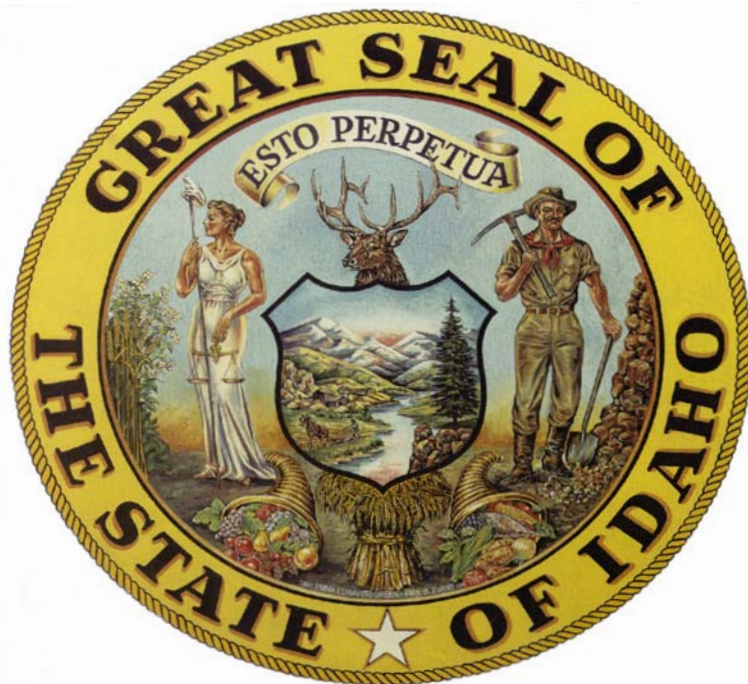


# IDAHO ADMINISTRATIVE BULLETIN

December 2, 2015 -- Volume 15-12

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# IDAHO ADMINISTRATIVE BULLETIN

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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 December 2015 Bulletin is cited as Volume **15-12**.

## 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](http://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](http://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](http://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	<b>*November 28, 2014</b>	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	<b>**September 4, 2015</b>	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	<b>*November 27, 2015</b>	January 6, 2016	January 27, 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	<b>**September 2, 2016</b>	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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<b>IDAPA 44</b>	<b>Administrative Rules Coordinator</b> , Office of the
<b>IDAPA 02</b>	<b>Agriculture</b> , Idaho Department of
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**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2015-07**

**ESTABLISHING THE IDAHO CYBERSECURITY CABINET TASKFORCE**

---

*WHEREAS, the 2014 Cyber Summit created awareness for public and private sectors on the threats and vulnerabilities of today's networks; and*

*WHEREAS, cyberattacks currently present a significant and ongoing threat to Idaho's cybersecurity and the sensitive information contained therein; and*

*WHEREAS, establishing a state taskforce for cybersecurity that would implement strategies and processes that would seek to detect vulnerabilities, prevent future attacks and protect state governmental networks would significantly decrease the threat; and*

*WHEREAS, Idaho's ability to manage and mitigate damage from cyber-attacks will be greatly enhanced by a skilled cybersecurity taskforce versed in strategies for prevention, mitigation and education on the subject;*

*NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby order:*

1. *The creation of the Idaho Cybersecurity Task force (the "Task force").*
2. *The Task force shall consist of members appointed by the Governor, and the Governor will select a Chairman from among the members.*
3. *The members shall serve at the pleasure of the Governor.*
4. *The Taskforce shall include representatives from:*
  - a. *Bureau of Homeland Security;*
  - b. *Idaho State Police;*
  - c. *Department, of Administration;*
  - d. *Tax Commission;*
  - e. *Idaho Transportation Department;*
  - f. *Dept. of Health and Welfare;*
  - g. *State Colleges and Universities; and*
  - h. *Other agencies as directed by the Governor.*
5. *Participation by the following federal agencies is encouraged and would further enhance the objectives of the Task force: Department of Homeland Security, Federal Bureau of Investigation, and the Idaho National Laboratory.*
6. *Additional specialists or those from the private sector may be appointed by the Governor to serve as advisors to the Task Force, as needed.*
7. *The duties, power and authorities of the Task force shall include:*
  - a. *Identifying and detecting threats and vulnerabilities in the State's technology systems;*
  - b. *Recommending best practices to state and local government for the security of systems and information;*
  - c. *Educating the public and public sector about cybersecurity;*
  - d. *Implementing best practices and policies for the ongoing cybersecurity of the State, while evaluating existing practices; and*
  - e. *Promoting and facilitating education and awareness of the threats posed by cybercrime and preventative measures to ensure cybersecurity.*
8. *The Task force will compile a report annually with findings and recommendations that focus on:*
  - a. *Statistics on current cyberattacks;*

- b. *The most up to date preventative strategies;*
  - c. *Goals for the upcoming year; and*
  - d. *Educational resources available for the public.*
9. *The Taskforce shall also be responsible for such other duties as assigned by the Governor.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of July, in the year of our Lord two thousand and fifteen, and of the independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.*

C.L. "BUTCH" OTTER  
GOVERNOR

LAWRENCE DENNEY  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2015-08**

**AMENDING AND RESTATING EXECUTIVE ORDER NO. 2010-05 ESTABLISHING THE  
GOVERNOR'S COMMISSION ON SERVICE AND VOLUNTEERISM**

---

*WHEREAS, there is a compelling need for more civic participation to solve community and state problems and to address many unmet social, environmental, educational and disaster preparedness needs; and*

*WHEREAS, promoting the capability of Idaho's people, communities and enterprises to work together is vital to the long-term prosperity of this state; and*

*WHEREAS, building and encouraging community collaboration and service is an integral part of Idaho's future well-being and requires cooperative efforts by the public and private sectors; and*

*WHEREAS, the development of a National Service Program in Idaho requires an administrative vehicle conforming with federal guidelines as set forth in the National and Community Service Trust Act of 1993 as reauthorized and reformed by the Serve America Act of 2009;*

*NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby order:*

1. *The Governor's Commission on Service and Volunteerism will be known as Serve Idaho, with a tag line of "The Governor's Commission on Service and Volunteerism."*
2. *Serve Idaho ("the Commission") is hereby established to advise and assist in development and implementation of a comprehensive statewide plan for promoting volunteer involvement and citizen participation in Idaho, as well as to serve as the State's liaison to national, state and community organizations which support the intent of the Serve America Act of 2009 ("the Act").*
3. *The Commission will be composed of no fewer than 15 and no more than 25 voting members to be appointed by the Governor in compliance with federal guidelines as described in the Act and as detailed below:*
  - a. *The Commission's membership shall include:*
    - i. *A representative from a community-based agency or organization in the state;*
    - ii. *The head of the State education agency or their designee;*
    - iii. *A representative from county or city government;*
    - iv. *A representative from local labor organizations;*
    - v. *A representative from the business sector;*
    - vi. *A representative a representative from a national service program;*
    - vii. *A representative from the volunteer sector;*
    - viii. *An individual between the ages of sixteen (16) and twenty-five (25), who is a participant in or supervisor of a service program for school-age youth, a campus- based or national service program;*
    - ix. *An individual with expertise in the educational, training and development needs of youth, particularly disadvantaged youth;*
    - x. *An individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism; and*
    - xi. *The Corporation for National and Community Service ("Corporation") will designate one of its employees to serve as an ex-officio member on the Commission;*
  - b. *Other members may include: educators, including representatives from institutions of higher education*

- and local education agencies; experts in the delivery of human, educational, environmental, or public safety services; representatives of Indian tribes; out-of-school youth or at-risk youth; and representatives of programs that are administered or receive assistance under the Domestic Volunteer Service Act.*
- c. All members of the Commission shall serve at the pleasure of the Governor.*
  - d. Not more than twenty-five (25) percent of the Commission and members may be employees of the State government, although the Governor may appoint additional state agency representatives to sit on the Commission as non-voting ex-officio members. Members may not vote on issues affecting organizations for which they have served as a staff person or volunteer at any time during the proceeding twelve (12) months.*
  - e. Not more than fifty (50) percent of the Commission plus one member may be from the same political party. To the maximum extent predictable, membership of the Commission shall be diverse with respect to race, ethnicity, age, gender, religion, and disability characteristics. Members will serve for a term of three years. One-third of the appointments to the first Commission will serve terms of one year; and one-third will serve terms of two years; one-third will serve terms of three years. Vacancies among the members shall be filled by the Governor to serve for the remainder of the unexpired term.*
  - f. The Commission will elect from among its members a chairperson.*
- 4. The Commission will have the following duties and responsibilities:*
- a. To develop a three-year comprehensive national and community service plan and establish state priorities;*
  - b. To administer a competitive process to select national service programs to be included in an application to the Corporation for National and Community Service for funding;*
  - c. To prepare an application to the Corporation to receive funding and/or educational awards for the programs designated in the Act;*
  - d. To assist the State Education Agency in preparing the application for subtitle B school-based service learning programs;*
  - e. To maintain fiduciary responsibility in the administration of all funds awarded by the Corporation for National and Community Service and other entities and to oversee and monitor the performance and progress of all programs and initiatives. The Department of Labor will serve as Serve Idaho's fiscal agent;*
  - f. To implement, in conjunction with the Corporation, comprehensive, non-duplicative evaluation and monitoring systems;*
  - g. To assist in developing programs pursuant to the Act;*
  - h. To develop mechanisms for recruiting and placement of people interested in participating in national service programs;*
  - i. To assist in the provision of health and childcare benefits to eligible program participants as specified by the regulations pertaining to the Act;*
  - j. To make recommendations to the Corporation with respect to priorities within the state for programs receiving assistance pursuant to the Act;*
  - k. To coordinate with other State agencies that administer federal financial assistance programs under the Community Service Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate federal financial*

- assistance programs;*
- l. To coordinate its functions with any division of the Corporation, that carries our volunteer service programs in Idaho; and*
  - m. To provide technical assistance to agencies, corporations, and other organizations seeking to develop, strengthen or expand their ability to meet critical needs of the community through service; and*
  - n. To reach out to and partner with national foundations and other organizations that support the intent of the Act and Serve Idaho; and*
  - o. Other activities as determined by the Governor to be necessary for the development and implementation of programs which enhance national and community service.*
- 5. Serve Idaho shall reside within the Idaho Department of Labor and the Department shall serve as the host agency for administration of the Commission. The Director of the Department shall appoint one (1) Commission Administrator and up to five (5) Commission staff members.*
- a. The Commission Administrator and all Commission staff shall be non-classified employees of the Department.*
  - b. The Commission Administrator shall select and supervise Commission staff members according to the Department's personnel policies and procedures.*
  - c. Evaluation of Commission staff members will be the responsibility of the Commission Administrator.*
  - d. Evaluation of the Commission Administrator will be the joint responsibility of the Director and the Commission Chair.*
- 6. The Commission and its activities shall be funded from federal, State, and other revenues appropriated to Serve Idaho. The Commission is authorized to accept funds, including public and private gifts and in-kind services, from other State and private entities.*
- 7. The Commission shall meet at least quarterly. Failure to attend at least seventy-five (75) percent of the meetings in any calendar year may result in removal from the Commission. A quorum shall consist of a simple majority of voting members.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 12th day of August, in the year of our Lord two thousand and fifteen, and of the independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.*

A handwritten signature in blue ink, reading 'C.L. Butch Otter', is written over a horizontal line.

C.L. "BUTCH" OTTER  
GOVERNOR

A handwritten signature in black ink, reading 'Lawrence Denney', is written over a horizontal line.

LAWRENCE DENNEY  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2015-09**

**DESIGNATION OF THE IDAHO WAR ON TERRORISM MEMORIAL**

---

*WHEREAS, Idaho citizens have served in our nation's military with pride and honor in times of war throughout our state's history; and*

*WHEREAS, Idaho citizens have served with honor and distinction, defending the people of America against terrorism around the world, most notably since the attacks on September 11, 2001; and*

*WHEREAS, Idaho has lost a significant number of citizens in military service to terrorist acts, from the attack on the Pentagon on September 11, 2001 to serving in combat zones halfway around the world; and*

*WHEREAS, our sovereignty and freedoms reflect the valor and heroism of those who go into harm's way to preserve the liberty and way of life of their friends, families and communities; and*

*WHEREAS, all citizens – military and civilian alike – have a responsibility to respect and pass on the legacy of those who bravely and selflessly serve our state and nation in the armed forces; and*

*WHEREAS, Idaho citizens funded and built a memorial on the Idaho Capitol Mall to honor Americans who served in our nation's military, and to foster eternal memories of those who died defending our freedoms against terrorism throughout the world;*

*NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order the designation of the*

*IDAHO WAR ON TERRORISM MEMORIAL  
on the Idaho Capitol Mall as the State of Idaho's official memorial to all Idaho military personnel who protected us from terrorism around the world since September 11, 2001.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 9th day of September, in the year of our Lord two thousand and fifteen, and of the independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.*

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C.L. "BUTCH" OTTER  
GOVERNOR

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LAWRENCE DENNEY  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2015-10**

**CONTINUING THE IDAHO CRIMINAL JUSTICE COMMISSION**

---

*WHEREAS, it is in the best interest of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, encourage dialogue among the respective branches of government to achieve this effectiveness and efficiency; and*

*WHEREAS, combating crime and protecting citizens from criminal deprecations is of vital concern to government; and*

*WHEREAS, communication and cooperation among the various elements of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and*

*WHEREAS, providing policy makers and criminal justice decision makers with accurate information results in better decisions, improving public safety and resulting in more efficient use of public resources; and*

*WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and the Crime Control Act of 2005, each state is encouraged to develop and implement a competitive mechanism for awarding certain federal grant funds; and*

*WHEREAS, Idaho's current criminal justice efforts and initiatives require clear strategic planning and continued coordination;*

*NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and the laws of the State of Idaho, do hereby establish the Idaho Criminal Justice Commission.*

- I. The Idaho Criminal Justice Commission ("Commission") shall consist of 25 members. The Commission members representing the judiciary will serve in a non-voting, advisory capacity. The Commission's membership shall be as follows:*
  - a. Ex Officio Members:*
    - i. The Attorney General or his designee;*
    - ii. The Director of the Idaho Department of Correction;*
    - iii. The Director of the Idaho State Police;*
    - iv. The Director of the Idaho Department of Juvenile Corrections;*
    - v. The Administrator of the Office of Drug Policy;*
    - vi. The Executive Director of the Idaho Association of Counties;*
    - vii. The Executive Director of the Idaho Commission of Pardons and Parole;*
    - viii. The Director of the Idaho Department of Health and Welfare;*
    - ix. The Administrative Director of the State Courts;*
    - x. The State Appellate Public Defender.*
  - b. Members Appointed By the Governor:*
    - i. A representative from the Governor's Office;*
    - ii. One (1) representative from the Idaho Prosecuting Attorneys Association;*
    - iii. One (1) representative from the Idaho Commission on Hispanic Affairs;*
    - iv. One (1) representative from the Idaho Sheriffs' Association;*

- v. *One (1) representative from the Idaho Chiefs of Police Association;*
  - vi. *A representative from the Idaho Department of Education; and*
  - vii. *Two (2) citizens at large with special consideration given to individuals within disciplines related to the purpose of the Commission.*
  - viii. *One (1) representative from the Idaho Public Defense Commission.*
- c. *Members designated by other officials:*
- i. *Two members from the Idaho Senate as designated by the President Pro Tempore;*
  - ii. *Two members from the Idaho House of Representatives as designated by the Speaker;*
  - iii. *Three (3) representatives from the judiciary as designated by the Chief Justice;*
2. *The purpose of the Commission shall be to provide policy-level direction and to promote efficient and effective use of resources, based on a data-driven approach and evidenced-based practices, for matters related to the State's criminal justice system. To that end it shall:*
- a. *Identify critical challenges facing the criminal justice system and recommend strategies to resolve them by;*
    - i. *Developing and adopting a three-year strategic plan to be reviewed annually;*
    - ii. *Analyzing the long-range needs of the criminal justice system;*
    - iii. *Assessing the cost-effectiveness, return on investment and performance measures of the use of State and local funds in the criminal justice system;*
    - iv. *Reviewing data and reporting relating to Idaho's implementation of the Justice Reinvestment Act.*
  - b. *Advise and develop recommendations for the Governor and the Legislature, when appropriate, on public policy and strategies to improve the State's criminal justice system.*
  - c. *Review and evaluate criminal justice policies and proposed legislation to determine the impact on the State's adult and juvenile justice systems.*
  - d. *Promote communication among criminal justice professionals and the respective branches of State and local government to improve professionalism, create partnerships, and improve cooperation and coordination at all levels of the criminal justice system.*
  - e. *Research and evaluate evidenced-based practices and use findings to influence decisions on policy.*
3. *All Commission members appointed by the Governor serve at the pleasure of the Governor.*
4. *The Governor may, at any time, increase the number of voting and non-voting members of the Commission.*
5. *The appointed and designated Commission members shall serve a term of four (4) years.*
6. *The Chair of the Commission shall be appointed by the Governor to serve at the pleasure of the Governor. A Vice-Chair shall be selected annually by the members of the Commission. The term of office of the Vice-Chair shall be one (1) year. The Chair and the Vice-Chair may succeed themselves as approved by the Governor.*
7. *The Commission shall receive administrative staff support from the State agencies represented on the Commission.*
8. *The Commission will meet no less than four times annually.*
9. *The Commission may appoint sub-committees consistent with the needs of the Commission to address*



10. *pertinent issues that merit more in-depth consideration.*
11. *Commission members will serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.*
12. *The Grant Review Council (“Council”) shall be established under the Commission and is charged with disbursing federal grant funding appropriated under provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; of the Violence Against Women Act of 1994, and other such federal grant programs as may come within the purview of the Idaho State Police with the overall mission of enhancing the efficiency and effectiveness of the criminal justice system in Idaho.*
  - a. *The Council shall consist of thirteen (13) members of the Idaho Criminal Justice Commission for the purpose of assisting the Idaho State Police in its distribution of grant funds. The Council membership shall be as follows:*
    - i. *The Attorney General or his or her designee;*
    - ii. *The Administrative Director of the State Courts;*
    - iii. *The Director of the Idaho Department of Correction;*
    - iv. *The Director of the Idaho State Police;*
    - v. *The Director of the Idaho Department of Juvenile Corrections;*
    - vi. *The Administrator of the Office of Drug Policy;*
    - vii. *One (1) representative from the Office of the Idaho State Appellate Public Defender;*
    - viii. *One (1) representative from the Idaho Prosecuting Attorneys Association;*
    - ix. *The Executive Director of the Idaho Association of Counties;*
    - x. *Two (2) citizens at large;*
    - xi. *One (1) representative from the Idaho Sheriffs’ Association;*
    - xii. *One (1) representative from the Idaho Chiefs of Police Association;*
  - b. *In addition, the Council shall consist of the following seven (7) members appointed by the Chair of the Commission upon recommendation by the Commission:*
    - i. *One (1) representative from the Idaho Council on Domestic Violence;*
    - ii. *One (1) representative from a statewide advocacy agency;*
    - iii. *One (1) prosecuting attorney;*
    - iv. *One (1) representative from the juvenile justice system;*
    - v. *One (1) representative from the misdemeanor probation system;*
    - vi. *One (1) Chief of Police;*
    - vii. *One (1) Sheriff;*
  - c. *The Chair of the Council shall be appointed by vote of the members of the Council and shall serve a term of four (4) years. The Chair will report to the Commission not less than annually on the activities, actions, and decisions of the Council regarding the distribution of grant funds.*
  - d. *Each member of the Council shall be entitled to one vote in the matters before them.*
  - e. *No member may participate in a vote for a direct award of funds in which the member receives personal pecuniary benefits, as defined by Idaho Code. Unless prohibited by federal grant restriction, when a member has authority over an entity or agency which has applied for a direct award of funds, the member shall disclose the relationship to the Council. Upon disclosure of such relationship, the member may vote upon the award unless the member requests to be excused.*
  - f. *Participation by Council members (or their designees) in the scoring and evaluation of the individual grant applications is required. Members not participating in the scoring and evaluation process will not be entitled to vote on the awarding of the application.*

