a. A community water system may have a sanitary survey conducted every five (5) years if the system provides at least a four (4)-log treatment of viruses (using inactivation, removal, or a Department approved combination of 4-log inactivation and removal) before or at the first customer for all of its ground water sources. (5-8-09)

b. A community water system may have a sanitary survey conducted every five (5) years if it has an outstanding performance record, as determined by the Department and documented in previous sanitary surveys, and has no history of Total Coliform Rule or Revised Total Coliform Rule MCL or monitoring violations under Subsection 100.01-~~a~~ since the last sanitary survey. ~~(5-8-09)~~ ()

02. Report. A report describing the results of the sanitary survey shall be provided to the water system. (5-8-09)

a. As part of the sanitary survey report or as an independent action, the Department shall provide written notice to the water system describing any significant deficiency within thirty (30) days after the Department identifies the significant deficiency. The notice may specify corrective actions and deadlines for completion of corrective actions. (5-8-09)

b. The Department may, at its discretion, provide this written notice at the time of the sanitary survey. (5-8-09)

03. Significant Deficiencies. For each of the eight (8) elements of a sanitary survey of a ground water system, the following deficiencies shall in all cases be considered significant for the purposes of the notice required in Subsection 303.02. Decisions about the significance of other deficiencies identified during the sanitary survey shall be at the Department's discretion, as indicated in the Department's sanitary survey protocol. (5-8-09)

a. Source: Lack of a sanitary well cap as specified in Subsection 511.06.b. (5-8-09)

b. Treatment: (4-4-13)

i. Chemical addition lacks emergency shut-off as specified in Subsection 531.02.b.ii. (4-4-13)

ii. Chemical addition is not flow proportioned where the rate of flow or chemical demand is not reasonably constant, as specified in Subsection 531.02.b.ii. (4-4-13)

c. Distribution system: No means for flushing dead end water mains, as specified in Subsection 542.09. (5-8-09)

d. Finished water storage: Roof leaking, as specified in Subsections 544.09 and 544.09.c. (5-8-09)

e. Pumps, pump facilities, and controls: No accessible check valve between pump and shut-off valve, as specified in Subsection 511.04. (5-8-09)

f. Monitoring, reporting, and data verification: Repeated failure to collect the required number and type of Total Coliform Rule or the Revised Total Coliform Rule samples during the most recent two (2) year period, as specified in Subsection 100.01. ~~(5-8-09)~~ ()

g. System management and operation: History of frequent depressurization in the distribution system in violation of Subsection 552.01. (5-8-09)

h. Operator compliance with state licensing requirements: Responsible charge operator is not licensed as required in Subsection 554.02. (5-8-09)

04. Response Required. The owner of a public water system must respond in writing, describing how and on what schedule the system will address all significant deficiencies, not later than thirty (30) days after receiving notification from the Department. (4-4-13)

05. Consultation with the Department. Public water systems shall consult with the Department prior to taking specific corrective actions in response to significant deficiencies identified during a sanitary survey unless such corrective actions are specified in detail by the Department in its written notification under Subsection 303.02. (5-8-09)

06. Violation. Failure to address significant deficiencies identified in a sanitary survey that are within the control of the public water system and its governing body shall constitute a violation of these rules. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

305. COLIFORM TREATMENT TECHNIQUE TRIGGERS AND ASSESSMENT REQUIREMENTS FOR PROTECTION AGAINST POTENTIAL FECAL CONTAMINATION.

40 CFR 141.859, excluding 40 CFR 141.859(a)(2)(iii), is herein incorporated by reference. ()

01. Treatment Technique Triggers. Systems owners and operators must ensure that assessments are conducted in accordance with Subsection 305.02 after exceeding treatment technique triggers in this subsection. ()

a. Level 1 treatment technique triggers: ()

i. For systems taking forty (40) or more samples per month, the system exceeds five percent (5.0%) total coliform-positive samples for the month. ()

ii. For systems taking fewer than forty (40) samples per month, the system has two (2) or more total coliform positive samples in the same month. ()

iii. The system owner or operator fails to take every required repeat sample after any single total coliform-positive sample. ()

b. Level 2 treatment technique triggers: ()

i. An *E.coli* MCL violation, as specified in Subsection 050.05 and Subsection 101.01 of these rules;
or ()

ii. A second or any additional Level 1 triggers as defined in Subsection 305.01.a. within a rolling 12-month period, unless the Department has determined a likely reason that the samples that caused the first Level 1 treatment technique trigger were total coliform-positive and has established that the system has corrected the problem. ()

02. Requirements For Assessments. ()

a. System owners and operators must ensure that Level 1 and 2 assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. The assessment must be conducted consistent with any Department directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. ()

b. When conducting assessments, owners and operators must ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol; sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., small ground water systems); and existing water quality monitoring data. The system owner or operator must ensure the assessments are consistent with the elements in the Department provided forms for Level 1 and Level 2 assessments. ()

c. Level 1 Assessments. A system owner or operator must conduct a Level 1 assessment if the system exceeds one of the treatment technique triggers in Subsection 305.01.a. as soon as practical after any trigger level is identified and submit a completed Level 1 assessment report or form to the Department within thirty (30) days after the system learns that it has exceeded a trigger. ()

i. The completed assessment report or form must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment report or form may also note that no sanitary defects were identified. ()

ii. If the Department reviews the completed Level 1 report or form and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Department will consult with the owner or operator of the system. If the Department requires revisions after consultation, the

system owner or operator must submit a revised assessment report or form to the Department on an agreed-upon schedule not to exceed thirty (30) days from the date of consultation. ()

iii. Upon completion and submission of the assessment report or form by the system owner or operator, the Department will determine if the system has identified a likely cause for the Level 1 trigger and, if so, establish that the system has corrected the problem, or has included a schedule acceptable to the Department for correcting the problem. ()

d. Level 2 Assessments. A system owner or operator must ensure that a Level 2 assessment is conducted if the system exceeds one of the treatment technique triggers in Subsection 305.01.b. The owner or operator must comply with any expedited actions or additional action required by the Department in the case of an *E.coli* MCL violation. ()

i. The system owner or operator must ensure that a Level 2 assessment is conducted by the Department or a party approved by the Department as described in Subsection 305.03 as soon as practical after any trigger in Subsection 305.01.b. and must submit a completed Level 2 assessment report or form to the Department within 30 (thirty) days after the system learns that it has exceeded a trigger if the assessment was conducted by a party other than the Department. ()

ii. The Department will schedule and conduct Level 2 assessments for an *E.coli* treatment technique trigger in Subsection 305.01.b.i. unless the Department approves another party to conduct the assessment as outlined in Subsection 305.03. ()

iii. A second or any additional triggered Level 2 Assessment within a rolling twelve-month period must be conducted by a Department approved third party even if the public water system has staff or management approved under Subsection 305.03. ()

iv. The completed assessment report or form must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment report or form may also note that no sanitary defects were identified. ()

v. If the Department reviews the completed Level 2 report or form and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Department will consult with the owner or operator of the system. If the Department requires revisions after consultation, the system owner or operator must submit a revised assessment report or form to the Department on an agreed-upon schedule not to exceed 30 (thirty) days from the date of consultation. ()

vi. Upon completion and submission of the assessment report or form by the system owner or operator, the Department will determine if the system has identified a likely cause for the Level 2 trigger and, if so, establish that the system has corrected the problem, or has included a schedule acceptable to Department for correcting the problem. ()

e. Corrective action. Systems must correct sanitary defects found through either Level 1 or Level 2 assessments conducted under this section. For corrections not completed by the time of submission of the assessment report or form, the system must complete the corrective action(s) in compliance with a timetable approved by the Department in consultation with the system. The system must notify the Department when each scheduled corrective action is completed. ()

f. Consultation. At any time during the assessment or corrective action phase, either the water system or the Department may request a consultation with the other party to determine the appropriate actions to be taken. The system may consult with the Department on all relevant information that may impact its ability to comply with a requirement of this Section, including the method of accomplishment, an appropriate timeframe, and other relevant information. ()

03. Approved Parties for Level 2 Assessments. The system may conduct a Level 2 assessment if the system has staff or management with the certification or qualifications outlined in this Subsection or if the system hires parties that meet the qualifications in this Subsection. The following parties are approved by the Department to

conduct Level 2 assessments: ()

a. The Department or persons contracted with the Department who are trained to conduct sanitary surveys: ()

b. Currently licensed operators in good standing that are licensed through the Idaho Bureau of Occupational Licensing with a drinking water classification of Distribution I through IV or Treatment I through IV and that are licensed at least to the classification level of the public water system requiring the Level 2 assessment; or ()

c. Licensed professional engineers licensed by the state of Idaho and qualified by education and experience in the specific technical fields involved in these rules. ()

(BREAK IN CONTINUITY OF SECTIONS)

552. OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.

01. Quantity and Pressure Requirements. Design requirements regarding pressure analysis are found in Section 542.13. (5-8-09)

a. Minimum Capacity. The capacity of a public drinking water system shall be at least eight hundred (800) gallons per day per residence. (5-8-09)

i. The minimum capacity of eight hundred (800) gallons per day shall be the design maximum day demand rate exclusive of irrigation and fire flow requirements. (5-8-09)

ii. The minimum capacity of eight hundred (800) gallons per day is only acceptable if the public drinking water system has equalization storage of finished water in sufficient quantity to compensate for the difference between a water system's maximum pumping capacity and peak hour demand. (5-8-09)

iii. The design capacity of a public drinking water system for material modifications may be less than eight hundred (800) gallons per day per residence if the water system owner provides information that demonstrates to the Department's satisfaction the maximum day demand for the system, exclusive of irrigation and fire flows, is less than eight hundred (800) gallons per day per residence. (5-8-09)

b. Pressure. All public water systems shall meet the following requirements: (4-7-11)

i. Any public water system shall be capable of providing sufficient water during maximum day demand conditions, including fire flow where provided, to maintain a minimum pressure of twenty (20) psi throughout the distribution system, at ground level, as measured at the service connection or along the property line adjacent to the consumer's premises. (4-7-11)

ii. Public Notification. (4-4-13)

(1) During unplanned or emergency situations, when water pressure within the system is known to have fallen below twenty (20) psi, the water supplier must notify the Department, provide public notice to the affected customers within twenty-four (24) hours, and disinfect or flush the system as appropriate. When sampling and corrective procedures have been conducted and after determination by the Department that the water is safe, the water supplier may re-notify the affected customers that the water is safe for consumption. The water supplier shall notify the affected customers if the water is not safe for consumption. (4-4-13)()