- g. *Meetings of the Council shall be convened as determined necessary by the Chair of the Council, Chair of the Commission, or the Idaho State Police.*
- h. *The principal staff functions of the Council shall be located with the Idaho State Police.*
- i. *Members of the Council will receive travel reimbursement in accordance with Idaho State Police policy and procedures.*
- j. *The Council will establish by-laws in accordance with guidance provided by the Bureau of Justice Assistance and the Idaho State Police, and consistent with the Commission's long-term strategies.*
- k. *Members of the Council will receive training provided by the Idaho State Police and in conjunction with the Commission.*
- l. *Members of the Council will meet at least once a year to assist in strategic planning efforts with representatives from the Idaho State Police. The Council shall develop a strategic funding plan consistent with the statewide strategic planning efforts of the Commission.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 23rd day of September, in the year of our Lord two thousand and fifteen, and of the independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.*

C.L. "BUTCH" OTTER  
GOVERNOR

LAWRENCE DENNEY  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2015-11**

**REVIEWING THE PREPARATION AND ADMINISTRATION OF IDAHO'S PLAN UNDER  
THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT**

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*WHEREAS, the State of Idaho, in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. § 5601 ("JJDP"), is required to designate a State agency to supervise and administer Idaho's plan under the JJDP and to establish a State juvenile justice advisory group; and*

*WHEREAS, the first regular session of the 53rd Idaho Legislature established the Idaho Department of Juvenile Corrections ("Department") and amended existing law to create a juvenile corrections system based on principles of accountability, community protection, and competency development; and*

*WHEREAS, the purposes and intent of Idaho's Juvenile Corrections Act of 1995 and the JJDP was better served by transferring the Idaho Juvenile Justice Commission ("Commission") to the Department; and*

*WHEREAS, the Department was designated as the sole agency for supervising the preparation and administration of Idaho's plan under the JJDP, and the Office for Juvenile Justice and Delinquency Prevention was abolished effective July 1, 1995; and*

*WHEREAS, the Commission was transferred from the Office of the Governor to the Department effective July 1, 1995, and has functioned as the advisory group referenced in Title 42, Section 5633(a)(3), United States Code; and*

*NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by Article IV, Section 5, of the Idaho Constitution, and Section 67-802, Idaho Code, do hereby order that:*

- 1. The membership of the Commission shall be in conformity with the JJDP. The chairman, vice-chairman, and members of the Commission shall be appointed by and serve at the pleasure of the Governor. Members shall serve a term of three years. The chairman and vice-chairman shall serve in such capacities for three years.*
- 2. The Commission shall perform the following functions:*
  - a. Advise the Department on juvenile justice and delinquency prevention issues;*
  - b. Participate in the development and review of Idaho's plan under the JJDP;*
  - c. Be afforded an opportunity to review and comment on all grant applications under the JJDP submitted by the Department;*
  - d. Ensure compliance with the core protections of the JJDP by jurisdictions with public authority in Idaho through education, technical assistance, monitoring and remedial actions for violations;*
  - e. Perform such other duties that the JJDP requires to be performed by the advisory group referenced in Title 42, Section 5633(a)(3), United States Code;*
  - f. Perform such other duties that the JJDP requires to be performed by the supervisory board referenced in Title 42, Section 5671(c)(1), United States Code, and Title 28, Section 31.102(b), Code of Federal Regulations, until such time as the director of the Department may establish another committee, commission, or board within the Department to perform those duties; and*

- g. *Perform such other duties as requested by the director of the Department, which may include submitting reports to the director of the Department and making decisions on grant applications under the JJDA submitted to the Department.*

*This Executive Order shall cease to be effective four years after its entry into force.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 1st day of October, in the year of our Lord two thousand and fifteen, and of the independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.*

C.L. "BUTCH" OTTER  
GOVERNOR

LAWRENCE DENNEY  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2015-12**

**ESTABLISHING THE IDAHO MEDAL OF ACHIEVEMENT**

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*WHEREAS, Idaho has citizens demonstrating exceptional, meritorious and inspirational service to the people of our state; and*

*WHEREAS, currently Idaho has no award comparable to the Presidential Medal of Freedom; and*

*WHEREAS, it is important to recognize those individuals with the highest civilian honor that can be bestowed by the state of Idaho upon one of her citizens; and*

*WHEREAS; the Idaho Medal of Achievement will be made from 99.9% fine silver donated by the Hecla Mining Company located in Coeur d'Alene, Idaho;*

*NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order the creation of the **Idaho Medal of Achievement** and the following:*

- 1. The establishment of the Idaho Medal of Achievement Commission, which shall be appointed by and serve at the pleasure of the Governor. The Commission shall not consist of more than five (5) people. The Governor shall select the chair of the commission from the members;*
- 2. Vacancies shall be filled in the same manner in which the original appointment was made;*
- 3. Commission members and the sitting Governor are not eligible to receive the award while serving on the commission or in office;*
- 4. A nominee for the Idaho Medal of Achievement must be a current or deceased Idaho resident, who, through their career, single act or acts, or life's work, involving public and/or private endeavors provided inspirational or distinguished service, bringing great distinction to Idaho;*
- 5. More than one medal may be awarded at a time and it may be awarded posthumously;*
- 6. Selection Process:*
  - a. Anyone can nominate a person living or deceased who meets the criteria in paragraph 4;*
  - b. Nominations must be submitted to the Commission via [http://gov.idaho.gov/achievement\\_nomination.html](http://gov.idaho.gov/achievement_nomination.html) or letter to the Office of Governor no later than March 31st;*
  - c. The Commission shall, by majority vote of its members, recommend no more than five (5) nominees from the individuals submitted to the Commission to the Governor for consideration by May 1st;*
  - d. The Governor will have sole discretion to award the Medal of Achievement from those nominees recommended by the Commission.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 3rd day of November, in the year of our Lord two thousand and fifteen, and of the independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth.*

C.L. "BUTCH" OTTER  
GOVERNOR

LAWRENCE DENNEY  
SECRETARY OF STATE

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE**

**DOCKET NO. 07-0203-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-2605, 54-2606, 54-2622 and 54-2623, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 22 - 25](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2602, Idaho Code.

This rule increases the inspection fee for a separate water or sewer inspection from thirty-eight dollars (\$38) to the standard DBS base inspection rate of sixty-five dollars (\$65).

**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:

This rule increases the inspection fee for a separate water or sewer inspection from thirty-eight dollars (\$38) to the standard DBS base inspection rate of sixty-five dollars (\$65). This will result in a revenue increase of approximately nine thousand five hundred dollars (\$9,500) to the dedicated fund, based on an average of three hundred fifty (350) of these types of inspections annually. This does not affect the General Fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 29th Day of October 2015.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.03.01 - RULES OF BUILDING SAFETY**

**DOCKET NO. 07-0301-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 26 through 34](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 29th Day of October 2015.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840



## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.03.01 - RULES OF BUILDING SAFETY**

**DOCKET NO. 07-0301-1502**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 39-4103 and 39-4107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 35 - 40](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 39-4107, Idaho Code.

A fee for inspections performed on annual permits will be charged at the rate of \$100 per hour.

**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:

A slight decrease in dedicated fund revenue is expected as permit fees are aggregated at a lower composite rate than would be realized through individual permits.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 29th Day of October 2015.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.08.00 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING**

**DOCKET NO. 07-0800-1501**

#### **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 for each of the sixteen (16) chapters contained in IDAPA 07 Title 08 of the Idaho Administrative Code addressing logging safety standards in the State of Idaho. The Division of Building Safety desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-2601A, Idaho Code.

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

A public meeting is scheduled by the Division of Building Safety for December 15, 2015 at the Idaho Division of Building Safety regional office located at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814. Participation in the meeting will also be made available throughout the state via teleconference at a telephone number provided on the Division of Building Safety website: <http://dbs.idaho.gov/>. During the public meeting on December 15, 2015, additional negotiated rulemaking meetings may be established by the Division, if necessary. Adequate notice of the dates, locations, and manner of participation of any such meeting will be posted on the Division of Building Safety website <http://dbs.idaho.gov/>.

**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 Division of Building Safety, Logging Safety Program, on designated forms available at the Division of Building Safety website <http://dbs.idaho.gov/> and at the DBS offices in Meridian, Coeur d'Alene, and Pocatello, Idaho. Individuals may also attend the public meeting to be conducted on the above date during which the Division will allow oral comments or presentations to be made. You may contact the Division by contacting Steve Keys at the Division of Building Safety. Mr. Keys' email address is [Steve.Keys@dbs.idaho.gov](mailto:Steve.Keys@dbs.idaho.gov).

**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:

Pursuant to Section 67-2601A, Idaho Code, the Administrator of the Idaho Division of Building Safety has the authority to promulgate rules adopting minimum logging safety standards and procedures for conducting logging inspections and safety training. The Division desires to amend provisions of the logging safety rules as it determines necessary through the negotiated rulemaking process. Specifically, the Division seeks to update and clarify the minimum safety standards for logging throughout the various logging safety rule chapters, as well as establish procedures for the abatement of unsafe logging conditions. The following is a list of rule chapters that may be discussed during the negotiated rulemaking process:

- 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.

The Division seeks the participation of the affected industry, interested parties, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of logging safety rules for application in Idaho.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division’s website at the following web address: <http://dbs.idaho.gov/>.

All written comments must be directed to the undersigned and must be delivered on or before December 11, 2015.

DATED this 26th Day of October 2015.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

# **IDAPA 14 - BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS**

## **14.01.01 - RULES OF PROCEDURE OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS**

**DOCKET NO. 14-0101-1501**

### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2808, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 222 through 228](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W State  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

# **IDAPA 14 - BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS**

## **14.01.01 - RULES OF PROCEDURE OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS**

**DOCKET NO. 14-0101-1502**

### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 67-2614 (Bureau of Occupational Licenses), and 54-2802, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 229 and 230](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-2614, Idaho Code.

The Board operates solely on dedicated funds derived primarily from licensing and registration fees. This rule will increase the reinstatement fee from \$25 to \$35. The number of annual renewal fees collected will be capped at just one (1) rather than one (1) for each year that a license is expired. It is expected that the higher reinstatement fee will be offset by the fact that multiple renewal fees will no longer be collected.

**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:

There will be no fiscal impact to the state general fund since licensing and registration fees collected are dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W State  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

**IDAPA 15 - OFFICE OF THE GOVERNOR  
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

**15.02.02 - VOCATIONAL REHABILITATION SERVICES**

**DOCKET NO. 15-0202-1501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5407, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 231 - 235](#).

**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:

These rule changes will have no effect on the state general fund. There is a negative fiscal impact, but the changes will be federally funded.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Raelene Thomas, Management Assistant, at (208) 334-3220, ext. 124.

DATED this 6th Day of November, 2015.

Raelene Thomas  
Management Assistant  
Idaho Commission for the Blind and Visually Impaired  
341 W. Washington St.  
P. O. Box 83720  
Boise, ID 83720-0012  
Phone: (208) 334-3220 ext.124  
Fax: (208) 334-2963

## 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)

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE AND AMENDMENT TO TEMPORARY

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is January 1, 2016. This pending fee rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Sections 56-1024 through 56-1030, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule with an amendment to the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The TSE Council has adopted a new edition of the "Time Sensitive Emergency System Standards Manual," Edition 2016-1, that is incorporated by reference. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the TSE Council amended the temporary rule with the same revisions which have been made to the pending rule. Only sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the July 1, 2015, Idaho Administrative Bulletin, [Vol. 15-7, pages 40 through 54](#).

**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. This fee or charge is being imposed pursuant to Section 56-1007, Idaho Code. The following is a specific description of the fee or charge imposed or increased:

Fees are charged on a voluntary basis for hospitals that choose to become designated as trauma, stroke, or heart attack centers. Fees are charged on a 3-year cycle per designation level and type of center and 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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

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

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, a document is 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 incorporated by reference is the "Time Sensitive Emergency System Standards Manual," Edition 2016-1 with an effective date of January 1, 2016.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending fee rule and amendment to the temporary rule, contact Christian Surjan at (208) 334-6564.

DATED this 30th day of October, 2015.



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

**DOCKET NO. 16-0201-1401 - ADOPTION OF PENDING FEE RULE  
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending rule.  
Italicized red text that is ***double underscored*** is new text that has been added to the pending rule.  
Italicized green text that is ***underscored and struck through*** is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

Only those sections or subsections that have changed from the original temporary/proposed text are printed in this Bulletin following this notice.

This docket has been previously published as a temporary rule.  
The temporary effective dates are January 1, 2015, and July 1, 2015.

The original text of the proposed rule and amendment to temporary rule was published in the Idaho Administrative Bulletin, Vol. 15-7, July 1, 2015, pages 40 through 54.

**THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE  
CHANGES TO THE PENDING FEE RULE FOR DOCKET NO. 16-0201-1401**

***[Section 004]***

**004. INCORPORATION BY REFERENCE.**

The Time Sensitive Emergency System Standards Manual, Edition ~~2015-12~~ **2016-1**, is incorporated by reference in this chapter of rules. Copies of the manual may be obtained online at [www.tse.idaho.gov](http://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~~ **(1-1-16)T**

***[Section 251 - entire section]***

**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~~ **251.06** of this rule apply:

~~(1-1-15)T~~~~(7-1-15)T~~ **(1-1-16)T**

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

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



- a. A physician ~~reviewer will~~ surveyor must: ~~(1-1-15)F~~(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; ~~(1-1-15)F~~(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~~ ~~(1-1-15)F~~(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~~ ~~(1-1-15)F~~(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)F~~(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)F~~(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)F~~(7-1-15)T
- iv. Be from outside the region of the center being verified. (7-1-15)T

02. Communication Between Surveyors and Facilities. In order to standardize ethical practice, all communication between surveyors and facilities prior to the survey must be facilitated by TSE program staff. ~~(1-1-15)F~~(7-1-16)T

03. 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)F~~(7-1-15)T

04. 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)F~~(7-1-15)T

05. 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)F~~(7-1-15)T

06. 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)F~~(7-1-15)T

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1503

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective after review by the legislature, unless the rule is approved or rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This 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).

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule regarding third party liability for early and periodic screening and diagnosis services billed to third party insurers and the rule is being adopted as proposed. The complete text of the proposed rule was published in the July 1, 2015, Idaho Administrative Bulletin, [Vol. 15-7, pages 55 through 57](#).

**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:

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Cale Coyle at (208) 364-1817.

DATED this 30th day of October, 2015.

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

## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

### **16.07.10 - BEHAVIORAL HEALTH DEVELOPMENT GRANTS**

#### **DOCKET NO. 16-0710-1501 (CHAPTER REPEAL)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice the pending rule becomes final and effective on July 1, 2016, after review by the legislature, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is affected by concurrent resolution, the concurrent resolution shall specify the date.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This action is authorized pursuant to Title 39, Chapter 31, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

With the passage of legislation to create regional behavioral health boards and community crisis centers the Department is developing a behavioral health system of care that eliminates the need for the Behavioral Health Development Grants. There are no changes to the pending rule, and the rule is being adopted as originally proposed. The Notice of Repeal of the entire chapter published in the September 2, 2015, Idaho Administrative Bulletin, **Vol. 15-9, page 156**.

**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 as a result of this rulemaking:

Funds appropriated for Behavioral Health Development Grants in 2009 have been disbursed and no additional funds have been appropriated for this program in the past five years. There is no anticipated fiscal impact to the state general fund, or any other funds due to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 334-6611.

DATED this 30th day of October, 2015.

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

## IDAPA 23 - BOARD OF NURSING

### 23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

#### DOCKET NO. 23-0101-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1404, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 400 - 404](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sandra Evans, Executive Director, at (208) 334-3110.

DATED this 2nd Day of November 2015.

Sandra Evans, M.A. Ed., R.N., Executive Director  
Board of Nursing  
280 N. 8th St. (8th & Bannock), Ste. 210  
P. O. Box 83720  
Boise, ID 83720-0061  
Phone: (208) 334-3110 ext. 2476  
Fax: (208) 334-3262

## IDAPA 23 - BOARD OF NURSING

### 23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1503

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1404, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 405 - 407](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sandra Evans, Executive Director, at (208) 334-3110.

DATED this 2nd Day of November 2015.

Sandra Evans, M.A. Ed., R.N., Executive Director  
Board of Nursing  
280 N. 8th St. (8th & Bannock), Ste. 210  
P. O. Box 83720  
Boise, ID 83720-0061  
Phone: (208) 334-3110 ext. 2476  
Fax: (208) 334-3262

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.00.01 - LICENSING BOARDS SERVED BY THE BUREAU OF OCCUPATIONAL LICENSES**

#### **DOCKET NO. 24-0001-1500**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 67-2614 (Bureau of Occupational Licenses), and 54-2406 (Drinking Water/Wastewater); 54-3717 (Occupational Therapists); 54-3003 (Landscape Architects); 54-2206 (Physical Therapists); 54-4106 (Real Estate Appraisers); 54-5310 (Liquid Petroleum Gas Dealers); 54-5403 (Driving Businesses); 54-4007 (Massage Therapists), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 408 - 415](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-2614, Idaho Code.

The boards listed above operate solely on dedicated funds derived primarily from licensing and registration fees. This rulemaking increases the reinstatement fee for five boards from \$25 to \$35, will have no effect on one board, and will reduce the fee for two other boards from \$75 and \$50 to \$35. The number of annual renewal fees collected will be capped at just one rather than one for each year that a license is expired. It is expected that the higher reinstatement fee will be offset by the fact that multiple renewal fees will no longer be collected. The statute authorizing the reinstatement fee is Section 67-2614, Idaho Code.

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

There will be no fiscal impact to the state general fund since licensing and registration fees collected are dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS**

**DOCKET NO. 24-0501-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2406, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 418 - 421](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.06.01 - RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS**

**DOCKET NO. 24-0601-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-3717, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 422 - 427](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax



## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS**

**DOCKET NO. 24-0801-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 428 - 430](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS**

**DOCKET NO. 24-1201-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-2305, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 431 - 434](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-2307, 54-2312, and 54-2312A, Idaho Code.

Rule 150 is being amended to decrease the annual renewal fee from \$300 to \$250; the annual renewal fee for inactive license from \$150 to \$125; original application for licensure by exam from \$200 to \$150; original application for licensure by endorsement from \$300 to \$250; and to change the reinstatement fee from \$25 to be in accordance with Section 67-2614, Idaho Code.

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

This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$19,825.00.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.15.01 - RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS**

**DOCKET NO. 24-1501-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-3404, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 435 - 439](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

**24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE**

**DOCKET NO. 24-1701-1501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-4705, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 440 - 442](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD**

**DOCKET NO. 24-1801-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-4106, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 443 - 445](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**24.21.01 - RULES OF THE IDAHO STATE CONTRACTORS BOARD**  
**DOCKET NO. 24-2101-1501**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-5207, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 446 - 447](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-5207 and 54-5210, Idaho Code.

The Board's expenses have been exceeding its revenues. This change will help balance the Board's annual budget while maintaining the services necessary to protect the public. Rule 175 is being amended to increase the application fee from \$30 to \$35; the reciprocal fee from \$25 to \$35; the renewal fee from \$25 to \$35; and the reinstatement fee from \$25 to \$35.

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

The proposed rule will have no impact on general funds. The rule change will result in an annual increase of approximately \$156,020.00 in the Board's dedicated fund, based on the current number of licensees and an estimate of original applications received in a year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**24.24.01 - RULES OF THE GENETIC COUNSELORS LICENSING BOARD**  
**DOCKET NO. 24-2401-1501 (NEW CHAPTER)**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-5607, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 448 - 456](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-5613, Idaho Code.

The proposed rules establish the following fees: application fee of \$500; original license fee of \$500; annual renewal fee of \$500; provisional license fee of \$500; endorsement fee of \$500; and duplicate license fee of \$10.

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

The proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Genetic Counselors Licensing board to administer the act. Since all self-governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.25.01 - RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD**

**DOCKET NO. 24-2501-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5403, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 457 - 459](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax



## IDAPA 27 - BOARD OF PHARMACY

### 27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes clarify that prescribers must store their controlled substances in a securely locked, substantially constructed cabinet. This change is in alignment with federal law, and further protects controlled substances from theft or diversion. The changes also clean up text in alignment with the rule writer's guide (e.g., "shall" to "must").

The text of the pending fee rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 478 - 485](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1720, Idaho Code.