(2) During planned maintenance or repair situations, when water pressure within the system is expected to fall below twenty (20) psi, the water supplier must provide public notice to the affected customers prior to the planned maintenance or repair activity and shall ensure that the water is safe for consumption. (4-4-13)

iii. If an initial investigation by the water supplier fails to discover the causes of inadequate or excessive pressure, the Department may require the water supplier to conduct a local pressure monitoring study to diagnose and correct pressure problems. Compliance with these requirements by water systems that do not have a meter vault or other point of access at the service connection or along the property line adjacent to the consumer's premises where pressure in the distribution system can be reliably measured shall be determined by measurements within the consumer's premises, or at another representative location acceptable to the Department. (4-4-13)

iv. Copies of pressure monitoring study reports required under Subsection 552.01.b.iii. detailing study results and any resulting corrective actions planned or performed by the public water system shall be submitted to the Department in accordance with these rules. (4-7-11)

v. The following public water systems or service areas of public water systems shall maintain a minimum pressure of forty (40) psi throughout the distribution system, during peak hour demand conditions, excluding fire flow, measured at the service connection or along the property line adjacent to the consumer's premises. (5-8-09)

(1) Any public water system constructed or substantially modified after July 1, 1985. (5-8-09)

(2) Any new service areas. (5-8-09)

(3) Any public water system that is undergoing material modification where it is feasible to meet the pressure requirements as part of the material modification. (5-8-09)

vi. Any public water system shall keep static pressure within the distribution system below one hundred (100) psi and should ordinarily keep static pressure below eighty (80) psi. Pressures above one hundred (100) psi shall be controlled by pressure reducing valve stations installed in the distribution main. In areas where failure of installed pressure reducing valve stations would result in extremely high pressure, pressure relief valves may be required. The Department may approve the use of pressure reducing devices at individual service connections on a case by case basis, if it can be demonstrated that higher pressures in portions of the distribution system are required for efficient system operation. If system modification will cause pressure to routinely exceed eighty (80) psi, or if a check valve or an individual pressure reducing device is added to the service line, the water system owner shall notify affected customers. Notification may include reasons for the elevated pressure, problems or damage that elevated pressure can inflict on appliances or plumbing systems, and suggested procedures or mitigation efforts affected property owners may initiate to minimize problems or damage. (4-4-13)

vii. The Department may allow the installation of booster pump systems at individual service connections on a case by case basis. However, such an installation may only occur with the full knowledge and agreement of the public water system, including assurance by the water system that the individual booster pump will cause no adverse effects on system operation. (4-11-06)

viii. For elevated storage tanks, pressure calculations during peak hour demand shall be based on the lowest water level after both operational storage and equalization storage have been exhausted. Pressure calculations during fire flow demands shall be based on the lowest water level after operational storage, equalization storage, and fire suppression storage have been exhausted. (4-4-13)

ix. For hydropneumatic tanks, pressure calculations shall be based on the lowest pressure of the pressure cycle and this requirement shall be noted in the operation and maintenance manual. (4-4-13)

c. Fire Flows. Any public water system designed to provide fire flows shall ensure that such flows are compatible with the water demand of existing and planned fire-fighting equipment and fire fighting practices in the area served by the system. (5-3-03)

d. Irrigation Flows. (12-1-92)

i. Any public water system constructed after November 1, 1977, shall be capable of providing water for uncontrolled, simultaneous foreseeable irrigation demand, which shall include all acreage that the system is designed to irrigate. (5-3-03)

(1) The Department must concur with assumptions regarding the acreage to be irrigated. In general, an assumption that no outside watering will occur is considered unsound and is unlikely to be approved. (5-3-03)

(2) An assumption of minimal outside watering, as in recreational subdivisions, may be acceptable if design flows are adequate for maintenance of “green zones” for protection against wildland fire. (5-3-03)

ii. The requirement of Subsection 552.01.d.i. may be modified by the Department if: (5-3-03)

(1) A separate irrigation system is provided; or (12-10-92)

(2) The supplier of water can regulate the rate of irrigation through its police powers, and the water system is designed to accommodate a regulated rate of irrigation flow. The Department may require the water system to submit a legal opinion addressing the enforceability of such police powers. (5-3-03)

iii. If a separate non-potable irrigation system is provided for the consumers, all mains, hydrants and appurtenances shall be easily identified as non-potable. The Department must concur with a plan to ensure that each new potable water service is not cross-connected with the irrigation system. (5-3-03)

02. Ground Water. (12-10-92)

a. Public water systems constructed after July 1, 1985, and supplied by ground water, shall treat water within the system by disinfection if the ground water source is not protected from contamination. (12-10-92)

b. The Department may, in its discretion, require disinfection for any existing public water system supplied by ground water if the system ~~consistently exceeds the MCL for~~ **has repeated** coliform ~~present samples or~~ **E.coli MCL exceedances**, and if the system does not appear adequately protected from contamination. Adequate protection will be determined based upon at least the following factors: ~~(12-10-92)~~ **()**

i. Location of possible sources of contamination; (12-10-92)

ii. Size of the well lot; (12-10-92)

iii. Depth of the source of water; (12-10-92)

iv. Bacteriological quality of the aquifer; (12-10-92)

v. Geological characteristics of the area; and (12-10-92)

vi. Adequacy of development of the source. (12-10-92)

03. Operating Criteria. The operating criteria for systems that provide filtration shall be as follows: (4-4-13)

a. A project specific operation and maintenance manual shall be provided as required in Subsection 501.12. See definition of Operation and Maintenance Manual in Section 003 for the typical contents of an operation and maintenance manual and the included operations plan. For the operations plan in the operation and maintenance manual, additional guidance for several types of filtration systems can be found in the Department’s SWTR Compliance Guidance referenced in Subsection 002.02. (4-4-13)

b. The system shall conduct monitoring specified by the Department before serving water to the public in order to protect the health of consumers served by the system. (4-4-13)

c. New treatment facilities shall be operated in accordance with Subsection 552.03.b., and the system shall conduct monitoring specified by the Department for a trial period specified by the Department before serving water to the public in order to protect the health of consumers served by the system. (3-30-07)