The rule change modifies the retail storage registration or annual renewal fee to a flat fee of \$35 regardless of the number of drug items in stock.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Alex Adams, Executive Director, at (208) 334-2356.

DATED this 3rd Day of November 2015.

Alex Adams  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: 334-2356  
Fax: (208) 334-3536

**DOCKET NO. 27-0101-1501 -- ADOPTION OF PENDING FEE RULE**

Substantive changes have been made to the pending fee rule.  
Italicized red text that is double underscored is new text that has been added to the pending fee rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-10, pages 478 through 485.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING FEE RULE  
FOR DOCKET NO. 27-0101-1501**

**021. FEE SCHEDULE.**

**05. Administrative Services and Publications.** (3-21-12)

**d. Commercial lists.** (3-21-12)

***[Subparagraph 021.05.d.i.]***

i. *Pharmacy list* Except for Subparagraph 021.05.d.ii. below, any registrant or licensee lists: fifty dollars (\$50). ~~(3-21-12)~~ ( )

***[Section 210 - entire section]***

**210. CONTROLLED SUBSTANCE STORAGE.**

Controlled substances must be stored as follows: ( )

**01. Schedule I.** Controlled substances listed in Schedule I must be stored in a securely locked, substantially constructed cabinet. ( )

**02. Schedules II, III, IV and, V.** Controlled substances listed in Schedules II, III, IV, and V must be stored in a securely locked, substantially constructed cabinet. However, pharmacies may disperse such substances, in whole or in part, throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances. ( )

## **IDAPA 27 - BOARD OF PHARMACY**

### **27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY**

**DOCKET NO. 27-0101-1502**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes clarify the permissible and impermissible dispensing scenarios for institutional pharmacies. In particular, the changes clarify that the limitations on quantity and duration do not apply to current hospital employees, medical staff, and students at the hospital, or their dependents.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 486 through 488](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alex Adams, Executive Director, at (208) 334-2356.

DATED this 3rd Day of November 2015.

Alex Adams  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: 334-2356  
Fax: (208) 334-3536

DOCKET NO. 27-0101-1502 ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-10, pages 486 through 488.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 27-0101-1502

630. INSTITUTIONAL FACILITY: GENERAL STANDARDS FOR ADMINISTRATION AND CONTROL OF DRUGS AND DEVICES.

*[Subsection 630.02 - entire subsection]*

02. **Drugs and Devices Dispensed for Administration or Use Outside an Institutional Facility.** A drug or device prepared for self-administration or use by a patient while outside the confines of the institutional facility must comply with the standard prescription drug labeling requirements; subject to the following:

~~(3-21-12)~~ ( )

a. Permissible dispensing: ( )

i. In limited quantities and reasonable time duration as a continuation of or supplemental to treatment that was administered at the hospital to the following: ( )

(1) To emergency room patients pursuant to these rules; and ( )

(2) To other outpatients who receive treatment or consultation on the premises; ( )

ii. To hospital employees, medical staff, and students at the hospital and their dependents, for their own personal use only and not for resale. ( )

b. Impermissible dispensing: ( )

i. To former patients, employees, medical staff, students, and their dependents; and ( )

ii. To walk up customers who have no connection to the hospital. ( )

## **IDAPA 27 - BOARD OF PHARMACY**

### **27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY**

**DOCKET NO. 27-0101-1503**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes remove the proposed addition of the prescriber's phone number to the prescription blank, and restore the current requirement that the prescriber's address is on a controlled substance prescription.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 489 through 496](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alex Adams, Executive Director, at (208) 334-2356.

DATED this 3rd day of November 2015.

Alex Adams  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: 334-2356  
Fax: (208) 334-3536

**DOCKET NO. 27-0101-1503 - ADOPTION OF PENDING RULE**

**Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.**

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-10, pages 489 through 496.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.**

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 27-0101-1503**

**111. PRESCRIPTION DRUG ORDER: MINIMUM REQUIREMENTS.**

A prescription drug order must comply with applicable requirements of federal law and, except as differentiation is permitted for a drug order, must include at least the following: (3-21-12)

*[Subsection 111.05 - proposed changes withdrawn, text remains as codified]*

**05. Prescriber Information.** The name and, if for a controlled substance, the address and DEA registration number of the prescriber. (3-21-12)

## IDAPA 27 - BOARD OF PHARMACY

### 27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1504

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes remove the requirement that the Board approve a temporary pharmacy facility or mobile pharmacy prior to operation in a declared emergency. It also clarifies that a hospital director may oversee a temporary pharmacy in an emergency. In addition, it removes the requirement that a statewide protocol be in place prior to emergency refill authorization being permissible in a declared emergency. Lastly, minor edits are made to collaborative pharmacy practice agreements with prescribers, clarifying the parties to these voluntary agreements, and harmonizing the record-keeping requirements with existing state law.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 497 through 501](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alex Adams, Executive Director, at (208) 334-2356.

DATED this 3rd Day of November 2015.

Alex Adams  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

**DOCKET NO. 27-0101-1504 -- ADOPTION OF PENDING RULE**

Substantive changes have been made to the pending rule.  
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-10, pages 497 through 501.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 27-0101-1504**

**060. DRUG OUTLET LICENSURE AND REGISTRATION.**

A license or a certificate of registration, as applicable, is required for drug outlets doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. (3-21-12)

02. Licenses and Registrations ~~Nontransferable~~ Transferability. ( )

***[Paragraph 060.02.b. through Subparagraph 060.02.b.ii.]***

b. Temporary Pharmacy Facilities and Mobile Pharmacies. To provide pharmacy services during a national, state, or local emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, pharmacies may arrange to temporarily locate or relocate to a temporary pharmacy facility or mobile pharmacy if the temporary pharmacy facility or mobile pharmacy: ( )

i. Is under the control and management of the pharmacist-in-charge, director, or designated supervising pharmacist: ( )

- ii. Is located within the declared disaster area or is intended for affected populations: ( )

**116. PRESCRIPTION DRUG ORDER: REFILLS.**

02. Emergency Prescription Refills. A pharmacist may refill a prescription for a patient when: ( )

***[Paragraph 116.02.b.]***

- b. Upon the declaration of a national, state, or local emergency by the President of the United States,



the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, a pharmacist may dispense a refill of a prescription drug to an affected patient, not to exceed a thirty (30)-day supply if, in the pharmacist's professional judgment, the prescription drug is essential to the patient's health or continuation of therapy.  
( )

**[Section 310 through Subsection 310.01]**

**310. ~~PHARMACIST~~ COLLABORATIVE PHARMACY PRACTICE AND STATEWIDE PROTOCOL AGREEMENTS.**

**01. Collaborative Agreement.** Pharmacists or pharmacies and prescribers may enter into collaborative pharmacy practice through a written collaborative pharmacy practice agreement that defines the nature and scope of authorized DTM or other patient care services to be provided by a pharmacist. ~~(3-21-12)~~ ( )

**[Paragraph 310.01.d. through Paragraph 310.02.a.]**

~~04~~**d.** Documentation of Pharmacist Activities. The patient care provided pursuant to the agreement must be documented ~~in the patient's permanent record~~ in a manner that allows it to be readily available to other healthcare professionals providing care to the patient. ~~(3-21-12)~~ ( )

**02. Statewide Protocol Agreement.** A pharmacist may perform DTM or other patient care services according to a statewide protocol agreement issued by the director of the Idaho Department of Health and Welfare, in conjunction with the Board, for the purpose of improving public health. The protocol agreement must include:  
( )

**a.** An effective date range: ( )

## **IDAPA 27 - BOARD OF PHARMACY**

### **27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY**

#### **DOCKET NO. 27-0101-1505**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 502 - 505](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alex Adams, Executive Director, at (208) 334-2356.

DATED this 3rd day of November 2015.

Alex Adams  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (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 RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules becomes final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 245 through 250](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cynthia Adrian (208) 334-7670 or email [Cynthia.adrian@tax.idaho.gov](mailto:Cynthia.adrian@tax.idaho.gov).

DATED this 2nd day of December 2015.

Cynthia Adrian  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7670

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.01 - INCOME TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0101-1502**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules becomes final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 251 through 265](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cynthia Adrian (208) 334-7670 or email [Cynthia.adrian@tax.idaho.gov](mailto:Cynthia.adrian@tax.idaho.gov).

DATED this 2nd Day of December 2015.

Cynthia Adrian  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7670

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1501**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3635 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 554 through 564](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact McLean Russell (208) 334-7531 or email [mclean.russell@tax.idaho.gov](mailto:mclean.russell@tax.idaho.gov).

DATED this 2nd Day of December, 2015.

McLean Russell  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd, Plaza IV  
PO Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7531  
Fax: (208) 334-7844

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1502**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules becomes final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3635 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 565 through 581](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact McLean Russell (208) 334-7531 or email [mclean.russell@tax.idaho.gov](mailto:mclean.russell@tax.idaho.gov).

DATED this 2nd Day of December, 2015.

McLean Russell  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd, Plaza IV  
PO Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7531  
Fax: (208) 334-7844

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1504**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules becomes final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3635 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 582 through 587](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact McLean Russell (208) 334-7531 or email [mclean.russell@tax.idaho.gov](mailto:mclean.russell@tax.idaho.gov).

DATED this 2nd Day of December, 2015.

McLean Russell  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd, Plaza IV  
PO Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7531  
Fax: (208) 334-7844

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0103-1503**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules becomes final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the July 1, 2015 Idaho Administrative Bulletin, [Vol. 15-07, pages 79 through 90](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rules, contact Alan Dornfest (208) 334-7742 or email [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 2nd Day of December 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



**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1504**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-09, pages 266 through 272](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rules, contact Alan Dornfest (208) 334-7742 or email [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 2nd Day of December 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

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1505**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-09, pages 273 through 287](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rules, contact Alan Dornfest (208) 334-7742 or email [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 2nd Day of December 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

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0105-1501**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 1, 2015 Idaho **Administrative Bulletin, Vol. 15-7, pages 93 through 95.**

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Williams (208) 334-7855 or email [don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov).

DATED this 2nd Day of December 2015.

Don Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36 Boise, ID 83722-0410  
(208) 334-7855  
[don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov)

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0105-1502**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the following dates unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

Motor Fuels Tax Rule 280, Refund to Consumers for Nontaxable Uses of Motor Fuels, will be deleted effective January 1, 2017.

Motor Fuels Tax Rule 422, Documentation for Idaho Full-Fee Registrants, will become effective July 1, 2016.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 288 through 289](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Williams (208) 334-7855 or email [don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov).

DATED this 2nd Day of December 2015.

Don Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36 Boise, ID 83722-0410  
(208) 334-7855  
[don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov)

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0105-1503**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rule was published in the August 5, 2015 Idaho Administrative Bulletin, [Vol. 15-8, pages 112 through 118](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rules, contact Don Williams (208) 334-7855 or email [don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov).

DATED this 2nd Day of December 2015.

Don Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36 Boise, ID 83722-0410  
(208) 334-7855  
[don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov)

## **IDAPA 35 - IDAHO STATE TAX COMMISSION**

### **35.02.01 - TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES**

**DOCKET NO. 35-0201-1501**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2016 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 588 through 592](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rules, contact Cynthia Adrian (208) 334-7670 or email [cynthia.adrian@tax.idaho.gov](mailto:cynthia.adrian@tax.idaho.gov).

DATED this 2nd Day of December 2015.

Cynthia Adrian  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7670

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.02.22 - RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION

DOCKET NO. 39-0222-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule is being changed to: 1) clarify the quarterly reporting of road use fees and ensure IDAPA rule 39.02.22 is in accordance with Section 49-439(7), Idaho Code; 2) provide flexibility to refund money for trip permits if eligible; 3) eliminate delinquent billing processes to match new requirements of payment required before credentials are sent; 4) eliminate fee account billing processes because it is no longer available with the implementation of the cash drawer system, plus, escrow accounts are now available; and 5) to clarify that unpaid amounts owed to the Department may be sent to a collection agency.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 594 - 598](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

DATED this 6th Day of November, 2015.

Ramon S. Hobdey-Sanchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
PO Box 7129  
Boise ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.03.13 - RULES GOVERNING OVERWEIGHT PERMITS

DOCKET NO. 39-0313-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312, 49-201 and 49-1004, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Idaho Transportation Department (ITD) staff has determined that the current rule governing bridge analysis is antiquated and inadequate. With the current staffing levels and the increased number of overweight vehicles/loads traveling within and through the State, we need more realistic guidelines for the completion of a bridge analysis, when one is required. As well as clarification, whether ITD staff or a third party will be required to complete the bridge analysis. Bridge analysis is required to protect our infrastructure and the safety of the traveling public. ITD has been using similar guidelines, in our normal business practices, for some time now, so this will not be completely foreign or new to the industry.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 600 - 603](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

DATED this 6th Day of November, 2015.

Ramon S. Hobdey-Sanchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
PO Box 7129  
Boise ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)



**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.17 - RULES GOVERNING PERMITS FOR MANUFACTURED HOMES,**  
**MODULAR BUILDINGS, AND OFFICE TRAILERS**

**DOCKET NO. 39-0317-1501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The rule change authorizes anyone transporting a load up to 16' wide to do so using an annual permit rather than having to purchase a single trip permit as currently required. Industry representatives asked the Department to increase the allowable load widths that can be transported using an annual permit from the 14' 6" that is currently authorized, to 16'.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, **Vol. 15-10, pages 604 - 609**.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

DATED this 6th Day of November, 2015.

Ramon S. Hobdey-Sanchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
PO Box 7129  
Boise ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.03.21 - RULES GOVERNING OVERLEGAL PERMIT FEES

DOCKET NO. 39-0321-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312, 49-201 and 49-1004, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule change simply removes the option of establishing and using a “fee account” for the monthly charging and payment of permit fees along with other non-substantive edits to the rule. The new cash drawer system now in place at the Idaho Transportation Department (ITD) allows a carrier the option of establishing an escrow account for payment of permit fees. Elimination of the fee account process will allow ITD to streamline business processes and be more efficient and effective. This change is needed so that ITD’s administrative rules are consistent with the processes used under the new cash drawer system.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 610 - 612](#).

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

DATED this 6th Day of November, 2015.

Ramon S. Hobdey-Sanchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
PO Box 7129  
Boise ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

## IDAPA 49 - CERTIFIED SHORTHAND REPORTERS BOARD

### 49.01.01 - RULES OF PROCEDURE OF THE IDAHO CERTIFIED SHORTHAND REPORTERS BOARD

DOCKET NO. 49-0101-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 67-2614 (Bureau of Occupational Licenses), and 54-3107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 616 - 617](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-2614, Idaho Code.

This rule will increase the reinstatement fee from \$25 to \$35. The number of annual renewal fees collected will be capped at just one (1) rather than one (1) for each year that a license is expired. It is expected that the higher reinstatement fee will be offset by the fact that multiple renewal fees will no longer be collected. The statute authorizing the reinstatement fee is Section 67-2614, Idaho Code.

**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:

There will be no fiscal impact to the state general fund since licensing and registration fees collected are dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 3rd Day of November, 2015.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83702  
(208) 334-3233 Ph. / (208) 334-3945 fax

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of Idaho's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act programs.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 5, 2015, **Vol. 15-8, pages 141 through 146**. DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0101-1501](http://www.deq.idaho.gov/58-0101-1501) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This 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:** For assistance on technical questions concerning this rulemaking, contact Tiffany Floyd at [tiffany.floyd@deq.idaho.gov](mailto:tiffany.floyd@deq.idaho.gov) or (208) 373-0440.

Dated this 2nd Day of December, 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](mailto:paula.wilson@deq.idaho.gov)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Idaho Code §§ 39-105, 39-107, and 39-3601 et seq.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 5, 2015, [Vol. 15-8, pages 147 through 160](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0102-1501](http://www.deq.idaho.gov/58-0102-1501) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** The standards included in this rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

**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:** For assistance on technical questions concerning this rulemaking, contact Josh Schultz at [josh.schultz@deq.idaho.gov](mailto:josh.schultz@deq.idaho.gov), (208)373-0264.

Dated this 2nd Day of December, 2015.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
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(208)373-0418/Fax No. (208)373-0481  
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## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.04 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS

DOCKET NO. 58-0104-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 2, 2015, **Vol. 15-9, pages 308 through 310**. DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0104-1501](http://www.deq.idaho.gov/58-0104-1501) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This 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:** For assistance on technical questions concerning this rulemaking, contact Tim Wendland at [tim.wendland@deq.idaho.gov](mailto:tim.wendland@deq.idaho.gov), (208)373-0439.

Dated this 2nd Day of December, 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](mailto:paula.wilson@deq.idaho.gov)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 5, 2015, [Vol. 15-8, pages 161 through 167](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0105-1501](http://www.deq.idaho.gov/58-0105-1501) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This 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:** For assistance on technical questions concerning this rulemaking, contact Matt Alvarado at [matt.alvarado@deq.idaho.gov](mailto:matt.alvarado@deq.idaho.gov) or (208)373-0554.

Dated this 2nd Day of December, 2015.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
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## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, July 1, 2015, [Vol. 15-7, pages 101 through 137](#). DEQ received no public comments; however, Subsections 100.01, 100.10, 300.05.d.iii(3), and 552.08.a. were revised by removing referenced dates. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0108-1501](http://www.deq.idaho.gov/58-0108-1501) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This 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:** For assistance on technical questions concerning this rulemaking, contact Jerri Henry at [jerri.henry@deq.idaho.gov](mailto:jerri.henry@deq.idaho.gov) or (208)373-0471.

Dated this 2nd Day of December, 2015.

Paula J. Wilson  
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(208)373-0418/Fax No. (208)373-0481  
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DOCKET NO. 58-0108-1501 -- ADOPTION OF PENDING RULE

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-7, pages 101 through 137.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 58-0108-1501

100. MONITORING AND ANALYTICAL REQUIREMENTS.

*[Subsection 100.01]*

01. ~~Microbiological Contaminant~~ **Total Coliform** Sampling and Analytical Requirements. The Total Coliform Rule, 40 CFR 141.21, is herein incorporated by reference. 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). (10-1-93)( )

*[Subsection 100.10]*

10. **Approved Laboratories.** 40 CFR 141.28 and 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)( )

300. FILTRATION AND DISINFECTION.

05. **Analytical and Monitoring Requirements.** 40 CFR 141.74 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)( )

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)

*[Subparagraph 300.05.d.iii.(3)]*

(3) The total coliform MCL is not exceeded or a Level 1 or Level 2 Assessment has not been triggered in accordance with 40 CFR 141.859; and (12-10-92)( )

552. OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.

08. Start-up Procedures For Seasonal Systems Subject To Subsections 100.01.a., c., and d. ( )

*[Subparagraph 552.08.a.]*

a. 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. ( )

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.11 - GROUND WATER QUALITY RULE

DOCKET NO. 58-0111-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. This rule was adopted as a temporary rule by the Board in May 2015 and is currently effective.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, 39-120, and 39-126, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, June 3, 2015, [Vol. 15-6, pages 68 through 75](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0111-1501](http://www.deq.idaho.gov/58-0111-1501) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule does regulate an activity not regulated by the federal government. This rulemaking has been initiated as directed by the Idaho Legislature in House Bill 197.

**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:** For assistance on technical questions concerning this rulemaking, contact Ed Hagan at [ed.hagan@deq.idaho.gov](mailto:ed.hagan@deq.idaho.gov) or (208)373-0356.

Dated this 2nd Day of December, 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  
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## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.12 - RULES FOR ADMINISTRATION OF WATER POLLUTION CONTROL LOANS

DOCKET NO. 58-0112-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 2, 2015, **Vol. 15-9, pages 311 and 312**. DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0112-1501](http://www.deq.idaho.gov/58-0112-1501) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This 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:** For assistance on technical questions concerning this rulemaking, contact Tim Wendland at [tim.wendland@deq.idaho.gov](mailto:tim.wendland@deq.idaho.gov), (208)373-0439.

Dated this 2nd Day of December, 2015.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
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(208)373-0418/Fax No. (208)373-0481  
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## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.25 - RULES REGULATING THE IDAHO POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

#### DOCKET NO. 58-0125-1401 (NEW CHAPTER)

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending fee rule. This action is authorized by Sections 39-101 et seq., and 39-175A-C, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 2, 2015, [Vol. 15-9, pages 313 through 426](#). After consideration of public comments, the rule has been revised at Sections 010, 090, 101 through 109, 130, 200, 204, 300 through 303, 305, and 370. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0125-1401](http://www.deq.idaho.gov/58-0125-1401) or by contacting the undersigned.

Adoption of Sections 002 and 204 is contingent upon the 2016 Idaho Legislature enacting legislation modifying Idaho law with respect to the public records law and the IPDES appeals process.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule is not broader in scope, nor more stringent, than federal regulations and does not regulate an activity not regulated by the federal government.

**FEE SUMMARY:** Pursuant to Section 39-175C(2), Idaho Code, the Board of Environmental Quality is authorized to proceed with negotiated rulemaking and all other actions that may eventually be necessary to obtain approval of a state NPDES program by the United States Environmental Protection Agency including rules authorizing the collection of reasonable fees for processing and implementing an NPDES permit program. Such fees shall not be assessed or collected until the state obtains an approved NPDES program consistent with the requirements of Section 39-175C, Idaho Code. Section 110 of the rule imposes an annual fee which must be paid for each year beginning one year after the effective date of the IPDES program for the affected category of discharger.

**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:** For assistance on technical questions concerning this rulemaking, contact Mary Anne Nelson at [mary.anne.nelson@deq.idaho.gov](mailto:mary.anne.nelson@deq.idaho.gov), (208)373-0291.

Dated this 2nd Day of December, 2015.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
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(208)373-0418/Fax No. (208)373-0481  
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DOCKET NO. 58-0125-1401 -- ADOPTION OF PENDING FEE RULE

Substantive changes have been made to the pending fee rule.  
*Italicized red text (bold or non-bold)* is new text that has been added to the pending fee rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-9, pages 313 through 426.

This rule has been adopted as a pending fee rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING FEE RULE  
FOR DOCKET NO. 58-0125-1401  
(Only Those Sections With Amendments Are Shown.)

**010. DEFINITIONS.**

For the purpose of the rules contained in IDAPA 58.01.25, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program," the following definitions apply: ( )

**01. Animal Feeding Operation.** A lot or facility (other than an aquatic animal production facility) where the following conditions are met: ( )

*[Paragraph 010.01.a. through Subsection 010.02]*

**a.** Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12)-month period; and ( )

**b.** Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. ( )

**02. Applicable Standards and Limitations.** All state, interstate, and federal standards and limitations to which a discharge, a sewage sludge use or disposal practice, or a related activity is subject under the Clean Water Act, including effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, pretreatment standards, and standards for sewage sludge use or disposal under the Clean Water Act sections 301, 302, 303, 304, 306, 307, 308, 402 and 405. ( )

*[Subsection 010.14]*

**14. Class I Sludge Management Facility.** Any POTW identified under 40 CFR 403.8(a) as being required to have an approved pretreatment program (including such POTWs where the Department has elected to assume local program responsibilities pursuant to 40 CFR 403.10(e)) and any other treatment works treating domestic sewage (TWTDS) classified as a Class I sludge management facility by the Department, because of the potential for its sludge use or disposal practices to adversely affect public health and the environment. ( )

**[Subsection 010.21]**

21. **Daily Discharge.** The discharge of a pollutant measured during a calendar day or any twenty-four (24)-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day. ( )

51. **Major Facility.** A facility or activity that is: ( )

**[Paragraph 010.51.b. - deleted text]**

b. A non-municipal facility that equals or exceeds the eighty (80) point accumulation as described in the Score Summary of the NPDES Non-Municipal Permit Rating Work Sheet (June 27, 1990) or the Department equivalent guidance document. ( )

60. **Notice of Intent to Obtain Coverage under an IPDES General Permit.** An applicant seeking discharge coverage under an IPDES general permit shall submit a notice of intent to obtain coverage for discharges to waters of the United States under general permit classifications, including, but not limited to: ( )

**[Paragraphs 010.60.a. and b.]**

a. *Storm Water* Construction General Permit (CGP); ( )

b. Multi-Sector General Permit (MSGP) *for Industrial Storm Water Requirements*; ( )

**[Subsection 010.69]**

69. **Primary Industry Category.** Any industry category listed in *Appendix A* of 40 CFR Part 122. ( )

**[Subsection 010.72]**

72. **Proposed Permit.** An IPDES permit prepared after the close of the public comment period (and, when applicable, any public *meeting* and administrative appeals) which is sent to EPA for review before final issuance by the Department. A proposed permit is not a draft permit. ( )

**[Subsection 010.89]**

89. **Sludge-Only Facility.** Any *TWTDS* whose methods of sewage sludge use or disposal are subject to regulations promulgated pursuant to the Clean Water Act section 405(d) and is required to obtain an IPDES permit. ( )

**[Subsection 010.101]**

101. **Upset.** An exceptional incident in which there is unintentional and temporary noncompliance with *technology-based* permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment

facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. ( )

**090. SIGNATURE REQUIREMENTS.**

***[Subsection 090.01]***

**01. Permit Applications and Notices of Intent.** All IPDES permit applications and notices of intent must be signed *by a certifying official* as follows: ( )

**101. DURATION.**

***[Subsection 101.02]***

**02. Continuation of Individual Permits.** The conditions of an expired individual permit, whether a federal NPDES permit (except for permits over which EPA retains authority) or a state-issued IPDES permit, will remain fully effective and enforceable until the effective date of a new permit or the date of the Department's final decision to deny the application for the new permit, if: ( )

**a.** The permittee has submitted a timely and complete application for a new permit under Section 105 (Application for an Individual IPDES Permit); and ( )

**b.** The Department, because of time, resource, or other constraints, but through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit. ( )

***[Section 102 - entire section]***

**102. OBLIGATION TO OBTAIN AN IPDES PERMIT.**

**01. Persons Who Must Obtain a Permit.** Any person who discharges or proposes to discharge a pollutant from any point source into waters of the United States, or who owns or operates a sludge-only facility whose sewage sludge use or disposal practice is regulated by 40 CFR Part 503 or these rules, and who does not have an IPDES or NPDES permit in effect, shall submit a complete IPDES permit application to the Department, unless the discharge, proposed discharge, or TWTDS: ( )

**a.** Is covered by one (1) or more general permits in compliance with Section 130 (General Permits). Any applicant must complete a notice of intent for any discharge or proposed discharge that is covered by one (1) or more general permits; ( )

**b.** Is excluded from IPDES permit requirements under Subsection 102.05; ( )

**c.** Is by a user to a privately owned treatment works, and the Department, under Section 370 (Pretreatment Standards), does not otherwise require the person to apply for a permit; or ( )

**d.** Is a TWTDS facility that uses or disposes of sewage sludge to which a standard applicable to its sewage sludge use or disposal practices have not been published. Such facilities shall submit limited background information, as specified in Subsection 105.17.o., within one (1) year after publication of applicable standards.( )

**02. Operator's Duty to Obtain a Permit.** When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit. ( )

**03. Permits Under the Clean Water Act Section 405(f).** All new and currently permitted TWTDS



whose sewage sludge use or disposal practices are regulated by 40 CFR Part 503 must submit permit applications according to the applicable schedule in Subsection 105.17. The Department may require permit applications from any TWTDS at any time if the Department determines that a permit is necessary to protect public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge. ( )

**04. Designation of Small Municipal Separate Storm Sewer Systems (MS4s).** *DEQ shall designate a small MS4 that is not located in an urbanized area, as determined by the latest Decennial Census by the Bureau of Census, as a regulated small MS4 that must be covered by an IPDES permit if the Department determines that:* ( )

**a.** *The storm water discharge results in or has the potential to result in exceedance of water quality standards or other significant water quality impacts; or* ( )

**b.** *The storm water discharge contributes substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer that is regulated by the IPDES storm water program.* ( )

**05. Exclusions from Permit.** A person shall not discharge pollutants from any point source into waters of the United States without first obtaining an IPDES permit from the Department or coverage under an IPDES general permit, unless the discharge is excluded from IPDES permit requirements or the discharge is authorized by an IPDES or NPDES permit that continues in effect. The Department will not require *persons to obtain* IPDES permits for facilities or activities *that are* not required to *obtain NPDES* permits *from EPA* under the Clean Water Act and federal Clean Water Act regulations. Discharges excluded from IPDES permit requirements, but that may be regulated by other state or federal regulations include: ( )

**a.** Any sewage discharge from vessels and any effluent from properly functioning marine engines, laundry, shower and galley sink wastes, or any other discharge incidental to the normal operation of a vessel of the U.S. Armed Forces within the meaning of the Clean Water Act section 312, and a recreational vessel within the meaning of the Clean Water Act section 502(25). None of these exclusions apply to: ( )

i. Rubbish, trash, garbage, or other such materials discharged overboard; nor to ( )

ii. Other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as: ( )

(1) An energy or mining facility; ( )

(2) A storage facility, or when secured to a storage facility; or ( )

(3) When secured to the bed of the waters of the United States for the purposes of mineral or oil exploration or development; ( )

**b.** Any discharge of dredged or fill material into waters of the United States that is regulated under the Clean Water Act section 404; ( )

**c.** Sewage, industrial wastes, or other pollutants discharged into publicly owned treatment works (POTWs) by an indirect discharger who has received a will-serve letter authorizing the discharge to the POTW. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the United States are eliminated. This exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other party not leading to treatment works; ( )

**d.** Any discharge in compliance with the instructions of an on-scene coordinator under 40 CFR Part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan), or 33 CFR 153.10(e) (Control of Pollution by Oil and Hazardous Substances, Discharge Removal); ( )

**e.** Any introduction of pollutants from non-point source agricultural and silvicultural activities, ( )

including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands; however, this exclusion does not apply to discharges from concentrated animal feeding operations (CAFO) as defined in 40 CFR 122.23, discharges from concentrated aquatic animal production (CAAP) facilities, discharges to aquaculture projects, and discharges from silvicultural point sources; ( )

f. Any return flow from irrigated agriculture; ( )

g. Discharges into a privately owned treatment works, except as the Department may otherwise require under Subsection 302.15; and ( )

h. Discharges from a water transfer. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred. ( )

**103. PERMIT PROHIBITIONS.**

The Department will not issue an IPDES permit for a discharge: ( )

**[Subsection 103.02]**

**02. EPA Objection.** When the Department has received written objection *pursuant to 40 CFR 123.44* from the EPA Regional Administrator to issuance of the permit *and until the objections are resolved* according to the process identified in the Memorandum of Agreement between EPA and the Department; ( )

**07. New Sources or New Dischargers.** For a new source or new discharger, if the discharge from its construction or operation will cause or contribute to the violation of water quality standards. ( )

**[Paragraph 101.07.b.]**

b. The Department may waive the submission of the information by the permit applicant required in Subsection 103.07.a. if the Department determines that it already has adequate information to evaluate the request. ( )

**104. PRE-APPLICATION PROCESS.**

Any person who intends to apply for a permit or who proposes to discharge a pollutant into the waters of the United States should contact the Department to schedule a meeting prior to submitting an application to discuss: ( )

**[Subsection 104.01 - deleted text]**

**01. IPDES Permit Applicability.** Whether the actions or facility will require an IPDES permit, and whether other suitable permitting options are available; ( )

**105. APPLICATION FOR AN INDIVIDUAL IPDES PERMIT.**

**[Subsection 105.01]**

**01. Electronic Submittals.** The Department may require an applicant to *electronically* submit information required by this section, if the Department approves an electronic method of submittal. ( )

**[Subsection 105.04 - entire subsection]**

**04. Individual Permit Application Forms.** An applicant must submit an application on one (1) or more Department-approved forms appropriate to the number and type of discharge or outfall at the applicant's facility. A person required by Subsections 102.01 through 102.03 to obtain an individual IPDES permit shall submit an application to the Department providing the information required by this subsection and Subsections 105.05 through 105.19, as applicable. The application must be submitted on one (1) or more of the EPA forms listed in this subsection, or on the Department equivalent of the listed EPA form: ( )

**a.** All applicants, other than a POTW and other *TWTDS* (see Subsection 105.06), EPA Form 1, revised as of August 1, 1990, and the following additional forms, if applicable: ( )

**i.** Applicants for a concentrated animal feeding operation (CAFO; see Subsection 105.09) or concentrated aquatic animal production (CAAP; see Subsection 105.10) facility, EPA Form 2B, revised as of November 2008; ( )

**ii.** Applicants for an existing industrial facility, including manufacturing facilities, commercial facilities, mining activities, and silviculture activities (see Subsection 105.07), EPA Form 2C, revised as of August 1, 1990; ( )

**iii.** Applicants for a new industrial facility that discharges process wastewater (see Subsection 105.16), EPA Form 2D, revised as of August 1, 1990; ( )

**iv.** Applicants for a new or existing industrial facility that discharges only non-process wastewater (see Subsection 105.08.a.), EPA Form 2E, revised as of August 1, 1990; ( )

**v.** Applicants for a new or existing facility whose discharge is composed entirely of storm water associated with industrial activity (see Subsection 105.19), EPA Form 2F, revised May 31, 1992, unless the applicant is exempted by 40 CFR 122.26(c)(1)(ii). If the applicant's discharge is composed of storm water and non-storm water (see Subsections 105.07, 105.08, and 105.16), EPA Forms 2C, 2D, or 2E, as appropriate, are also required; or ( )

**vi.** Applicants that operate a sludge-only facility (see Subsection 105.17), that currently does not have and is not applying for, an IPDES permit for a direct discharge to a surface water body, EPA Form 2S, revised January 14, 1999; ( )

**b.** For an applicant that is a new or existing POTW (see Subsections 105.11 through 105.15): ( )

**i.** EPA Form 2A, revised January 14, 1999; and ( )

**ii.** EPA Form 2S, revised January 14, 1999, if applicable. ( )

**06. Individual Permit Application Requirements for Dischargers Other than Treatment Works Treating Domestic Sewage (TWTDS) and Publicly Owned Treatment Works (POTWs).** An applicant for an IPDES permit other than a POTW and other TWTDS, shall provide the following information to the Department, using the appropriate forms specified in Subsection 105.04: ( )

**[Paragraphs 105.06.c. and d.]**

**c.** Up to four (4) *Standard Industrial Classification (SIC)* codes that best identify the principal products or services provided by the facility; ( )

**d.** The operator's name, mailing address, electronic mail address, telephone number, ownership status, *Employer Identification Number (EIN)*, and status as federal, state, private, public, or other entity; ( )

**[Subsection 105.07 - entire subsection]**

07. Individual Permit Application Requirements for Existing Manufacturing, Commercial, Mining and Silviculture Dischargers. ( )

*[Proposed Paragraph 105.07.a. has been deleted]*

**a.** Except for a facility subject to the requirements in Subsection 105.08, an applicant for an IPDES permit for an existing discharge from a manufacturing, commercial, mining, or silviculture facility or activity shall provide the following information to the Department, using the applicable forms specified in Subsection 105.04: ( )

i. For each outfall: ( )

(1) The latitude and longitude to the nearest second and the name of each receiving water; ( )

(2) A narrative identifying each type of process, operation, or production area that contributes wastewater to the effluent from that outfall, including process wastewater, cooling water, and storm water runoff; processes, operations, or production areas may be described in general terms, such as dye-making reactor or distillation tower; ( )

(3) The average flow that each process contributes and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge; ( )

(4) For a privately owned treatment works, the identity of each user of the treatment works; and ( )

(5) The average flow of point sources composed of storm water. For this subsection, the average flow may be estimated, and the basis for the rainfall event with the method of estimation must be submitted; ( )

ii. A description of the frequency, duration, and flow rate of each discharge occurrence for any of the discharges described in Subsection 105.07.a.i.(2). through 105.07.a.i.(5). that are intermittent or seasonal, except for storm water runoff, spillage, or leaks; ( )

iii. A reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline, if an effluent guideline promulgated under the Clean Water Act section 304 applies to the applicant and is expressed in terms of production or other measure of operation. The reported measure must reflect the actual production of the facility as required by Subsection 303.02.b.; ( )

iv. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading, or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates; ( )

v. A listing of any toxic pollutant that the applicant currently uses or manufactures as an intermediate or final product or byproduct, except that the Department may waive or modify this requirement; ( )

(1) If the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant; and ( )

(2) The Department has adequate information to issue the permit; ( )

vi. An identification of any biological toxicity tests that the applicant knows or has reason to believe have been made within the last three (3) years on any of the applicant's discharges or on a receiving water in relation to a discharge; and ( )

vii. The identity of each laboratory or firm and the analyses performed, if a contract laboratory or consulting firm performed any of the analyses required by Subsection 105.07.c. through **m.** ( )

**b.** The owner or operator of a facility subject to this subsection shall submit, with an application, a

line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. ( )

i. In the line drawing, similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under Subsection 105.07.a.i.(2) through 105.07.a.i.(5). ( )

ii. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. ( )

iii. If a water balance cannot be determined for certain activities, the applicant may instead provide a pictorial description of the nature and amount of any sources of water and any collection and treatment measures. ( )

**c.** In addition to the items of information listed in Subsections 105.07.a. through 105.07.b., and except for information on storm water discharges required by 40 CFR 122.26, an applicant for an IPDES permit for an existing facility described in Subsection 105.07.a. shall: ( )

i. Collect, prepare, and submit information regarding the effluent characteristics and discharge of pollutants specified in this section; and ( )

ii. When quantitative data for a pollutant are required, collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR Part 136, except that when no analytical method is approved, the applicant may use any suitable method but must describe the method. ( )

**d.** An applicant for an IPDES permit under this subsection shall: ( )

i. Use grab samples in providing information regarding cyanide, total phenols, residual chlorine, oil and grease, fecal coliform (including *E. coli*), Enterococci (previously known as fecal streptococcus), and volatile organics; temperature, pH, and residual chlorine effluent data may be obtained from grab samples or from calibrated and properly maintained continuous monitors; ( )

ii. For all other pollutants, use twenty-four (24) hour composite samples, except that a minimum of one (1) grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than twenty-four (24) hours; ( )

**e.** For purposes of Subsection 105.07.c., exceptions to testing and data provision requirements for effluent characteristics include: ( )

i. When an applicant has two (2) or more outfalls with substantially identical effluents, the Department may allow the applicant to test only one (1) outfall and report that the quantitative data also apply to the substantially identical outfall; and ( )

ii. An applicant's duty under Subsections 105.07.j., k., and l. to provide quantitative data for certain pollutants known or believed to be present does not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an applicant shall report that those pollutants are present. ( )

**f.** For storm water discharges, associated with an existing facility described in Subsection 105.07.a., from storm events which yield more than one-tenth (0.1) inch of rainfall: ( )

i. All samples must be collected from the discharge resulting from a storm event and at least seventy-two (72) hours after the previously measurable storm event exceeding one-tenth (0.1) inch rainfall. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed fifty percent (50%) from the average or median rainfall event in that area; and ( )

ii. For all applicants, a flow-weighted composite sample must be taken for either the entire discharge or for the first three (3) hours of the discharge, except for the following: ( )

(1) The sampling may be conducted with a continuous sampler or as a combination of a minimum of three (3) sample aliquots taken in each hour of discharge for the entire discharge or for the first three (3) hours of the discharge, with each aliquot being separated by a minimum period of fifteen (15) minutes. If the Department approves, an applicant for a storm water discharge permit under Subsection 105.18 may collect flow-weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots; ( )

(2) A minimum of one (1) grab sample may be taken for storm water discharges from holding ponds or other impoundments with a retention period greater than twenty-four (24) hours; or ( )

(3) For a flow-weighted composite sample, only one (1) analysis of the composite of aliquots is required; ( )

iii. For samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first thirty (30) minutes, or as soon thereafter as practicable, of the discharge for all pollutants specified in Subsection 105.19 except that for all storm water permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants specified in 40 CFR 122.26(a) through (b) and (e) through (g), Subsections 105.18 and 105.19, but not for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, and fecal streptococcus; ( )

iv. The Department may, on a case-by-case basis, allow or establish appropriate site-specific sampling procedures or requirements, including: ( )

(1) Sampling locations; ( )

(2) The season in which the sampling takes place; ( )

(3) The minimum duration between the previous measurable storm event and the sampled storm event; ( )

(4) The minimum or maximum level of precipitation required for an appropriate storm event; ( )

(5) The form of precipitation sampled, whether snow melt or rain fall; ( )

(6) Protocols for collecting samples under 40 CFR Part 136; and ( )

(7) Additional time for submitting data; and ( )

v. An applicant is deemed to know or have reason to believe that a pollutant is present in an effluent if an evaluation of the expected use, production, or storage of the pollutant, or any previous analyses for the pollutant, show that pollutant's presence. ( )

**g.** Unless a reporting requirement is waived under Subsection 105.07.h., every applicant subject to this subsection shall report quantitative data for the following pollutants for every outfall: ( )

i. 5-day biochemical oxygen demand (BOD5); ( )

ii. Chemical oxygen demand (COD); ( )

iii. Total organic carbon (TOC); ( )

iv. Total suspended solids (TSS); ( )

v. Ammonia, as N; ( )

vi. Temperature (both winter and summer); and ( )



vii. pH.