04. Chlorination. Systems that regularly add chlorine to their water are subject to the provisions of Section 320. Systems using surface water or ground water under the direct influence of surface water, are subject to the disinfection requirements of Sections 300 and 518. (3-30-07)

a. Systems using only ground water that add chlorine for the purpose of disinfection, as defined in Section 003, are subject to the following requirements: (4-6-05)

i. Chlorinator and chlorine contact tank capacity shall be such that the system is able to demonstrate that it is routinely achieving four (4) logs (ninety-nine point ninety-nine percent) (99.99%) inactivation/removal of viruses. The required effective contact time will be specified by the Department. This condition must be attainable even when the plant design capacity coincides with anticipated maximum chlorine demands. (4-4-13)

ii. A detectable chlorine residual shall be maintained throughout the distribution system. (4-6-05)

iii. Automatic proportioning chlorinators are required where the rate of flow or chlorine demand is not reasonably constant. (4-4-13)

iv. Analysis for free chlorine residual shall be conducted at a location at or prior to the first service connection at least daily and records of these analyses shall be kept by the supplier of water for at least one (1) year. A report of all daily chlorine residual measurements for each calendar month shall be submitted to the Department no later than the tenth day of the following month. The frequency of measuring free chlorine residuals shall be sufficient to detect variations in chlorine demand or changes in water flow. (5-8-09)

v. If gas chlorination equipment is provided, a separate and ventilated room is required. (4-4-13)

vi. The Department may, in its discretion, require a treatment rate higher than that specified in Subsection 552.04.a.i. (3-30-07)

vii. When chlorine gas is used, chlorine leak detection devices and safety equipment shall be provided and equipped with both an audible alarm and a warning light. (5-8-09)

viii. The Department may require redundant chlorine pumping capabilities with automatic switchover for systems with documented source water contamination problems and that lack adequate storage to supply the system during a pump failure. (5-8-09)

b. Systems using only ground water that add chlorine for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination, are subject to the following requirements: (4-6-05)

i. Automatic proportioning chlorinators are required where the rate of flow or chlorine demand is not reasonably constant. (4-4-13)

ii. Analysis for free chlorine residual shall be made at a frequency that is sufficient to detect variations in chlorine demand or changes in water flow. (4-6-05)

c. Systems using only ground water that add chlorine for other purposes, such as oxidation of metals or taste and odor control, when the source(s) is known to be free of microbial contamination, must ensure that chlorine residual entering the distribution system after treatment is less than four (4.0) mg/L. The requirements in Subsection 552.04.b.ii. also apply if the system maintains a chlorine residual in the distribution system. (3-30-07)

05. Fluoridation. (12-1-92)

a. Commercial sodium fluoride, sodium silico fluoride and hydrofluosilicic acid which conform to the applicable American Water Works Association (AWWA) Standards, incorporated by reference into these rules at Subsection 002.01, are acceptable. Use of other chemicals shall be specifically approved by the Department. (3-30-07)

- b.** Fluoride compounds shall be stored in covered or unopened shipping containers. (3-30-07)
- c.** Provisions shall be made to minimize the quantity of fluoride dust. Empty bags, drums, or barrels shall be disposed of in a manner that will minimize exposure to fluoride dusts. (3-30-07)
- d.** Daily records of flow and amounts of fluoride added shall be kept. An analysis for fluoride in finished water shall be made at least weekly. Records of these analyses shall be kept by the supplier of water for five (5) years. (12-10-92)

06. Cross Connection Control Program - Community Water Systems. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the water system against contamination and pollution from cross connections through premises isolation, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Pursuant to Section 543, all suppliers of water for community water systems shall implement a cross connection control program to prevent the entrance to the system of materials known to be toxic or hazardous. The water purveyor is responsible to enforce the system's cross connection control program. The program will at a minimum include: (4-7-11)

- a.** An inspection program to locate cross connections and determine required suitable protection. For new connections, suitable protection must be installed prior to providing water service. (5-8-09)
- b.** Required installation and operation of adequate backflow prevention assemblies. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water should be selected from the AWWA Pacific Northwest Section Cross Connection Control Manual, the Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The assemblies must meet the requirements of Section 543 and comply with local ordinances. (4-4-13)
- c.** Annual inspections and testing of all installed backflow prevention assemblies by a tester licensed by a licensing authority recognized by the Department. Testing shall be done in accordance with the test procedures published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. See the USC Foundation Manual of Cross-Connection Control referenced in Subsection 002.02. (4-7-11)
- d.** Discontinuance of service to any structure, facility, or premises where suitable backflow protection has not been provided for a cross connection. (4-7-11)
- e.** Assemblies that cannot pass annual tests or those found to be defective shall be repaired, replaced, or isolated within ten (10) business days. If the failed assembly cannot be repaired, replaced, or isolated within ten (10) business days, water service to the failed assembly shall be discontinued. (4-4-13)

07. Cross Connection Control - Non-Community Water Systems. All suppliers of water for non-community water systems shall ensure that cross connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly. Backflow prevention assemblies shall be inspected and tested annually for functionality by an Idaho licensed tester, as specified in Subsections 552.06.c. and 552.06.e. (4-4-13)

08. Start-up Procedures For Seasonal Systems Subject To Subsections 100.01.a., c., and d. ()

a. Beginning April 1, 2016, all seasonal system owners and operators must demonstrate completion of a Department approved start-up procedure, including start-up sampling, prior to serving water to the public. The system owner or operator must submit information on a Department provided or approved form that includes a statement certifying that the system owner or operator followed proper start-up procedures. The form shall be submitted to the Department within 30 (thirty) days following the system's start-up date. ()

b. The Department may exempt any seasonal system from Subsection 552.08.a. if the entire distribution system remains pressurized during the entire period that the system is not operating, except that the systems that monitor less frequently than monthly must still monitor during the vulnerable period designated by the Department. The Department may exempt a seasonal system from Subsection 552.08.a. if the owner or operator of

the system meets all of the following conditions: ()

- i. Requests an exemption in writing to the Department for approval; ()
- ii. Demonstrates a clean compliance history as defined in Section 003 for a minimum of five (5) years; ()
- iii. Has no uncorrected significant deficiencies from the most recent sanitary survey; and ()
- iv. Total coliform samples submitted to a certified laboratory within 30 (thirty) days prior to serving water to the public demonstrate the absence of total coliform. ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.12 - RULES FOR ADMINISTRATION OF WATER POLLUTION CONTROL LOANS

DOCKET NO. 58-0112-1501

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting. Participation by telephone and web conferencing will be made available to the public. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meeting will be held as follows. Individuals interested in participating by telephone and web conferencing should contact the undersigned by July 9, 2015.

Tuesday, July 21, 2015, 9:00 a.m. to 12:30 p.m. MDT

**Department of Environmental Quality
Conference Room A
1410 N. Hilton, Boise, Idaho**

PRELIMINARY DRAFT: By July 1, 2015, the preliminary draft rule can be obtained at www.deq.idaho.gov/58-0112-1501 or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

DESCRIPTIVE SUMMARY: Congress recently amended the Clean Water Act's requirements for the State Revolving Fund (SRF) loan effort. The amendment requires that Idaho consider population trends and unemployment data, in addition to the existing criteria of median household income, when determining which borrowers will qualify for disadvantaged loan terms. This rule change incorporates the additional criteria for evaluating the eligibility for disadvantaged loans that are not already in the existing rule. The additional required elements are a result of the 2014 amendments to the Clean Water Act (LawPub.L. 113-121).

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Prospective grant and loan recipients, consulting engineers, grant and loan administrators, and other funding agencies may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the summer of 2015 and then present the final proposal to the Idaho Board of Environmental Quality for adoption of a pending rule in the fall of 2015. If adopted by the Board, the rule will be reviewed by the 2016 Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov, (208)373-0439.

For those who cannot participate by attending the scheduled meeting, written comments may be submitted by mail, fax or email at the address below. Written comments on the preliminary draft rule must be received by August 4, 2015. For information regarding submission of written comments on subsequent drafts of the negotiated rule, to receive copies of submitted written comments, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

Dated this 1st Day of July, 2015.

Paula J. Wilson, Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The written comment submission deadline is July 22, 2015 unless otherwise noted.
Public hearing request deadline is July 15, 2015 unless otherwise noted.
(Temp & Prop) indicates the rule is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0214-1501, Rules for Weights and Measures. Incorporates by reference the 2016 edition of the National Institute of Standard and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.

02-0602-1501, Rules Pertaining to the Idaho Commercial Feed Law. Incorporates by reference the 2016 edition of Official Publication of the Association of American Feed Control Officials (AAFCO).

02-0612-1501, Rules Pertaining to the Idaho Fertilizer Law. Incorporates by reference the 2016 edition of Official Publication of the Association of American Plant Food Control Officials (AAFCO).

02-0641-1501, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. Incorporates by reference the 2016 edition of Official Publication of the Association of American Plant Food Control Officials (AAFCO).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

16-0201-1401, Rules of the Idaho Time Sensitive Emergency System Council. New chapter sets standards, regions, regional committees, fees, and other requirements for the time sensitive emergencies related to trauma.

16-0309-1503, Medicaid Basic Plan Benefits. Aligns rules with federal statutes by clarifying exceptions regarding third party liability for early and periodic screening and diagnosis services that are billed to third-party insurers.

IDAPA 35 - IDAHO STATE TAX COMMISSION PO Box 36, Boise, ID 83722-0410

35-0103-1503, Property Tax Administrative Rules. (Temp & Prop) personal property replacement revenue is added back to the tort budget when computing the school district hypothetical new construction levy; personal property recovered after 2013 for which no state replacement money is paid is noted to be deducted from the budget; recoveries related to personal property exempt in 2013 the recovery is to be paid to the state and future replacement amounts are to be reduced by the amount of such recovery; enacts HB 76 by adding the school emergency levy to the list of funds which provides that the current equalized assessed value (includes any increment value) to compute the levy rate.

35-0105-1501, Idaho Motor Fuels Tax Administrative Rules. (Temp & Prop) Removes the specific tax rate and adds the formula to compute the fuel tax on gaseous special fuels.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**PO Box 83720, Boise, ID 83720-0078**

58-0108-1501, Idaho Rules for Public Drinking Water Systems. Incorporates by reference the federal Revised Total Coliform Rule (RTCR) (40 CFR 141, Subpart Y) which addresses the definitions, sample siting plans, MCLs, assessment triggers and requirements, and monitoring and reporting requirements.