**h.** The Department may waive the reporting requirements under Subsection 105.07.g. for individual point sources or for a particular industry category for one (1) or more of the pollutants listed in Subsection 105.07.g. if the applicant demonstrates that information adequate to support issuance of a permit can be obtained with less stringent requirements. ( )

**i.** Except as provided in Subsection 105.07.n., an applicant with an existing facility described in Subsection 105.07.a. that has processes that qualify in one (1) or more of the primary industry categories shown in Appendix A to 40 CFR Part 122 contributing to a discharge, must report quantitative data for pollutants in each outfall containing process wastewater as follows: ( )

i. Data for the organic toxic pollutants listed in Table II of Appendix D to 40 CFR Part 122 in the fractions designated in Table I of Appendix D to 40 CFR Part 122. For purposes of this subsection: ( )

(1) Table II of Appendix D to 40 CFR Part 122, lists the organic toxic pollutants in each fraction that result from the sample preparation required by the analytical procedure that uses gas chromatography/mass spectrometry; and ( )

(2) If the Department determines that an applicant falls within an industrial category for the purposes of selecting fractions for testing, that determination does not establish the applicant's category for any other purpose; see Notes 2 *and* 3 to 40 CFR 122.21; and ( )

ii. Data for the toxic metals, cyanide, and total phenols listed in Table III of Appendix D to 40 CFR Part 122. ( )

**j.** An applicant for an IPDES permit under this section must disclose, in an application, whether the applicant knows or has reason to believe that any of the conventional and nonconventional pollutants in Table IV of Appendix D to 40 CFR Part 122 are discharged from each outfall. If an applicable effluent limitations guideline limits the pollutant either directly or indirectly by express limitations on an indicator, the applicant must report quantitative data. For every pollutant discharged that is not limited in an effluent limitations guideline, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged. ( )

**k.** An applicant for an IPDES permit under this subsection must disclose, in an application, whether the applicant knows or has reason to believe that any of the organic toxic pollutants listed in Table II or the toxic metals, cyanide, or total phenols listed in Table III of Appendix D to 40 CFR Part 122 for which quantitative data are not otherwise required under Subsection 105.07.i., are discharged from each outfall. Unless an applicant qualifies as a small business under Subsection 105.07.n., the applicant must: ( )

i. Report quantitative data for every pollutant expected to be discharged in concentrations of ten (10) parts per billion or greater; ( )

ii. Report quantitative data for acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4, 6 dinitrophenol, if any of these four (4) pollutants are expected to be discharged in concentrations of one hundred (100) parts per billion or greater; and ( )

iii. For every pollutant expected to be discharged in concentrations less than ten (10) parts per billion, or in the case of acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4, 6 dinitrophenol, in concentrations less than one hundred (100) parts per billion, either submit quantitative data, or briefly describe the reasons the pollutant is expected to be discharged and submit any supporting documentation. ( )

**l.** An applicant for an IPDES permit under this subsection must disclose, in an application, whether the applicant knows or has reason to believe that asbestos or any of the hazardous substances listed in Table V of Appendix D to 40 CFR Part 122 are discharged from each outfall. For every pollutant expected to be discharged, the applicant must briefly describe the reasons the pollutant is expected to be discharged and report any quantitative data it has for any pollutant. ( )

**m.** An applicant for an IPDES permit under this subsection must disclose, in an application, and report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7, 8-tetrachlorodibenzo-p-dioxin (TCDD) if the applicant: ( )

i. Uses or manufactures the following: ( )

(1) 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); ( )

(2) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); ( )

(3) 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); ( )

(4) o,o-dimethyl o-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); ( )

(5) 2,4,5-trichlorophenol (TCP); or ( )

(6) Hexachlorophene (HCP); or ( )

ii. Knows or has reason to believe that TCDD is or may be present in an effluent. ( )

**n.** An applicant under this subsection is exempt from the quantitative data requirements in Subsections 105.07.i. or 105.07.j. for the organic toxic pollutants listed in Table II of Appendix D to 40 CFR Part 122, if that applicant qualifies as a small business under one (1) of the following criteria: ( )

i. The applicant is a coal mine with an expected total annual production of less than one hundred thousand (100,000) tons per year; or ( )

ii. The applicant has gross total annual sales averaging less than two hundred eighty-seven thousand, three hundred dollars (\$287,300) per year in 2014 dollars. ( )

**o.** In addition to the information reported on the application form, an applicant under this subsection shall provide to the Department, at the Department's request, any other information that the Department may reasonably require to assess the discharges of the facility and to determine whether to issue an IPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and information required to determine the cause of the toxicity. ( )

**[Subsection 105.08 - entire subsection]**

**08. Individual Permit Application Requirements for *New or Existing Manufacturing, Commercial, Mining, and Silviculture Facilities that Discharge only Non-Process Wastewater.*** ( )

**[Proposed Paragraph 105.08.a. has been deleted]**

**a.** An applicant for an IPDES permit that is a manufacturing, commercial, mining, or silvicultural discharger that discharges only non-process wastewater not regulated by an effluent limitations guideline or new source performance standard shall provide the following information to the Department for all discharges, except for storm water discharges, using the applicable forms specified in Subsection 105.04: ( )

i. The number of each outfall, the latitude and longitude to the nearest second, and the name of each receiving water; ( )

ii. For a new discharger, the date of expected commencement of discharge; ( )

iii. An identification of the general type of waste discharged, or expected to be discharged upon



commencement of operations, including sanitary wastes, restaurant or cafeteria wastes, or non-contact cooling water; ( )

iv. An identification of cooling water additives, if any, that are used or expected to be used upon commencement of operations, along with their composition if existing composition is available; ( )

v. Effluent characteristics prepared and submitted as described in Subsections 105.08.*b.* and 105.08.*c.*; ( )

vi. A description of the frequency of flow and duration of any seasonal or intermittent discharge, except for storm water runoff, leaks, or spills; ( )

vii. A brief description of any treatment system used or to be used; ( )

viii. Any additional information the applicant wishes to be considered, such as influent data for the purpose of obtaining net credits under Subsection 303.07; and ( )

ix. The signature of the certifying official under Section 090 (Signature Requirements). ( )

*b.* Except as otherwise provided in Subsections 105.08.*d.* through *g.*, an IPDES permit application for a discharger described in Subsection 105.08.*a.* must include quantitative data for the following pollutants or parameters: ( )

i. 5-day biochemical oxygen demand (BOD5); ( )

ii. Total suspended solids (TSS); ( )

iii. Fecal coliform, if believed present or if sanitary waste is or will be discharged; ( )

iv. Total residual chlorine (TRC), if chlorine is used; ( )

v. Oil and grease; ( )

vi. Chemical oxygen demand (COD), if non-contact cooling water is or will be discharged; ( )

vii. Total organic carbon (TOC), if non-contact cooling water is or will be discharged; ( )

viii. Ammonia, as N; ( )

ix. Discharge flow; ( )

x. pH; and ( )

xi. Temperature, both in winter and summer, respectively. ( )

*c.* For purposes of the data required under Subsection 105.08.*b.*: ( )

i. Grab samples must be used for oil and grease, fecal coliform, and volatile organics. Temperature, pH, and TRC effluent data may be obtained from grab samples or from calibrated and properly maintained continuous monitors; ( )

ii. Twenty-four (24) hour composite samples must be used for pollutants listed in Subsection 105.08.*b.*, other than those specified in Subsection 105.08.*c.i.* Twenty-four (24) hour composite samples must, at a minimum, be composed of four (4) grab samples, equally spaced through the twenty-four (24)-hour period, unless specified otherwise at 40 CFR Part 136. For a composite sample, only one (*1*) analysis of the composite aliquots is required; ( )

iii. The quantitative data may be collected over the past three hundred sixty-five (365) days, as long as the data is representative of current operations, and must include maximum daily value, average daily value, and number of measurements taken; and ( )

iv. The applicant shall collect and analyze samples in accordance with 40 CFR Part 136. ( )

**d.** The Department may waive the testing and reporting requirements for any of the pollutants or flow listed in Subsection 105.08.c. if the applicant requests a waiver with its application or earlier, and demonstrates that information adequate to support permit issuance can be obtained through less stringent requirements. ( )

**e.** If the applicant is a new discharger, the applicant shall: ( )

i. Complete and submit Item IV of EPA Form 2E, or the Department equivalent, as required by Subsection 105.04.a.iv., by providing quantitative data in compliance with that section no later than two (2) years after the discharge commences, except that the applicant need not complete those portions of Item IV requiring tests that the applicant has already performed and reported under the discharge monitoring requirements of its IPDES or NPDES permit; and ( )

ii. Include estimates and the source of each estimate instead of sampling data for the pollutants or parameters listed in Subsection 105.08.b.; ( )

**f.** For purposes of the data required under this subsection, all pollutant levels must be reported or estimated as concentration and as total mass, except for flow, pH, and temperature. Submittal of all estimated data shall be accompanied by documents supporting the estimated value. ( )

**g.** An applicant's duty, under Subsections 105.08.b., c. and e., to provide quantitative data or estimates of certain pollutants does not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant shall report the presence of those pollutants. If the requirements of Subsection 303.07 are met, net credit may be provided for the presence of pollutants in intake water. ( )

**09. Individual Permit Application Requirements for New and Existing Concentrated Animal Feeding Operations (CAFO).** An applicant for an IPDES permit for a new or existing CAFO, as defined in 40 CFR 122.23(b) shall provide the following information to the Department, using the applicable forms specified in Subsection 105.04: ( )

**[Paragraph 105.09.c.]**

**c.** Latitude and longitude of the production area *to the nearest second*, measured at the entrance to the production area; ( )

**11. Individual Permit Application Requirements for New and Existing POTWs and Other Dischargers Designated by the Department.** ( )

**c.** An applicant under this subsection must provide the following information: ( )

**[Subparagraph 105.11.c.ii.]**

ii. Name, mailing address, electronic mail address, *EIN*, and telephone number of the applicant, and a statement whether the applicant is the facility's owner, operator, or both; ( )

**d.** In addition to the information described in Subsection 105.11.c., an applicant under this subsection with a design flow greater than or equal to zero point one (0.1) million gallons per day (MGD) must provide: ( )

ii. A topographic map, or other map if a topographic map is unavailable, extending at least one (1) mile beyond property boundaries of the treatment plant including all unit processes, and showing: ( )

***[Subparagraph 105.11.d.ii.(5)]***

(5) *Sewage* sludge management facilities including on-site treatment, storage, and disposal sites; and ( )

e. An applicant under this subsection must provide the following information for each outfall, including bypass points, through which effluent is discharged, as applicable: ( )

i. For each outfall: ( )

***[Subparagraph 105.11.e.i.(3) - deleted text]***

(3) The latitude and longitude, to the nearest second; ( )

f. In addition to Subsection 105.11.a., and except as provided in Subsection 105.11.h., an applicant under this subsection shall undertake sampling and analysis and submit effluent monitoring information for samples taken from each outfall through which effluent is discharged to waters of the United States, except for combined sewer overflows, including the following if applicable: ( )

iii. Sampling and analysis for the pollutants listed in Appendix J, Table 2 to 40 CFR Part 122 and for any other pollutants for which the state or EPA has established water quality standards applicable to the receiving waters if the facility is: ( )

***[Subparagraph 105.11.f.iii.(1)]***

(1) A POTW that has a design flow rate equal to or greater than one (1) million gallons per day (MGD); ( )

***[Paragraph 105.11.i. - proposed changes have been deleted]***

***[Subsection 105.12 - deleted text]***

12. Whole Effluent Toxicity (WET) Monitoring for POTWs. ( )

b. An applicant under Subsection 105.11 shall submit to the Department, in compliance with Subsections 105.12.c. through f., the results of valid WET tests for acute or chronic toxicity for samples taken from each outfall through which effluent is discharged to surface waters, except for combined sewer overflows, if the applicant: ( )

***[Subparagraph 105.12.b.i.]***

- i. Has a design flow rate greater than or equal to one (1) million gallons per day (MGD); ( )

**13. Individual Permit Application Requirements for POTWs Receiving Industrial Discharges.** ( )

**[Paragraph 105.13.b.]**

b. The information required in Subsection 105.13.a. may be waived by the Department for a POTW with a pretreatment program if the applicant has submitted either of the following that contains information substantially identical to the information required in Subsection 105.13.a.: ( )

**15. Individual Permit Application Requirements for POTWs with Combined Sewer Systems and Overflows.** A POTW applicant with a combined sewer system must provide the following information on the combined sewer system and outfalls: ( )

**[Paragraph 105.15.f. - deleted text]**

- f. The name of each receiving water; ( )

**[Subsection 105.16 - entire subsection]**

**16. Individual Permit Application Requirements for New Sources and New Discharges.** ( )

a. An applicant for an IPDES permit for a new manufacturing, commercial, mining, silviculture, or other discharge, except for a new discharge from a facility subject to the requirements of Subsection 105.08 or a new discharge of storm water associated with industrial activity that is subject to the requirements of Subsection 105.19, except as provided by Subsection 105.19.c., shall provide the following information to the Department, using the applicable forms specified in Subsection 105.04.b.: ( )

i. The latitude and longitude to the nearest second of the expected outfall location and the name of each receiving water; ( )

ii. The expected date the discharge will commence; ( )

iii. The following information on flows, sources of pollution, and treatment technologies: ( )

(1) A narrative describing the treatment that the wastewater will receive, identifying all operations contributing wastewater to the effluent, stating the average flow contributed by each operation, and describing the ultimate disposal of any solid or liquid wastes not discharged; ( )

(2) A line drawing of the water flow through the facility with a water balance as described in Subsection 105.07.b.; and ( )

(3) If any of the expected discharges will be intermittent or seasonal, a description of the frequency, duration, and maximum daily flow rate of each discharge occurrence, except for storm water runoff, spillage, or leaks; ( )

iv. If a new source performance standard promulgated under the Clean Water Act section 306 or an effluent limitation guideline applies to the applicant and is expressed in terms of production or other measure of operation, a reasonable calculation of the applicant's expected actual production reported in the units used in the applicable effluent guideline or new source performance standard, as required by Subsection 303.02.b., for each of the first three (3) years. The applicant may submit alternative estimates if production is likely to vary; ( )

- v. The effluent characteristics information as described in Subsection 105.16.b.; ( )
- vi. The existence of any technical evaluation concerning the applicant's wastewater treatment, along with the name and location of similar plants of which the applicant has knowledge; ( )
- vii. Any optional information the permittee wishes the Department to consider. ( )

***[Proposed Subparagraph 105.16.a.viii. has been deleted]***

- b.** An applicant under this section must provide the following effluent characteristics information: ( )
  - i. Estimated daily maximum, daily average, and the source of that information for each outfall for the following pollutants or parameters: ( )
    - (1) *Five (5)-day biochemical* oxygen demand (BOD<sub>5</sub>); ( )
    - (2) Chemical oxygen demand (COD); ( )
    - (3) Total organic carbon (TOC); ( )
    - (4) Total suspended solids (TSS); ( )
    - (5) Flow; ( )
    - (6) Ammonia, as N; ( )
    - (7) Temperature, in both winter and summer; and ( )
    - (8) pH. ( )
  - ii. Estimated daily maximum, daily average, and the source of that information for each outfall for all the conventional and nonconventional pollutants in Table IV of Appendix D to 40 CFR Part 122, if the applicant knows or has reason to believe any of the pollutants will be present or if any of the pollutants are limited by an effluent limitation guideline or new source performance standard either directly or indirectly through limitations on an indicator pollutant; ( )
  - iii. Estimated daily maximum, daily average, and the source of that information for the following pollutants for each outfall, if the applicant knows or has reason to believe the pollutants will be present in the discharge from any outfall: ( )
    - (1) All pollutants in Table IV of Appendix D to 40 CFR Part 122; ( )
    - (2) The toxic metals, total cyanide, and total phenols listed in Table III of Appendix D to 40 CFR Part 122; ( )
    - (3) The organic toxic pollutants in Table II of Appendix D to 40 CFR Part 122 except bis (chloromethyl) ether, dichlorofluoromethane, and trichlorofluoromethane; however, this requirement is waived for: ( )
      - (a) An applicant with expected gross sales of less than two hundred eighty-seven thousand three hundred dollars (\$287,300) per year in 2014 dollars for the next three (3) years (*see also Subsection 105.07.n.ii.*); or ( )
      - (b) A coal mine with expected average production of less than one hundred thousand (100,000) tons of coal per year (*see also Subsection 105.07.n.i.*); ( )

iv. The information that 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) may be discharged if the applicant uses or manufactures one (1) of the following compounds, or if the applicant knows or has reason to believe that TCDD will or may be present in an effluent: ( )

- (1) 2,4,5-trichlorophenoxy acetic acid (2,4,5-T); Chemical Abstract Service (CAS) #93-76-5; ( )
- (2) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) (CAS #93-72-1); ( )
- (3) 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) (CAS #136-25-4); ( )
- (4) o,o-dimethyl o-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel) (CAS #299-84-3); ( )
- (5) 2,4,5-trichlorophenol (TCP) (CAS #95-95-4); or ( )
- (6) Hexachlorophene (HCP) (CAS #70-30-4); and ( )

v. The potential presence of any of the pollutants listed in Table V of Appendix D to 40 CFR Part 122 if the applicant believes these pollutants will be present in any outfall, except that quantitative estimates are not required unless they are already available at the time the applicant applies for the permit. ( )

c. No later than two (2) years after the commencement of discharge from the proposed facility, the applicant is required to complete and submit Items V and VI of EPA application Form 2C or the Department equivalent. The applicant need not complete those portions of Item V or the Department equivalent requiring tests already performed and reported under the discharge monitoring requirements of its permit. ( )

d. The effluent characteristics requirements in Subsections 105.08.b., c., and e. that an applicant must provide estimates of certain pollutants expected to be present do not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant must report that a pollutant is present. For purposes of this subsection, net credits may be provided for the presence of pollutants in intake water if the requirements of Subsection 303.07 are met, and (except for discharge flow, temperature, and pH) all levels must be estimated as concentration and as total mass. ( )

e. The Department may waive the reporting requirements for any of the pollutants and parameters in Subsection 105.16.b. if the applicant requests a waiver with its application, or earlier, and demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements. ( )

**17. Individual Permit Application Requirements for Treatment Works Treating Domestic Sewage (TWTDS).** All TWTDS with a currently effective NPDES or IPDES permit must submit a permit application at the time of the next IPDES permit renewal application, using Form 2S or another application form approved by the Department. New applicants must submit all information available at the time of permit application. The information may be provided by referencing information previously submitted to the Department. ( )

b. All applicants must submit the following information: ( )

**[Subparagraph 105.17.b.ii.]**

ii. The name, mailing address, EIN, and telephone number of the applicant and indication whether the applicant is the owner, operator, or both; ( )

**[Subsection 105.18 - entire subsection]**

**18. Individual Permit Application Requirements for Municipal Separate Storm Sewer**

**Discharges.** The operator of a discharge from a large or medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the Department under 40 CFR 122.26(a)(1)(v), may submit a jurisdiction-wide or system-wide permit application. Where more than one (1) public entity owns or operates a municipal separate storm sewer within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be a coapplicant to the same application. Permit applications for discharges from large and medium municipal storm sewers or municipal storm sewers designated under 40 CFR 122.26 (a)(1)(v) shall include:

- ( )
- a. Part 1 of the application shall consist of: ( )
  - i. The applicants' name, address, *EIN*, telephone number of contact person, ownership status and status as a state or local government entity; ( )
  - ii. A description of existing legal authority to control discharges to the municipal separate storm sewer system. When existing legal authority is not sufficient to meet the criteria provided in Subsection 105.18.b.i., the description shall list additional authorities as will be necessary to meet the criteria and shall include a schedule and commitment to seek such additional authority that will be needed to meet the criteria; ( )
  - iii. A description of the historic use of ordinances, guidance or other controls which limited the discharge of non-storm water discharges to any POTW serving the same area as the municipal separate storm sewer system. The following information shall be provided: ( )
    - (1) A USGS seven point five (7.5) minute topographic map (or equivalent topographic map with a scale between one to ten thousand (1:10,000) and one to twenty-four thousand (1:24,000) if cost effective) extending one (1) mile beyond the service boundaries of the municipal storm sewer system covered by the permit application; ( )
    - (2) The location of known municipal storm sewer system outfalls discharging to waters of the United States; ( )
    - (3) A description of the land use activities (e.g. divisions indicating undeveloped, residential, commercial, agricultural and industrial uses) accompanied with estimates of population densities and projected growth for a ten (10) year period within the drainage area served by the separate storm sewer. For each land use type, an estimate of an average runoff coefficient shall be provided; ( )
    - (4) The location and a description of the activities of the facility of each currently operating or closed municipal landfill or other treatment, storage or disposal facility for municipal waste; ( )
    - (5) The location and the permit number of any known discharge to the municipal storm sewer that has been issued a NPDES or IPDES permit; ( )
    - (6) The location of major structural controls for storm water discharge (retention basins, detention basins, major infiltration devices, etc.); and ( )
    - (7) The identification of publicly owned parks, recreational areas, and other open lands. ( )
  - iv. A description of the discharge including: ( )
    - (1) Monthly mean rain and snow fall estimates (or summary of weather bureau data) and the monthly average number of storm events; ( )
    - (2) Existing quantitative data describing the volume and quality of discharges from the municipal storm sewer, including a description of the outfalls sampled, sampling procedures and analytical methods used; ( )
    - (3) A list of water bodies that receive discharges from the municipal separate storm sewer system, including downstream segments, lakes and estuaries, where pollutants from the system discharges may accumulate



and cause water degradation and a brief description of known water quality impacts. At a minimum, the description of impacts shall include a description of whether the water bodies receiving such discharges have been: ( )

(a) Assessed and reported in the Clean Water Act section 305(b) reports submitted by the Department, the basis for the assessment (evaluated or monitored), a summary of designated use support and attainment of Clean Water Act goals (fishable and swimmable waters), and causes of nonsupport of designated uses; ( )

(b) Listed under the Clean Water Act section 304(l)(1)(A)(i), 304(l)(1)(A)(ii), or 304(l)(1)(B) that is not expected to meet water quality standards or water quality goals; ( )

(c) Listed in state Nonpoint Source Assessments required by the Clean Water Act section 319(a), without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain water quality standards due to storm sewers, construction, highway maintenance and runoff from municipal landfills and municipal sludge adding significant pollution (or contributing to a violation of water quality standards); ( )

(d) Identified and classified according to eutrophic condition of publicly owned lakes listed in state reports required under the Clean Water Act section 314(a) (include the following: A description of those publicly owned lakes for which uses are known to be impaired, a description of procedures, processes and methods to control the discharge of pollutants from municipal separate storm sewers into such lakes, and a description of methods and procedures to restore the quality of such lakes); ( )

(e) Recognized by the applicant as highly valued or sensitive waters; ( )

(f) Defined by the state as wetlands; and ( )

(g) Found to have pollutants in bottom sediments, fish tissue, or biosurvey data. ( )

(4) Results of a field screening analysis for illicit connections and illegal dumping for either selected field screening points or major outfalls covered in the permit application. At a minimum, a screening analysis shall include a narrative description, for either each field screening point or major outfall, of visual observations made during dry weather periods. If any flow is observed, two (2) grab samples shall be collected during a twenty-four (24)-hour period with a minimum period of four (4) hours between samples. For all such samples, a narrative description of the color, odor, turbidity, the presence of an oil sheen or surface scum as well as any other relevant observations regarding the potential presence of non-storm water discharges or illegal dumping shall be provided. In addition, a narrative description of the results of a field analysis using suitable methods to estimate pH, total chlorine, total copper, total phenol, and detergents (or surfactants) shall be provided along with a description of the flow rate. Where the field analysis does not involve analytical methods approved under 40 CFR Part 136, the applicant shall provide a description of the method used including the name of the manufacturer of the test method along with the range and accuracy of the test. Field screening points shall be either major outfalls or other outfall points (or any other point of access such as manholes) randomly located throughout the storm sewer system by placing a grid over a drainage system map and identifying those cells of the grid which contain a segment of the storm sewer system or major outfall. The field screening points shall be established using the following guidelines and criteria: ( )

(a) A grid system consisting of perpendicular north-south and east-west lines spaced one-quarter (¼) mile apart shall be overlaid on a map of the municipal storm sewer system, creating a series of cells; ( )

(b) All cells that contain a segment of the storm sewer system shall be identified; one (1) field screening point shall be selected in each cell; major outfalls may be used as field screening points; ( )

(c) Field screening points should be located downstream of any sources of suspected illegal or illicit activity; ( )

(d) Field screening points shall be located to the degree practicable at the farthest manhole or other accessible location downstream in the system, within each cell; however, safety of personnel and accessibility of the location should be considered in making this determination; ( )

(e) Hydrological conditions, total drainage area of the site, population density of the site, traffic



density, age of the structures or buildings in the area, history of the area, and land use types; ( )

(f) For medium municipal separate storm sewer systems, no more than two hundred fifty (250) cells need to have identified field screening points; in large municipal separate storm sewer systems, no more than five hundred (500) cells need to have identified field screening points; cells established by the grid that contain no storm sewer segments will be eliminated from consideration; if fewer than two hundred fifty (250) cells in medium municipal sewers are created, and fewer than 500 in large systems are created by the overlay on the municipal sewer map, then all those cells which contain a segment of the sewer system shall be subject to field screening (unless access to the separate storm sewer system is impossible); and ( )

(g) Large or medium municipal separate storm sewer systems which are unable to utilize the procedures described in Subsection 105.18.a.iv.(4)(a) through (f), because a sufficiently detailed map of the separate storm sewer systems is unavailable, shall field screen no more than five hundred (500) or two hundred fifty (250) major outfalls respectively (or all major outfalls in the system, if less). In such circumstances, the applicant shall establish a grid system consisting of north-south and east-west lines spaced one-quarter ( $\frac{1}{4}$ ) mile apart as an overlay to the boundaries of the municipal storm sewer system, thereby creating a series of cells. The applicant will then select major outfalls in as many cells as possible until at least five hundred (500) major outfalls (large municipalities) or two hundred fifty (250) major outfalls (medium municipalities) are selected; a field screening analysis shall be undertaken at these major outfalls; and ( )

(5) Information and a proposed program to meet the requirements of Subsection 105.18.b.iii., which shall include: the location of outfalls or field screening points appropriate for representative data collection under Subsection 105.18.b.iii.(1), a description of why the outfall or field screening point is representative, the seasons during which sampling is intended, a description of the sampling equipment. The proposed location of outfalls or field screening points for such sampling should reflect water quality concerns (see Subsection 105.18.a.iv.(3)) to the extent practicable; ( )

v. A description of the existing management programs to control pollutants from the municipal separate storm sewer system, which shall provide information on existing structural and source controls, including operation and maintenance measures for structural controls that are currently being implemented. Such controls may include, but are not limited to: procedures to control pollution resulting from construction activities; floodplain management controls; wetland protection measures; best management practices for new subdivisions; and emergency spill response programs. The description may address controls established under state law as well as local requirements; ( )

vi. A description of the existing program to identify illicit connections to the municipal storm sewer system, which should include inspection procedures and methods for detecting and preventing illicit discharges, and describe areas where this program has been implemented; and ( )

vii. A description of the financial resources currently available to the municipality to complete part 2 of the permit application. A description of the municipality's budget for existing storm water programs, including an overview of the municipality's financial resources and budget, including overall indebtedness and assets, and sources of funds for storm water programs. ( )

**b.** Part 2 of the application shall consist of: ( )

i. A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance. or series of contracts which authorizes or enables the applicant at a minimum to: ( )

(1) Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity; ( )

(2) Prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer; ( )

(3) Control through ordinance, order or similar means the discharge to a municipal separate storm

sewer of spills, dumping or disposal of materials other than storm water; ( )

(4) Control through interagency agreements among co-applicants the contribution of pollutants from a portion of the municipal system to another portion of the municipal system; ( )

(5) Require compliance with conditions in ordinances, permits, contracts or orders; and ( )

(6) Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer. ( )

ii. The location of any major outfall that discharges to waters of the United States that was not reported under Subsection 105.18.a.iii.(2). Provide an inventory, organized by watershed of the name and address, and a description (such as Standard Industrial Classification (SIC) codes) which best reflects the principal products or services provided by each facility which may discharge, to the municipal separate storm sewer, storm water associated with industrial activity; ( )

iii. When quantitative data for a pollutant are required under Subsection 105.18.b.iii.(1)(c), the applicant must collect a sample of effluent in accordance with Subsection 105.07.c. through 105.07.m. and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR Part 136. When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. The applicant must provide information characterizing the quality and quantity of discharges covered in the permit application, including: ( )

(1) Quantitative data from representative outfalls designated by the Department *developed as follows* (based on information received in part 1 of the application. The Department shall designate between five (5) and ten (10) outfalls or field screening points as representative of the commercial, residential and industrial land use activities of the drainage area contributing to the system or, where there are less than five (5) outfalls covered in the application, the Department shall designate all outfalls): ( )

(a) For each outfall or field screening point designated under this subsection, samples shall be collected of storm water discharges from three (3) storm events occurring at least one (1) month apart in accordance with the requirements at Subsection 105.07.c. through 105.07.m. (the Department may allow exemptions to sampling three (3) storm events when climatic conditions create good cause for such exemptions); ( )

(b) A narrative description shall be provided of the date and duration of the storm event(s) sampled, rainfall estimates of the storm event which generated the sampled discharge and the duration between the storm event sampled and the end of the previous measurable (greater than one-tenth (0.1) inch rainfall) storm event; ( )

(c) For samples collected and described under Subsections 105.18.b.iii.(1)(a) and (b), quantitative data shall be provided for the organic pollutants listed in Table II *and* the pollutants listed in Table III (toxic metals, cyanide, and total phenols) of Appendix D of 40 CFR Part 122, and for the following pollutants: ( )

(i) Total suspended solids (TSS); ( )

(ii) Total dissolved solids (TDS); ( )

(iii) *Chemical oxygen demand (COD)*; ( )

(iv) *Five (5)-day biochemical oxygen demand (BOD5)*; ( )

(v) Oil and grease; ( )

(vi) Fecal coliform; ( )

(vii) Fecal streptococcus; ( )

- (viii) pH; ( )
- (ix) Total Kjeldahl nitrogen; ( )
- (x) Nitrate plus nitrite; ( )
- (xi) Total ammonia plus organic nitrogen; ( )
- (xii) Dissolved phosphorus; and ( )
- (xiii) Total phosphorus; ( )

(d) Additional limited quantitative data required by the Department for determining permit conditions (the Department may require that quantitative data be provided for additional parameters, and may establish sampling conditions such as the location, season of sample collection, form of precipitation (snow melt, rainfall) and other parameters necessary to insure representativeness); ( )

(2) Estimates of the annual pollutant load of the cumulative discharges to waters of the United States from all identified municipal outfalls and the event mean concentration of the cumulative discharges to waters of the United States from all identified municipal outfalls during a storm event for BOD5, COD, TSS, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, total phosphorus, dissolved phosphorus, cadmium, copper, lead, and zinc. Estimates shall be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modelling, data analysis, and calculation methods; ( )

(3) A proposed schedule to provide estimates for each major outfall identified in either Subsection 105.18.b.ii. or 105.18.a.iii.(2) of the seasonal pollutant load and of the event mean concentration of a representative storm for any constituent detected in any sample required under Subsection 105.18.b.iii.(1); and ( )

(4) A proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment; ( )

iv. A proposed management program covering the duration of the permit, which shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate. The program shall also include a description of staff and equipment available to implement the program. Separate proposed programs may be submitted by each co-applicant. Proposed programs may impose controls on a system wide basis, a watershed basis, a jurisdiction basis, or on individual outfalls. Proposed programs will be considered by the Department when developing permit conditions to reduce pollutants in discharges to the maximum extent practicable. Proposed management programs shall describe priorities for implementing controls. Such programs shall be based on: ( )

(1) A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description shall include: ( )

(a) A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers; ( )

(b) A description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant redevelopment. Such plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed (controls to reduce pollutants in discharges from municipal separate storm sewers containing construction site runoff are

addressed in Subsection 105.18.b.iv.(4)); ( )

(c) A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities; ( )

(d) A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible; ( )

(e) A description of a program to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage, or disposal facilities for municipal waste, which shall identify priorities and procedures for inspections and establishing and implementing control measures for such discharges (this program can be coordinated with the program developed under Subsection 105.18.b.iv.(3)); and ( )

(f) A description of a program to reduce to the maximum extent practicable, pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides, and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities; ( )

(2) A description of a program, including a schedule, to detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate IPDES permit for) illicit discharges and improper disposal into the storm sewer. The proposed program shall include: ( )

(a) A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system. This program description shall address all types of illicit discharges; however, the following category of non-storm water discharges or flows shall be addressed where such discharges are identified by the municipality as sources of pollutants to waters of the United States: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined in Section 010) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (program descriptions shall address discharges or flows from firefighting only where such discharges or flows are identified as significant sources of pollutants to waters of the United States); ( )

(b) A description of procedures to conduct on-going field screening activities during the life of the permit, including areas or locations that will be evaluated by such field screens; ( )

(c) A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water (such procedures may include: sampling procedures for constituents such as fecal coliform, fecal streptococcus, surfactants (MBAS), residual chlorine, fluorides and potassium; testing with fluorometric dyes; or conducting in storm sewer inspections where safety and other considerations allow. Such description shall include the location of storm sewers that have been identified for such evaluation); ( )

(d) A description of procedures to prevent, contain, and respond to spills that may discharge into the municipal separate storm sewer; ( )

(e) A description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers; ( )

(f) A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and ( )

(g) A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary; ( )

(3) A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall: ( )

(a) Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges; and ( )

(b) Describe a monitoring program for storm water discharges associated with the industrial facilities identified in Subsection 105.18.b.iv.(3), to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing NPDES or IPDES permit for a facility; oil and grease, COD, pH, BOD5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under Subsections 105.07.j. through l.; ( )

(4) A description of a program to implement and maintain structural and non-structural best management practices to reduce pollutants in storm water runoff from construction sites to the municipal storm sewer system, which shall include: ( )

(a) A description of procedures for site planning which incorporate consideration of potential water quality impacts; ( )

(b) A description of requirements for nonstructural and structural best management practices; ( )

(c) A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and ( )

(d) A description of appropriate educational and training measures for construction site operators; ( )

v. Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal storm water quality management program. The assessment shall also identify known impacts of storm water controls on ground water; ( )

vi. For each fiscal year to be covered by the permit, a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the programs under Subsections 105.18.b.iii. and iv. Such analysis shall include a description of the source of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds; ( )

vii. Where more than one (1) legal entity submits an application, the application shall contain a description of the roles and responsibilities of each legal entity and procedures to ensure effective coordination; and ( )

viii. Where requirements under Subsections 105.18.a.iv.(5), 105.18.b.ii., 105.18.b.iii.(2), and 105.18.b.iv. are not practicable or are not applicable, the Department may exclude any operator of a discharge from a municipal separate storm sewer which is designated under 40 CFR 122.26(a)(1)(v), (b)(4)(ii) or (b)(7)(ii) from such requirements. The Department shall not exclude the operator of a discharge from a municipal separate storm sewer identified in Appendix F, G, H or I of 40 CFR Part 122, from any of the permit application requirements under this subsection except where authorized under this section. ( )

*[Subsection 105.19 - entire subsection]*

**19. Individual Permit Application Requirements for Industrial and Construction Storm Water Discharges.** Application requirements for storm water discharges associated with industrial activity and storm water discharges associated with small construction activity. ( )

**a.** Dischargers of storm water associated with industrial activity and with small construction activity are required to apply for an individual permit or seek coverage under a promulgated storm water general permit. Facilities that are required to obtain an individual permit or any discharge of storm water which the Department is evaluating for designation (see Section 130, General Permits) under 40 CFR 122.26(a)(1)(v) and is not a municipal storm sewer, shall submit an IPDES application in accordance with the requirements of Section 105 (Application for an Individual IPDES Permit) as modified and consistent with this subsection. ( )

**b.** Except as provided in Subsections 105.19.c. through e., the operator of a storm water discharge associated with industrial activity subject to this section shall provide: ( )

**i.** A site map showing topography (or indicating the outline of drainage areas served by the outfall(s) covered in the application if a topographic map is unavailable) of the facility including: ( )

(1) Each of its drainage and discharge structures; ( )

(2) The drainage area of each storm water outfall; ( )

(3) Paved areas and buildings within the drainage area of each storm water outfall, each past or present area used for outdoor storage or disposal of significant materials, each existing structural control measure to reduce pollutants in storm water runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied, each of its hazardous waste treatment, storage or disposal facilities (including each area not required to have a *Resource Conservation and Recovery Act* permit which is used for accumulating hazardous waste under 40 CFR 262.34); ( )

(4) Each well where fluids from the facility are injected underground; and ( )

(5) Springs, and other surface water bodies which receive storm water discharges from the facility; ( )

**ii.** An estimate of the area of impervious surfaces (including paved areas and building roofs) and the total area drained by each outfall (within a mile radius of the facility) and a narrative description of the following: ( )

(1) Significant materials that in the three (3) years prior to the submittal of this application have been treated, stored, or disposed in a manner to allow exposure to storm water; ( )

(2) Method of treatment, storage or disposal of such materials; materials management practices employed, in the three (3) years prior to the submittal of this application, to minimize contact by these materials with storm water runoff; ( )

(3) Materials loading and access areas; ( )

(4) The location, manner and frequency in which pesticides, herbicides, soil conditioners and fertilizers are applied; ( )

(5) The location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and ( )

(6) A description of the treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge; ( )

iii. A certification that all outfalls that should contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of non-storm water discharges which are not covered by an IPDES permit. Tests for such non-storm water discharges may include smoke tests, fluorometric dye tests, analysis of accurate schematics, as well as other appropriate tests. The certification shall include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during a test; ( )

iv. Existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three (3) years prior to the submittal of this application; ( )

v. Quantitative data based on samples collected during storm events and collected in accordance with Subsection 105.07 from all outfalls containing a storm water discharge associated with industrial activity for the following parameters: ( )

(1) Any pollutant limited in an effluent guideline to which the facility is subject; ( )

(2) Any pollutant listed in the facility's NPDES or IPDES permit for its process wastewater (if the facility is operating under an existing NPDES or IPDES permit); ( )

(3) Oil and grease, pH, BOD5, COD, TSS, total phosphorus, total Kjeldahl nitrogen, and nitrate plus nitrite nitrogen; ( )

(4) Any information on the discharge required under Subsections 105.07.j. through l.; ( )

(5) Flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event(s) sampled, and the method of flow measurement or estimation; and ( )

(6) The date and duration (in hours) of the storm event(s) sampled, rainfall measurements or estimates of the storm event (in inches) which generated the sampled runoff and the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than one-tenth (0.1) inch rainfall) storm event; ( )

vi. Operators of a discharge which is composed entirely of storm water are exempt from the requirements of Subsections 105.07.b., 105.07.a.i.(2) through 105.07.a.i.(5), 105.07.a.ii., 105.07.a.iii., 105.07.g., 105.07.h., 105.07.i., and 105.07.m.; and ( )

vii. Operators of new sources or new discharges (as defined in Section 010, Definitions) which are composed in part or entirely of storm water must include estimates for the pollutants or parameters listed in Subsection 105.19.b.v. instead of actual sampling data, along with the source of each estimate. Operators of new sources or new discharges composed in part or entirely of storm water must provide quantitative data for the parameters listed in Subsection 105.19.b.v. within two (2) years after commencement of discharge, unless such data has already been reported under the monitoring requirements of the IPDES permit for the discharge. Operators of a new source or new discharge which is composed entirely of storm water are exempt from the requirements of Subsections 105.16.a.iii.(2), 105.16.a.iii.(3), and 105.16.b. ( )

c. An operator of an existing or new storm water discharge that is associated with industrial activity solely under 40 CFR 122.26(b)(14)(x) or is associated with small construction activity solely under 40 CFR 122.26 (b)(15), is exempt from the requirements of Subsection 105.07 and Subsection 105.19.b. Such operator shall provide a narrative description of: ( )

i. The location (including a map) and the nature of the construction activity; ( )

ii. The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit; ( )

iii. Proposed measures, including best management practices, to control pollutants in storm water discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements; ( )



- iv. Proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements; ( )
- v. An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and ( )
- vi. The name of the receiving water. ( )
- d. The operator of an existing or new discharge composed entirely of storm water from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with Subsection 105.19.b., unless the facility: ( )
  - i. Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or ( )
  - ii. Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or ( )
  - iii. Contributes to a violation of a water quality standard. ( )
- e. The operator of an existing or new discharge composed entirely of storm water from a mining operation is not required to submit a permit application unless the discharge has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations. ( )
- f. Applicants shall provide such other information the Department may reasonably require under Subsection 105.07.o. to determine whether to issue a permit and may require any facility subject to Subsection 105.19.c. to comply with Subsection 105.19.b. ( )

**[Section 106 - entire section]**

**106. INDIVIDUAL PERMIT APPLICATION REVIEW.**

**01. Completeness Criteria.** The Department will not begin processing or issue an individual IPDES permit application before receiving a complete application. *An application is complete when an application form and any supplemental information are completed and submitted to the Department's satisfaction.* The Department will not consider a permit application to be complete until all applicable fees required under Section 110 (Permit Fee Schedule for IPDES Permitted Facilities) are paid. ( )

**02. Sufficiently Sensitive Methods.** *Except as specified in Subsection 106.02.c., a permit application shall not be considered complete unless all required quantitative data are collected in accordance with sufficiently sensitive analytical methods approved under 40 CFR Part 136 or required under 40 CFR Parts 400 through 471 and 501 through 503.* ( )

**a.** *A method approved under 40 CFR Part 136 or required under 40 CFR Parts 400 through 471 and 501 through 503 is "sufficiently sensitive" when:* ( )

**i.** *The method minimum level (ML) is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter; or* ( )

**ii.** *The method ML is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or* ( )



iii. *The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Parts 400 through 471 and 501 through 503 for the measured pollutant or pollutant parameter.* ( )

b. *For Subsection 106.02.a., consistent with 40 CFR Part 136, applicants have the option of providing matrix or sample specific minimum levels rather than the published levels. Further, where an applicant can demonstrate that, despite a good faith effort to use a method that would otherwise meet the definition of "sufficiently sensitive," the analytical results are not consistent with the QA/QC specifications for that method, then the Department may determine that the method is not performing adequately and the applicant should select a different method from the remaining EPA-approved methods that is sufficiently sensitive consistent with Subsection 106.02.a. Where no other EPA-approved methods exist, the applicant should select a method consistent with Subsection 106.02.c.* ( )

c. *When there is no analytical method that has been approved under 40 CFR Part 136, required under 40 CFR Parts 400 through 471 and 501 through 503, and is not otherwise required by the Department, the applicant may use any suitable method but shall provide a description of the method. When selecting a suitable method, other factors such as a method's precision, accuracy, or resolution, may be considered when assessing the performance of the method.* ( )

**03. Independence.** The Department shall judge the completeness of any IPDES permit application independently of any other permit application or permit. ( )

**04. Schedule.** The Department will notify an applicant in writing whether the application is deemed complete for purposes of this section within: ( )

a. Thirty (30) days if the application is for a new source or new discharger under the IPDES program, or ( )

b. Sixty (60) days if the application is for an existing source or sludge-only facility. ( )

**05. Additional Information.** Notification that an application is complete does not preclude the Department from requiring the applicant submit additional information for the Department's use in processing the application. This additional information may only be requested when necessary to clarify, modify, or supplement previously submitted material. ( )

a. Requests for additional information will not render an application incomplete. ( )

b. If the Department decides that a site visit is necessary for any reason in connection with the processing of an application, the Department shall notify the applicant and a date shall be scheduled. Failure to schedule or refusal of a requested site visit are grounds for permit denial. ( )

c. The applicant's failure or refusal to correct deficiencies, or supply requested information may result in permit denial, and appropriate enforcement actions may be initiated, if warranted. ( )

**06. Incomplete Due to Waiver Denial.** The Department will not consider a permit application to be complete if the Department waived application requirements under Subsection 105.11 or 105.17 and the EPA has disapproved the waiver. ( )

**07. Impact of Waiver Delay.** If a person required to reapply for a permit submits a waiver request to the EPA more than two hundred ten (210) days before an existing permit expires, and the EPA does not disapprove the waiver request one hundred eighty-one (181) days before the permit expires, the Department will consider the permit application to be complete without the information that is the subject of the waiver request. ( )

**08. Application Completeness Date.** The completeness date of an application is the date on which the Department notifies the applicant that the application is complete. ( )

*[Section 107 - entire section]*

**107. DECISION PROCESS.**

After the Department has determined that a permit application is complete the Department will decide whether to tentatively deny the application, or prepare an IPDES draft permit. ( )

**01. Application Denial.** If the Department decides to tentatively deny the application: ( )

**a.** A notice of intent to deny the permit application shall be issued. *A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit* and shall be made available for public comment, and the Department shall give notice of opportunity for a public meeting, as specified in Section 109 (Public Notification and Comment); ( )

**b.** The Department shall generate a response to public comment; and ( )

**c.** Issue a final decision. The final decision may: ( )

**i.** Be to withdraw the notice of intent to deny the application, and proceed to prepare a draft permit and fact sheet as defined in Section 108 (Draft Permit and Fact Sheet); or ( )

**ii.** Confirm the decision to deny the application. ( )

**d.** The applicant may appeal the final decision to deny the application by adhering to the requirements of Section 204 (Appeals Process). ( )

**02. Draft Permit.** If the Department decides to generate a draft permit and fact sheet it will comply with Section 108 (Draft Permit and Fact Sheet). ( )

**a.** Upon completion of the draft permit and fact sheet the Department shall issue a public notification as required in Subsection 109.01. ( )

**b.** An opportunity for the public to comment and request a public meeting shall be provided. ( )

**c.** The Department shall generate a response to public comment as stipulated in Subsection 109.03. ( )

**03. Proposed Permit.** After the close of the public comment period on a draft permit, the Department will make appropriate changes in response to comments, and generate a proposed permit *and fact sheet*. ( )

**04. Final Permit.** After the close of the public comment period on a draft permit, and after receipt of comments on the proposed permit, if any, from EPA, the Department shall issue a final permit decision *and fact sheet*. A final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit. ( )

**a.** The Department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. ( )

**b.** A final permit decision shall become effective twenty-eight (28) days after the service of notice of the decision unless: ( )

**i.** A later effective date is specified in the decision; or ( )

**ii.** A Petition for Review is filed with the Department as specified in Section 204 (Appeals Process). ( )

**108. DRAFT PERMIT AND FACT SHEET.**

01. Draft Permit. ( )

*[Paragraph 108.01.b. - deleted text]*

b. General and individual proposed permits shall be available to the EPA Region 10 Administrator for comment as specified in Subsections 107.03 (Proposed Permit) and 107.04 (Final Permit). ( )

109. PUBLIC NOTIFICATION AND COMMENT.

01. Public Notification. ( )

e. A public notice issued under this subsection must contain at least the following information:( )

*[Subparagraph 109.01.e.vii.]*

vii. The sludge use and disposal practices and the location of each sludge *TWTDS* and use or disposal sites known at the time of permit application; ( )

*[Proposed Paragraph 109.01.j. has been deleted]*

02. Public Comment. ( )

*[Paragraph 109.02.c.]*

c. If, during the comment period for an IPDES draft permit, the district engineer of the United States Army Corps of Engineers advises the Department in writing that anchorage and navigation of any of the waters of the *United States* would be substantially impaired by the granting of a permit, the Department will deny the permit and notify the applicant of the denial. If the district engineer advises the Department that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, the Department will include the specified conditions in the permit. Review or appeal of denial of a permit or of conditions specified by the district engineer must be sought through the applicable procedures of the United States Army Corps of Engineers and not through the state procedures. If a court of competent jurisdiction stays the conditions or if applicable procedures of the United States Army Corps of Engineers result in a stay of the conditions, those conditions must be considered stayed in the IPDES permit for the duration of the stay. ( )

*[Section 130 - entire section]*

130. GENERAL PERMITS.

01. Coverage. The Department may issue a general permit in accordance with the following: ( )

a. Within a geographic area, the general permit shall be written to cover one (1) or more categories or subcategories of discharges or sludge use or disposal practices or facilities described in the permit under Subsection 130.01.b.ii., except those covered by individual permits within a geographic area. The area should correspond to existing geographic or political boundaries such as: ( )

- i. Designated planning areas under the Clean Water Act sections 208 and 303; ( )

- ii. Sewer districts or sewer authorities; ( )
- iii. City, county, or state political boundaries; ( )
- iv. State highway systems; ( )
- v. Standard metropolitan statistical areas as defined by state or federal agencies; ( )
- vi. Urbanized areas as designated by the U.S. Census Bureau; or ( )
- vii. Any other appropriate division or combination of boundaries. ( )

**b.** The general permit may be written to regulate one (1) or more categories or subcategories of discharges or sludge use or disposal practices or facilities, within the area described in Subsection 130.01.a., where the sources within a covered subcategory of discharges are either: ( )

- i. Storm water point sources; or ( )
- ii. One (1) or more categories or subcategories of point sources other than storm water point sources or *TWTDS*, if the point sources or *TWTDS* within each category or subcategory all: ( )
  - (1) Involve the same or substantially similar types of operations; ( )
  - (2) Discharge the same types of wastes or engage in the same types of sludge use or disposal practices; ( )
  - (3) Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal; ( )
  - (4) Require the same or similar monitoring; and ( )
  - (5) In the opinion of the Department, are more appropriately controlled under a general permit than under individual permits. ( )

**c.** Where sources within a specific category or subcategory of dischargers are subject to water quality-based limits imposed pursuant to Section 302 (Establishing Permit Provisions), the sources in that specific category or subcategory shall be subject to the same water quality-based effluent limitations. ( )

**d.** Other requirements: ( )

- i. The general permit must clearly identify the applicable conditions for each category or subcategory of dischargers or *TWTDS* covered by the permit; and ( )
- ii. The general permit may exclude specified sources or areas from coverage. ( )

**02. Electronic Submittals.** The Department may require the applicant to electronically submit information required by this section, if the Department approves an electronic method of submittal. ( )

**03. Information Retention Schedule.** An applicant must keep records of all data used to complete a notice of intent and any supplemental information submitted for a period of at least three (3) years from the date the notice of intent is signed. ( )

**04. Notice of Intent.** ( )

**a.** Any person required under Subsections 102.01 through 102.03 must submit a notice of intent to the Department for coverage under an IPDES general permit as set out in Subsection 130.05. ( )

**b.** A notice of intent must be signed and certified as required by Section 090 (Signature Requirements). ( )

**05. Administration.** ( )

**a.** General permits may be issued, modified, revoked and reissued, or terminated in accordance with Sections 201 (Modification, or Revocation and Reissuance of IPDES Permits) and 203 (Termination of IPDES Permits). ( )

**b.** Authorization to discharge, or authorization to engage in sludge use and disposal practices shall follow these procedures: ( )

**i.** Except as provided in Subsections 130.05.b.xi. and 130.05.b.xii., a discharger shall submit, in accordance with general permit requirements, a complete and timely notice of intent which will fulfill the requirements for permit applications; ( )

**ii.** A discharger (or *TWTDS*) who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice) under the terms of the general permit unless: ( )

(1) The general permit, in accordance with Subsections 130.05.b.xi., contains a provision that a notice of intent is not required; or ( )

(2) The Department notifies a discharger (or *TWTDS*) that it is covered by a general permit in accordance with Subsection 130.05.b.xii.; ( )

**iii.** All notices of intent shall be signed as required in Section 090 (Signature Requirements); ( )

**iv.** The contents of the notice of intent shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum: ( )

(1) The legal name, address, *and EIN* of the owner or operator; ( )

(2) The facility name and address; ( )

(3) Type of facility or discharges; and ( )

(4) The receiving stream(s); ( )

**v.** Coverage under a general permit may be terminated or revoked in accordance with Subsection 130.05.c. through e.; ( )

**vi.** Notices of intent for coverage under a general permit for CAFOs must include the information specified in Subsection 105.09 and 40 CFR 122.21(i)(1), including a topographic map; ( )

**vii.** A CAFO owner or operator may be authorized to discharge under a general permit only in accordance with the process described in 40 CFR 122.23(h); ( )

**viii.** General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on federal lands where an operator cannot be identified may contain alternative notice of intent requirements; ( )

**ix.** General permits shall specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit; ( )

**x.** General permits shall specify whether a discharger (or *TWTDS*), who has submitted a complete and timely notice of intent to be covered in accordance with the general permit and is eligible for coverage under the

permit, is authorized to discharge (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice) in accordance with the permit either: ( )

- (1) Upon receipt of the notice of intent by the Department; ( )
- (2) After a waiting period specified in the general permit; ( )
- (3) On a date specified in the general permit; or ( )
- (4) Upon receipt of notification of inclusion by the Department; ( )

xi. Discharges other than discharges from POTWs, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities, and storm water discharges associated with industrial activity, may, at the discretion of the Department, be authorized to discharge under a general permit without submitting a notice of intent where the Department finds that a notice of intent requirement would be inappropriate. The Department shall provide in the public notice of the general permit the reasons for not requiring a notice of intent. In making such a finding, the Department shall consider: ( )

- (1) The type of discharge; ( )
- (2) The expected nature of the discharge; ( )
- (3) The potential for toxic and conventional pollutants in the discharges; ( )
- (4) The expected volume of the discharges; ( )
- (5) Other means of identifying discharges covered by the permit; and ( )
- (6) The estimated number of discharges to be covered by the permit; and ( )

xii. The Department may notify a discharger (or *TWTDS*) that it is covered by a general permit, even if the discharger (or *TWTDS*) has not submitted a notice of intent to be covered. A discharger (or *TWTDS*) so notified may request an individual permit as specified in Subsection 130.05.d. ( )

c. The Department may terminate, revoke, or deny coverage under a general permit, and require the discharger or applicant to apply for and obtain an individual IPDES permit. Any interested person may petition the Department to take action under this subsection. Cases where an individual IPDES permit may be required include the following: ( )

- i. The discharger or *TWTDS* is not in compliance with the conditions of the general permit; ( )
- ii. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or *TWTDS*; ( )
- iii. Effluent limitation guidelines are promulgated for point sources covered by the general permit; ( )
- iv. A Water Quality Management plan containing requirements applicable to such point sources is approved; ( )
- v. Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary; ( )
- vi. Standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practice covered by the general IPDES permit; or ( )

vii. The discharge(s) is a significant contributor of pollutants. In making this determination, the Department may consider the following factors: ( )

- (1) The location of the discharge with respect to waters of the United States; ( )
- (2) The size of the discharge; ( )
- (3) The quantity and nature of the pollutants discharged to waters of the United States; and ( )
- (4) Other relevant factors. ( )

d. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. ( )

i. The owner or operator shall submit an application under Section 105 (Application for an Individual IPDES Permit), with reasons supporting the request, to the Department no later than ninety (90) days after the publication of the general permit. ( )

ii. The Department shall process the request under Sections 106 (Individual Permit Application Review), 107 (Decision Process), 108 (Draft Permit and Fact Sheet) and 109 (Public Notification and Comment). ( )

iii. The Department shall grant a request by issuing an individual permit if the reasons cited by the owner or operator are adequate to support the request. ( )

e. When an individual IPDES permit is issued to an owner or operator otherwise subject to a general IPDES permit, the applicability of the general permit to the individual IPDES permittee is automatically terminated on the effective date of the individual permit. ( )

f. A source excluded from a general permit, solely because it already has an individual permit, may request that the individual permit be revoked, and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source. ( )

**06. Case-by-Case Requirements for Individual Permits. ( )**

a. The Department may require any owner or operator authorized by a general permit to apply for an individual IPDES permit as provided in Subsection 130.05.c., only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner or operator to file the application, a statement that on the effective date of the individual IPDES permit, the general permit as it applies to the individual permittee shall automatically terminate, and a statement that the owner or operator may appeal the Department's decision as provided in Section 204 (Appeals Process). The Department may grant additional time upon request of the applicant. ( )

b. Prior to a case-by-case determination that an individual permit is required for a storm water discharge under this section (see 40 CFR 122.26(a)(1)(v), (a)(9)(iii), and Subsection 105.19), the Department may require the discharger to submit a permit application or other information regarding the discharge *described in* the Clean Water Act section 308. ( )

i. In requiring such information, the Department shall notify the discharger in writing and shall send an application form with the notice. ( )

ii. The discharger must apply for a permit within one hundred eighty (180) days of notice, unless permission for a later date is granted by the Department. ( )

**200. RENEWAL OF IPDES PERMITS.**



**[Subsection 200.02]**

**02. Final Clean Water Act Section 402(a)(1)(B) Effluent Limits.** In the case of effluent limitations established by the Department on the basis of the Clean Water Act section 402(a)(1)(B), a permit may not be renewed, reissued, or modified on the basis of effluent guidelines promulgated under Clean Water Act section 304(b) after the original issuance of a permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit, except a permit may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant, if: ( )

**[Subsection 200.03 through Subsection 200.04]**

**03. Final Clean Water Act Section 301(b)(1)(C) or 303 Effluent Limits.** *In the case of effluent limitations established on the basis of Clean Water Act section 301(b)(1)(C) or section 303(d) or (e), a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit except when:* ( )

**a.** *One of the exceptions in Subsection 200.02 apply; or* ( )

**b.** *The water to which the discharge occurs is identified as impaired on Idaho's Integrated Report and the effluent limitation is based on a total maximum daily load or other waste load allocation established under Clean Water Act section 303, if the cumulative effect of all revised effluent limitations based on such total maximum daily load or waste load allocation will assure the attainment of applicable water quality standards; or* ( )

**c.** *The water quality in the water to which the discharge occurs meets or exceeds levels required by applicable water quality standards and the effluent limitation is based on a total maximum daily load or other waste load allocation established under Clean Water Act section 303, any water quality standard, or any permitting standard, if such revision is subject to and consistent with the antidegradation policy and implementation procedures in the water quality standards.* ( )

**04. Effluent Limits and Water Quality Standards.** In no event may a permit with respect to which Subsection 200.02 or 200.03 applies be renewed, reissued, or modified to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into waters of the United States be renewed, issued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a water quality standard under IDAPA 58.01.02, "Water Quality Standards." ( )

**204. APPEALS PROCESS.**

**01. Petition for Review of a Permit Decision.** Appeal of a final IPDES permit decision, issued under Section 107 (Decision Process), to the Hearing Authority is commenced by filing a Petition for Review with the Department's Hearing Coordinator within the time prescribed in Subsection 204.01.b. The "Hearing Authority" shall be a Hearing Officer appointed by the Director from a pool of Hearing Officers approved by the Board. ( )

**[Paragraph 204.01.a.]**

**a.** Any person who is aggrieved by the final permit decision may file a Petition for Review as provided in this section. A person aggrieved is limited to the permit holder or applicant, and any person or entity who filed comments or who participated in the public hearing *meeting* on the draft permit. ( )

**06. Content and Form Requirements for Petitions and Briefs.** All petitions and briefs filed under this section must: ( )



***Paragraph 204.06.b.]***

b. Specify on the upper left corner of the first page, the name, address, telephone number, e-mail address and facsimile number, if any, of the person filing the document. If the person filing the document is a representative of a party as provided in Subsection 204.11, the document must identify the name of the person or entity represented. No more than two (2) representatives for service of documents may be listed. ( )