NOTICE OF ADOPTION OF TEMPORARY RULE**IDAPA 08 - STATE BOARD OF EDUCATION/DEPARTMENT OF EDUCATION**

08-0202-1503, Rules Governing Uniformity (eff. 5/20/15)T

08-0501-1502, Rules Governing Seed and Plant Certification (eff. 5/20/15)T

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17-0209-1503, Medical Fees (eff. 7-1-15)T

IDAPA 35 - IDAHO STATE TAX COMMISSION

35-0103-1502, Property Tax Administrative Rules (eff. 7-1-15)T

NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKINGS**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

02-0421-1501, Rules Governing the Importation of Animals (Mtg scheduled for July 23rd)

02-0429-1501, Rules Governing Trichomoniasis (Mtg scheduled for July 23rd)

02-0622-1501, Noxious Weed Rules (Mtg scheduled for July 14th)

02-0625-1501, Rules Governing the Planting of Beans, Other than Phaseolus Species, in Idaho (Mtg scheduled for July 22nd)

IDAPA 09 - DEPARTMENT OF LABOR

09-0106-1501, Rules of the Appeals Bureau (Respond by July 16th)

IDAPA 13 - DEPARTMENT OF FISH AND GAME

13-0111-1501, Rules Governing Fish (Respond by July 22nd)

13-0117-1501, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals (Respond by July 22nd)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16-0318-1501, Medicaid Cost-Sharing (Mtg scheduled for July 21st)

16-0612-1501, Rules Governing the Idaho Child Care Program (ICCP) (Mtg scheduled for July 9th)

IDAPA 18 - DEPARTMENT OF INSURANCE

18-0127-1501, Self-Funded Employee Health Care Plans Rule (Mtg scheduled for July 27th)

18-0144-1501, Schedule of Fees, Licenses, and Miscellaneous Charges (Mtg scheduled for July 27th)

18-0160-1501, Long-Term Care Insurance Minimum Standards (Mtg scheduled for July 28th)

IDAPA 27 - BOARD OF PHARMACY

27-0101-1501, Rules of the Idaho State Board of Pharmacy (Mtg scheduled for July 13th)

IDAPA 35 - IDAHO STATE TAX COMMISSION

35-0101-1501, Income Tax Administrative Rules (Mtg scheduled for July 8th)

35-0103-1504, Property Tax Administrative Rules

35-0105-1502, Idaho Motor Fuels Tax Administrative Rules (Respond by July 22nd)

35-0112-1501, Idaho Beer Tax Administrative Rules (Mtg scheduled for July 23rd)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39-0313-1501, Rules Governing Overlegal Permits

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0104-1501, Rules for Administration of Wastewater Treatment Facility Grants (Mtg scheduled for July 21st)

58-0112-1501, Rules for Administration of Water Pollution Control Loans (Mtg scheduled for July 21st)

Please refer to the Idaho Administrative Bulletin, **July 1, 2015, Volume 15-7**, for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at adminrules.idaho.gov.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Fax: 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

April 11, 2015 -- July 1, 2015

(eff. PLR) - Final Effective Date Is Pending Legislative Review And Approval

(eff. date)L - Denotes Adoption by Legislative Action

(eff. date)T - Temporary Rule Effective Date

SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes rules promulgated before April 11, 2015 that are still in process and all current rulemakings promulgated after April 11, 2015 - Sine Die, 2015 Legislative Session.)

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02-0214-1501 Proposed Rulemaking, Bulletin Vol. 15-7

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02-0421-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

02.04.29, Rules Governing Trichomoniasis

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02.06.12, Rules Pertaining to the Idaho Fertilizer Law

02-0612-1501 Proposed Rulemaking, Bulletin Vol. 15-7

02.06.22, Noxious Weed Rules

02-0622-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

02.06.25, Rules Governing the Planting of Beans, other than Phaseolus Species, in Idaho

02-0625-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

02-0641-1501 Proposed Rulemaking, Bulletin Vol. 15-7

IDAPA 07 -- DIVISION OF BUILDING SAFETY

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules for Minimum Safety Standards and Practices for Logging Operations - Senate Bill No. 1001, Bulletin Vol. 15-7 (eff. 7-1-15)

07-0901-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules Concerning Safety and Health for Places of Public Employment - Senate Bill No. 1001, Bulletin Vol. 15-7 (eff. 7-1-15)

07.02.03, Rules Governing Permit Fee Schedule

07-0203-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.02.05, Rules Governing Plumbing Safety Licensing

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07-0205-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.02.06, Rules Concerning Uniform Plumbing Code

07-0206-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.03.01, Rules of Building Safety

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07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks

07-0402-1501 Adoption of Temporary Fee Rule, Bulletin Vol. 15-6 (eff. 5-1-15)T

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules for Minimum Safety Standards and Practices for Logging Operations - Senate Bill No. 1001 Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.01, Idaho Minimum Safety Standards and Practices for Logging - General Provisions

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.02, Idaho Minimum Safety Standards and Practices for Logging - Health, Safety, and Sanitation

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.03, Idaho Minimum Safety Standards and Practices for Logging - Explosives and Blasting

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.04, Idaho Minimum Safety Standards and Practices for Logging - Garages, Machine Shops, and Related Work Areas

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.05, Idaho Minimum Safety Standards and Practices for Logging - Signals and Signal Systems

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.06, Idaho Minimum Safety Standards and Practices for Logging - Truck Road Standards

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.07, Idaho Minimum Safety Standards and Practices for Logging - Transportation of Employees

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.08, Idaho Minimum Safety Standards and Practices for Logging - Falling and Bucking

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.09, Idaho Minimum Safety Standards and Practices for Logging - Rigging, Lines, Blocks, and Shackles

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.10, Idaho Minimum Safety Standards and Practices for Logging - Canopy and Canopy Construction for Logging Equipment

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.11, Idaho Minimum Safety Standards and Practices for Logging - Skidding and Yarding

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.12, Idaho Minimum Safety Standards and Practices for Logging - Road Transportation

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.13, Idaho Minimum Safety Standards and Practices for Logging - Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.14, Idaho Minimum Safety Standards and Practices for Logging - Helicopter Logging

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.15, Idaho Minimum Safety Standards and Practices for Logging - Commonly Used Logging Terms

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07.08.16, Idaho Minimum Safety Standards and Practices for Logging - Recommended Safety Program

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07-0901-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules Concerning Safety and Health for Places of Public Employment - Senate Bill No. 1001
Bulletin Vol. 15-7 (eff. 7-1-15)

07.09.01, Safety and Health Rules for Places of Public Employment

07-0901-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to DBS,
Bulletin Vol. 15-7 (eff. 7-1-15)

**IDA PA 08 -- IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**

08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program

08-0109-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

08-0113-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.02.01, Rules Governing Administration

08-0201-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.02.02, Rules Governing Uniformity

08-0202-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08-0202-1502* Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6 (*Rulemaking Terminated)

08-0202-1503 Notice of Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 5-20-15)T

08.02.03, Rules Governing Thoroughness

08-0203-1501 Adoption of Temporary Rule, Bulletin Vol. 15-2 (eff. 1-22-15)T

08-0203-1502 Adoption of Temporary Rule, Bulletin Vol. 15-4 (eff. 2-19-15)T

08-0203-1503 Proposed Rulemaking, Bulletin Vol. 15-6

08-0203-1504 Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (4-16-15)T

08-0203-1505 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho

08-0501-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08-0501-1502 Notice of Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 5-20-15)T

IDA PA 09 -- IDAHO DEPARTMENT OF LABOR

09.01.06, Rules of the Appeals Bureau

09-0106-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

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AND PROFESSIONAL LAND SURVEYORS**

10.01.01, Rules of Procedure

10-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

10-0101-1502 Adoption of Temporary Rule, Bulletin Vol. 15-6 (eff. 7-1-15)T

10.01.02, Rules of Professional Responsibility

10-0102-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

10.01.04, Rules of Continuing Professional Development

10-0104-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

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ALCOHOL BEVERAGE CONTROL BUREAU

11.05.01, Rules Governing Alcohol Beverage Control

11-0501-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-10

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13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

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13.01.11, Rules Governing Fish

13-0111-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

13-0116-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

13-0117-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

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Executive Order No. **2015-02** Bulletin Vol. 15-5

Executive Order No. **2015-01** Bulletin Vol. 15-5

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15.06.05, Hazardous Substance Response Rules

15-0605-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE

16.01.05, Emergency Medical Services (EMS) -- Education, Instructor, & Examination Requirements

16-0105-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-3

16-0105-1501 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-4

16-0105-1501 (Third) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-5

16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements

16-0107-1501 Temporary and Proposed Rulemaking, Bulletin Vol. 15-1 (eff. 1-1-15)T

16-0107-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

16-0107-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

16-0107-1502 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

- 16-0201-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-9
- 16-0201-1401** Notice of Adoption of Temporary Rule (New Chapter - Fee Rule), Bulletin Vol. 15-2 (eff. 1-1-15)T
- 16-0201-1401** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T
- 16-0201-1401** Proposed Rulemaking and Amendment to Temporary Rule (New Chapter - Fee Rule), Bulletin Vol. 15-7 (eff. 7-1-15)T

16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)

- 16-0219-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0219-1501** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0309-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0309-1503** Proposed Rulemaking, Bulletin Vol. 15-7

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

16.03.11, Rules Governing Intermediate Care Facilities for People with Intellectual Disabilities (ICF/ID)

- 16-0311-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 16-0311-1401** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9
- 16-0311-1402*** Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 14-9
- 16-0311-1401** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0311-1402*** Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0311-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)
- 16-0311-1402*** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

(*Rulemaking renames chapter from: "Rules Governing Intermediate Care Facilities For People With Intellectual Disabilities (ICF/ID)" to: "Intermediate Care Facilities for People with Intellectual Disabilities (ICFs/ID)"

16.03.13, Consumer-Directed Services

- 16-0313-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

16.03.18, Medicaid Cost-Sharing

- 16-0318-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

16.03.19, Rules Governing Certified Family Homes

- 16-0319-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0319-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 15-6

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

16.07.17, Alcohol and Substance Use Disorders Services

- 16-0717-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs

- 16-0720-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.07.33, Adult Mental Health Services

- 16-0733-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 16-0733-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 16-0733-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

IDAPA 17 -- INDUSTRIAL COMMISSION

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules for Minimum Safety Standards and Practices for Logging Operations - Senate Bill No. 1001 Bulletin Vol. 15-7 (eff. 7-1-15)

17-1001-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules Concerning Safety and Health for Places of Public Employment - Senate Bill No. 1001 Bulletin Vol. 15-7 (eff. 7-1-15)

17.02.06, Employers' Reports

17-0206-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.07, Procedures to Obtain Compensation

17-0207-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.08, Miscellaneous Provisions

17-0208-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.09, Medical Fees

17-0209-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0209-1401 Notice of Public Hearing and Extension of Comment Period, Bulletin Vol. 14-11

17-0209-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0209-1501 Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T

17-0209-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

17-0209-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

17-0209-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17-0209-1503 Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 7-1-15)T

17.02.10, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Insurance Carriers

17-0210-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Self-Insured Employers

17-0211-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.05.01, Rules Under the Crime Victims Compensation Act

17-0501-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0501-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0501-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules for Minimum Safety Standards and Practices for Logging Operations - Senate Bill No. 1001 Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.01)

17.08.01, Idaho Minimum Safety Standards and Practices for Logging - General Provisions

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.02)

17.08.02, Idaho Minimum Safety Standards and Practices for Logging - Health, Safety, and Sanitation

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.03)

17.08.03, Idaho Minimum Safety Standards and Practices for Logging - Explosives and Blasting
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.04)

**17.08.04, Idaho Minimum Safety Standards and Practices for Logging - Garages, Machine Shops,
and Related Work Areas**
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.05)

17.08.05, Idaho Minimum Safety Standards and Practices for Logging - Signals and Signal Systems
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.06)

17.08.06, Idaho Minimum Safety Standards and Practices for Logging - Truck Road Standards
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.07)

17.08.07, Idaho Minimum Safety Standards and Practices for Logging - Transportation of Employees
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.08)

17.08.08, Idaho Minimum Safety Standards and Practices for Logging - Falling and Bucking
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.09)

17.08.09, Idaho Minimum Safety Standards and Practices for Logging - Rigging, Lines, Blocks, and Shackles
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.10)

**17.08.10, Idaho Minimum Safety Standards and Practices for Logging - Canopy and Canopy Construction
for Logging Equipment**
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.11)

17.08.11, Idaho Minimum Safety Standards and Practices for Logging - Skidding and Yarding
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.12)

17.08.12, Idaho Minimum Safety Standards and Practices for Logging - Road Transportation
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.13)

**17.08.13, Idaho Minimum Safety Standards and Practices for Logging - Log Dumps, Landing, Log Handling
Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and
Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists**
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.14)

17.08.14, Idaho Minimum Safety Standards and Practices for Logging - Helicopter Logging
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.15)

17.08.15, Idaho Minimum Safety Standards and Practices for Logging - Commonly Used Logging Terms
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.16)

17.08.16, Idaho Minimum Safety Standards and Practices for Logging - Recommended Safety Program
17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

17-1001-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules Concerning Safety and Health for Places of Public Employment - Senate Bill No. 1001
Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.09.01)

17.10.01, Safety and Health Rules for Places of Public Employment
17-1001-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to DBS,
Bulletin Vol. 15-7 (eff. 7-1-15)

IDAPA 18 -- DEPARTMENT OF INSURANCE

18.01.27, Self-Funded Employee Health Care Plans Rule

18-0127-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges

18-0144-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

18.01.60, Long-Term Care Insurance Minimum Standards

18-0160-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

IDAPA 20 -- DEPARTMENT OF LANDS

20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands

20-0316-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

20.07.01, Rules of Practice and Procedure Before the Idaho Oil And Gas Conservation Commission

20-0701-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

IDAPA 23 -- BOARD OF NURSING

23.01.01, Rules of the Idaho Board of Nursing

23-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

23-0101-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

23-0101-1503 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

IDAPA 27 -- BOARD OF PHARMACY

27.01.01, Rules of the Idaho State Board of Pharmacy

27-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

IDAPA 35 -- STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules

35-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

35.01.02, Idaho Sales and Use Tax Administrative Rules

35-0102-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

35-0102-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

35.01.03, Property Tax Administrative Rules

35-0103-1501 Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T

35-0103-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

35-0103-1502 Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 7-1-15)T

35-0103-1503 Temporary and Proposed Rulemaking, Bulletin Vol. 15-7 (eff. 7-1-15)T

35-0103-1504 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

35.01.05, Motor Fuels Tax Administrative Rules

35-0105-1501 Temporary and Proposed Rulemaking, Bulletin Vol. 15-7 (eff. 7-1-15)T

35-0105-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

35.01.12, Idaho Beer Tax Administrative Rules

35-0112-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

IDAPA 37 -- DEPARTMENT OF WATER RESOURCES

37.03.13, The Water Management Rules

37-0313-9701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 97-12

37-0313-9701 Proposed Rulemaking, Bulletin Vol. 98-10

37-0313-9701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION

38.04.04, Rules Governing Capitol Mall Parking

38-0404-1501 Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (eff. 7-1-15)T

38.04.07, Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities

38-0407-1501 Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (eff. 7-1-15)T

IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT

39.02.03, Rules Governing Vehicle Dealer's Principle Place of Business

39-0203-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

39.03.13, Rules Governing Overweight Permits

39-0313-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS

46.01.01, Rules of the State of Idaho Board of Veterinary Medicine

46-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

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58.01.02, Water Quality Standards

- 58-0102-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-9
- 58-0102-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-3

58.01.04, Rules for Administration of Wastewater Treatment Facility Grants

- 58-0104-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

58.01.08, Idaho Rules for Public Drinking Water Systems

- 58-0108-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 58-0108-1501** Proposed Rulemaking, Bulletin Vol. 15-7

58.01.11, Ground Water Quality Rule

- 58-0111-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (eff. 6-1-15)T

58.01.12, Rules for Administration of Water Pollution Control Loans

- 58-0112-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

58.01.25, Rules Regulating Idaho Pollutant Discharge Elimination System Program

- 58-0125-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-11

IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

59.01.03, PERSI Contribution Rules

- 59-0103-1402** Adoption of Temporary Rule, Bulletin Vol. 14-12 (eff. 10-21-14)T
- 59-0103-1403** Adoption of Temporary Rule, Bulletin Vol. 14-12 (eff. 10-21-14)T
- 59-0103-1402** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 10-21-14)T
- 59-0103-1403** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 10-21-14)T
- 59-0103-1402** Proposed Rulemaking, Bulletin Vol. 15-6
- 59-0103-1403** Proposed Rulemaking, Bulletin Vol. 15-6

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