***[Subsection 204.17]***

17. **Withdrawal of Permit or Portions of Permit by the Department.** The Department may, at any time, upon notification to the Hearing Authority and all parties, withdraw the permit or specified portions of the permit and prepare a new draft permit under Section 108 (Draft Permit and Fact Sheet) addressing the portions so withdrawn. The new draft permit must proceed through the same process of public comment and opportunity for a public *meeting* as would apply to any other draft permit. If applicable, any portions of the permit that are not withdrawn continue to apply, unless stayed under Sections 205 (Contested Permit Conditions) and 206 (Stays of Contested Permit Conditions). The appeal shall continue with respect to those portions of the permit that are contested in the appeal that the Department does not withdraw. ( )

**300. CONDITIONS APPLICABLE TO ALL PERMITS.**

The following conditions apply to all IPDES permits. Additional conditions applicable to IPDES permits are in Sections 301 (Permit Conditions for Specific Categories), 302 (Establishing Permit Provisions), and 40 CFR 122.42(e). All conditions applicable to IPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation must be given in the permit. ( )

14. **Upset Terms and Conditions.** ( )

***[Paragraph 300.14.a.]***

a. In any enforcement action for noncompliance with *technology-based* permit effluent limitations, a permittee may claim upset, as defined in Section 010 (Definitions), as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof. ( )

**301. PERMIT CONDITIONS FOR SPECIFIC CATEGORIES.**

In addition to conditions set forth in Section 300 (Conditions Applicable to all Permits), conditions identified in this section apply to all IPDES permits within the categories specified below. ( )

***[Subsection 301.02 through Subparagraph 301.02.b.ii.]***

02. **Publicly Owned Treatment Works.** All POTWs must provide adequate notice to the Department of the following: ( )

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to the Clean Water Act section 301 or 306 if it were directly discharging those pollutants; and ( )

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. For purposes of this subsection, adequate notice shall include information on: ( )

i. The quality and quantity of effluent introduced into the POTW, and ( )

ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. ( )

**302. ESTABLISHING PERMIT PROVISIONS.**

An IPDES permit must include conditions meeting the following requirements, when applicable, in addition to other applicable sections of these rules. ( )

**[Subsection 302.05]**

**05. Reopener Clause.** For any permit issued to a *TWTDS* (including sludge-only facilities), the Department shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under the Clean Water Act section 405(d). The Department may promptly modify or revoke and reissue any permit containing the reopener clause required by this subsection if the standard for sewage sludge use or disposal: ( )

**[Subsection 302.17]**

**17. Sewage Sludge.** An IPDES permit must include any requirements under the Clean Water Act section 405 governing the disposal of sewage sludge from POTWs or any other *TWTDS* for any use for which regulations have been established, in accordance with any applicable regulations. ( )

**303. CALCULATING PERMIT PROVISIONS.**

**06. Mass Limitations.** ( )

a. All pollutants limited in permits shall have limitations, standards, or prohibitions expressed in terms of mass except: ( )

**[Subparagraph 303.06.a.iii.]**

iii. If in establishing permit limitations on a case-by-case basis under 40 CFR 125.3, limitations expressed in terms of mass are infeasible because the mass of the pollutant discharged cannot be related to a measure of operation (for example, discharges of TSS from certain mining operations), and permit conditions ensure that dilution will not be used as a substitute for treatment. ( )

**07. Pollutant Credits for Intake Water.** ( )

a. The following definitions apply to the consideration of intake credits in determining reasonable potential and establishing technology based and water quality based effluent limits for IPDES permits. ( )

ii. An intake pollutant must be from the same body of water as the discharge in order to be eligible for an intake credit. An intake pollutant is considered to be from the same body of water as the discharge if the Department finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee. This finding will be established if: ( )

**[Subparagraph 303.07.a.ii.(1) through Subparagraph 303.07.a.vi.]**

- (1) The background concentration of the pollutant in the receiving water (excluding any amount of the pollutant in the facility's discharge) is similar to that in the intake water; ( )
- (2) There is a direct hydrological connection between the intake and discharge points; *and* ( )
- (3) *Water quality characteristics (e.g., temperature, pH, hardness) are similar in the intake and receiving waters.* ( )
- iii. The Department may also consider other site-specific factors relevant to the transport and fate of the pollutant to make the finding in a particular case that a pollutant would or would not have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee. ( )
- iv. An intake pollutant from ground water may be considered to be from the same body of water if the Department determines that the pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee, *except that such a pollutant is not from the same body of water if the ground water contains the pollutant partially or entirely due to human activity, such as industrial, commercial, or municipal operations, disposal actions, or treatment processes.* ( )
- v. *The determinations made under Subsections 303.07.b. and c. will be made on a pollutant-by-pollutant and outfall-by-outfall basis.* ( )
- vi. *These provisions do not alter Department's obligation under Subsection 302.06.a.vii.(2) to develop effluent limitations consistent with the assumptions and requirements of any available waste load allocations for the discharge, that is part of a TMDL prepared by the Department and approved by EPA pursuant to 40 CFR 130.7, or prepared by EPA pursuant to 40 CFR 130.7(d).* ( )
- b. Consideration of intake pollutants for technology based effluent limitations: ( )

**[Subparagraph 303.07.b.ii.]**

- ii. Credit for generic pollutants such as BOD or TSS should not be granted unless the permittee demonstrates that the constituents of the generic measure in the effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere. ( )
- c. Consideration of intake pollutants for water quality based effluent limitations: ( )
- ii. If a reasonable potential exists, then water quality-based effluent limits may be established that reflect a credit for intake pollutants where a discharger demonstrates that the following conditions are met: ( )

**[Subparagraph 303.07.c.ii.(5) through Subparagraph 303.07.c.ix.]**

- (5) For the purpose of determining water quality-based effluent limits, the facility does not increase the identified intake pollutant concentration at the point of discharge as compared to the pollutant concentration in the intake water. ( )
- iii. *Where the conditions in Subsection 303.07.c.i. and ii are met, the Department may establish a water quality-based effluent limitation allowing a facility to discharge a mass and concentration of the intake pollutant that are no greater than the mass and concentration found in the facility's intake water. A discharger may add mass of the pollutant to its waste stream if an equal or greater mass is removed prior to discharge, so there is no*

*net addition of the pollutant in the discharge compared to the intake water.* ( )

*iv. Where intake water for a facility is provided by a municipal water supply system and the supplier provides treatment of the raw water that removes an intake water pollutant, the concentration of the intake water pollutant will be determined at the point where the water enters the water supplier's distribution system.* ( )

*v. Where a facility discharges intake pollutants from multiple sources that originate from the receiving water body and from other water bodies, the Department may derive an effluent limit reflecting the flow-weighted amount of each source of the pollutant provided that conditions in 303.07.c.ii. of this subsection are met and adequate monitoring to determine compliance can be established and is included in the permit.* ( )

*vi. The permit will specify how compliance with mass and concentration-based limitations for the intake water pollutant will be assessed. This may be done by basing the effluent limitation on background concentration data. Alternatively, the Department may determine compliance by monitoring the pollutant concentrations in the intake water and in the effluent. This monitoring may be supplemented by monitoring internal waste streams or by a Department evaluation of the use of best management practices.* ( )

*vii. Effluent limitations must be established to comply with all other applicable state and federal laws and regulations including technology-based requirements and anti-degradation policies.* ( )

*viii. When determining whether water quality based effluent limitations are necessary, information from chemical-specific, whole effluent toxicity and biological assessments will be considered independently.* ( )

*ix. Permit limits must be consistent with the assumptions and requirement of waste load allocations or other provisions in a TMDL that has been approved by the EPA.* ( )

### **305. COMPLIANCE SCHEDULES.**

**01. General.** An IPDES permit may, when appropriate, specify a schedule of compliance leading to compliance with the Clean Water Act and these rules. ( )

#### ***[Paragraph 305.01.a.]***

**a.** Any schedules of compliance under this section shall require compliance as soon as possible. ( )

### **370. PRETREATMENT STANDARDS.**

**01. Purpose and Applicability.** This section and 40 CFR Part 403 apply to: ( )

#### ***[Paragraph 370.01.a.]***

**a.** Pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined in Subsection 370.04 and 40 CFR 403.3; ( )

#### ***[Subsection 370.03 through Subsection 370.04]***

**03. Department Program in Lieu of a POTW Program.** 40 CFR 403.8(a) requires certain POTWs develop a pretreatment program. The Department may, however, assume responsibility for implementing the POTW pretreatment program requirements set forth in 40 CFR 403.8(f) in lieu of requiring the POTW to develop a pretreatment program. This does not preclude POTWs from independently developing pretreatment programs. ( )

**04. Term Interpretation.** When used in the context of 40 CFR Part 403, unless the context in which a term is used clearly requires a different meaning, terms 40 CFR Part 403 that are incorporated by reference in these rules have the following meanings: ( )

***[Subsection 370.05]***

**05. Exceptions to Incorporation by Reference.** The following sections of 40 CFR Part 403 are excluded from the incorporation by reference in Section 003 (Incorporation by Reference) of these rules. ( )

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### **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.

**There are no proposed rules being promulgated or published in this month's Bulletin.**

Please refer to the Idaho Administrative Bulletin, [December 2, 2015, Volume 15-12](#), 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](http://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](mailto: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.*

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## **ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)**

*Office of the Administrative Rules Coordinator  
Idaho Department of Administration*

*April 11, 2015 -- December 2, 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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***02.02.14, Rules for Weights and Measures***

- 02-0214-1501** Proposed Rulemaking, Bulletin Vol. 15-7
- 02-0214-1501** Adoption of Pending Rule, Bulletin Vol. 15-9 (eff. PLR 2016)

***02.04.21, Rules Governing the Importation of Animals***

- 02-0421-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 02-0421-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 02-0421-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***02.04.29, Rules Governing Trichomoniasis***

- 02-0429-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 02-0429-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 02-0429-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***02.06.02, Rules Pertaining to the Idaho Commercial Feed Law***

- 02-0602-1501** Proposed Rulemaking, Bulletin Vol. 15-7
- 02-0602-1501** Adoption of Pending Rule, Bulletin Vol. 15-9 (eff. PLR 2016)

***02.06.12, Rules Pertaining to the Idaho Fertilizer Law***

- 02-0612-1501** Proposed Rulemaking, Bulletin Vol. 15-7
- 02-0612-1501** Adoption of Pending Rule, Bulletin Vol. 15-9 (eff. PLR 2016)

***02.06.22, Noxious Weed Rules***

- 02-0622-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 02-0622-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 02-0622-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***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
- 02-0625-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 02-0625-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001***

- 02-0641-1501** Proposed Rulemaking, Bulletin Vol. 15-7
- 02-0641-1501** Adoption of Pending Rule, Bulletin Vol. 15-9 (eff. PLR 2016)

***IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS***

***05.01.02, Rules and Standards for Secure Juvenile Detention Centers***

- 05-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 05-0102-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***05.02.01, Rules for Residential Treatment Providers***

- 05-0201-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 05-0201-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***05.02.02, Rules for Staff Secure Providers***

- 05-0202-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 05-0202-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***05.02.03, Rules for Reintegration Providers***

- 05-0203-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 05-0203-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

### ***IDAPA 06 -- STATE BOARD OF CORRECTION***

#### ***06.01.02, Rules of Correctional Industries***

- 06-0102-1502 Notice of Proclamation of Rulemaking, Bulletin Vol. 15-10 (eff. 11-6-15)

### ***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)

- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 (Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")

#### ***07.02.03, Rules Governing Permit Fee Schedule***

- 07-0203-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0203-1501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 07-0203-1501 Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

#### ***07.02.05, Rules Governing Plumbing Safety Licensing***

- 07-0205-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0205-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

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- 07-0206-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

#### ***07.03.01, Rules of Building Safety***

- 07-0301-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0301-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 07-0301-1502 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 07-0301-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 07-0301-1502 Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

#### ***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

#### ***07.05.01, Rules of the Public Works Contractors License Board***

- 07-0501-1301 Adoption of Temporary Fee Rule, Bulletin Vol. 15-10 (eff. 9-1-15)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)

- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 (Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")

#### ***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)  
**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 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)  
**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 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)  
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- 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)  
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- 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)  
**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07.08.06, Idaho *Minimum Safety Standards and Practices for Logging - Truck Road Standards***  
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**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 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)  
**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07.08.08, Idaho *Minimum Safety Standards and Practices for Logging - Falling and Bucking***  
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- 07.08.09, Idaho *Minimum Safety Standards and Practices for Logging - Rigging, Lines, Blocks, and Shackles***  
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- 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)  
**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07.08.11, Idaho *Minimum Safety Standards and Practices for Logging - Skidding and Yarding***  
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- 07.08.12, Idaho *Minimum Safety Standards and Practices for Logging - Road Transportation***  
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**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 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)  
**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**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)
- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**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)
- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**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)
- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

- 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)

**IDAPO 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
- 08-0109-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**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
- 08-0113-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**08.02.01, Rules Governing Administration**

- 08-0201-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 08-0201-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-9
- 08-0201-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0201-1502** Proposed Rulemaking, Bulletin Vol. 15-11

**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
- 08-0202-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0202-1504** Proposed Rulemaking, Bulletin Vol. 15-10

**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
- 08-0203-1506** Proposed Rulemaking, Bulletin Vol. 15-8
- 08-0203-1507** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-9

- 08-0203-1505** Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0203-1506** Notice of Public Hearing, Bulletin Vol. 15-10
- 08-0203-1508** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (8-13-15)T
- 08-0203-1509** Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0203-1510** Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0203-1511** Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0203-1512** Adoption of Temporary Rule, Bulletin Vol. 15-10 (eff. 9-3-15)T
- 08-0203-1501** Notice of Rescission of Temporary Rule, Bulletin Vol. 15-11 (Rescission effective 8-13-15)
- 08-0203-1507** Proposed Rulemaking, Bulletin Vol. 15-11

***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
- 08-0501-1501** Proposed Rulemaking, Bulletin Vol. 15-10

***IDAPA 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
- 09-0106-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 09-0106-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***09.01.30, Unemployment Insurance Benefits Administration Rules***

- 09-0130-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-9
- 09-0130-1501** Proposed Rulemaking, Bulletin Vol. 15-11

***IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS  
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***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
- 10-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 10-0101-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***10.01.02, Rules of Professional Responsibility***

- 10-0102-1501\*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6 (\*Rulemaking Terminated)*

***10.01.04, Rules of Continuing Professional Development***

- 10-0104-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 10-0104-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 10-0104-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***IDAPA 11 -- IDAHO STATE POLICE***

***Idaho State Racing Commission***

***11.04.02, Rules Governing Simulcasting***

- 11-0402-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 7-29-15)T

***11.04.06, Rules Governing Racing Officials***

- 11-0405-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 7-29-15)T

***11.04.11, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses***

- 11-0411-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 7-29-15)T  
**11-0411-1502** Proposed Rulemaking, Bulletin Vol. 15-10

***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  
**11-0501-1401** Proposed Rulemaking, Bulletin Vol. 15-9  
**11-0501-1501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

***Public Safety And Security Information Bureau***

***11.10.03, Rules Governing the Sex Offender Registry***

- 11-1003-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 9-1-15)T

***Peace Officer Standards and Training (Post) Council***

***11.11.01, Rules of the Idaho Peace Officer Standards and Training Council***

- 11-1101-1501** Proposed Rulemaking, Bulletin Vol. 15-10

***11.11.04, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers***

- 11-1104-1501** Proposed Rulemaking, Bulletin Vol. 15-10

***Idaho State Police Commercial Vehicle Safety***

***11.13.01, The Motor Carrier Rules***

- 11-1301-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 9-1-15)T

***IDAPA 12 -- DEPARTMENT OF FINANCE***

***12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act***

- 12-0110-1501** Proposed Rulemaking, Bulletin Vol. 15-10

***IDAPA 13 -- IDAHO FISH AND GAME COMMISSION***

***13.01.02, Rules Governing Hunter Education and Mentored Hunting***

- 13-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-10

***13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho***

- 13-0108-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 9-4-15)T  
**13-0108-1502** Proposed Rulemaking, Bulletin Vol. 15-10

***13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho***

- 13-0109-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-2  
**13-0109-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 8-28-15)T  
**13-0109-1502** Proposed Rulemaking, Bulletin Vol. 15-10

***13.01.11, Rules Governing Fish***

- 13-0111-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7  
**13-0111-1501** Proposed Rulemaking, Bulletin Vol. 15-10  
**13-0111-1502** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 8-28-15)T

***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  
**13-0116-1501** Proposed Rulemaking, Bulletin Vol. 15-10

***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  
**13-0117-1501** Proposed Rulemaking, Bulletin Vol. 15-10

***IDAPA 14 -- BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS***

***14.01.01, Rules of Procedure of the Board of Registration for Professional Geologists***

- 14-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-10  
**14-0101-1502** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10  
**14-0101-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)  
**14-0101-1502** Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***IDAPA 15 -- OFFICE OF THE GOVERNOR***

***EXECUTIVE ORDERS OF THE GOVERNOR***

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***Idaho Commission for the Blind and Visually Impaired***

***15.02.02, Vocational Rehabilitation Services***

- 15-0202-1501** Proposed Rulemaking, Bulletin Vol. 15-10  
**15-0202-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***Idaho Military Division***

***15.06.03, Public Safety Communications Systems Installation and Maintenance Fee Rules***

- 15-0603-1501** Proposed Rulemaking, Bulletin Vol. 15-9  
**15-0603-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***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***

***16.01.01, Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)***

- 16-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-8

**16.01.02, Emergency Medical Services (EMS) - Rule Definitions**

**16-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-8

**16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements**

**16-0103-1501** Proposed Rulemaking, Bulletin Vol. 15-8

**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

**16-0105-1501** Proposed Rulemaking (New Chapter), Bulletin Vol. 15-8

**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

**16-0107-1501** Vacation of Proposed Rulemaking, Bulletin Vol. 15-8

**16-0107-1502** Proposed Rulemaking, Bulletin Vol. 15-8

**16.01.12, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions**

**16-0112-1501** Proposed Rulemaking, Bulletin Vol. 15-8

**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

**16-0201-1401** Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 15-12 (eff. PLR 2016) (eff. 1-1-16)T

**16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission**

**16-0202-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**16.02.03, Emergency Medical Services**

**16-0203-1501** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-8

**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

**16-0219-1501** Proposed Rulemaking, Bulletin Vol. 15-9

**16.03.01, Eligibility for Health Care Assistance for Families and Children**

**16-0301-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**16.03.04, Rules Governing the Food Stamp Program in Idaho**

**16-0304-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)**

**16-0305-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff 1-1-15)T

**16-0305-1502** Proposed Rulemaking, Bulletin Vol. 15-10

**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



- 16-0309-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0309-1502 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0309-1503 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***16.03.10, Medicaid Enhanced Plan Benefits***

- 16-0310-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0310-1501 Proposed Rulemaking, Bulletin Vol. 15-10

***16.03.13, Consumer-Directed Services***

- 16-0313-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0313-1501 Proposed Rulemaking, Bulletin Vol. 15-10

***16.03.16, Premium Assistance***

- 16-0316-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-8
- 16-0316-1501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-11 (eff. PLR 2016)

***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
- 16-0319-1501\* Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0319-1502 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-9
- 16-0319-1501\* Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 15-11

***16.04.02, Idaho Telecommunication Service Assistance Program Rules***

- 16-0402-1501 Proposed Rulemaking, Bulletin Vol. 15-10

***16.04.13, Rules Governing the Emergency Food Assistance Program***

- 16-0413-1501 Proposed Rulemaking, Bulletin Vol. 15-10

***16.04.14, Rules Governing the Low Income Home Energy Assistance Program***

- 16-0414-1501 Proposed Rulemaking, Bulletin Vol. 15-10

***16.04.16, Weatherization Assistance Program in Idaho***

- 16-0416-1501 Proposed Rulemaking, Bulletin Vol. 15-10

***16.05.01, Use and Disclosure of Department Records***

- 16-0501-1501 Proposed Rulemaking, Bulletin Vol. 15-8

***16.06.01, Child and Family Services***

- 16-0601-1501 Proposed Rulemaking, Bulletin Vol. 15-9

***16.06.02, Rules Governing Standards for Child Care Licensing***

- 16-0602-1501 Proposed Rulemaking, Bulletin Vol. 15-9

***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

***16.07.01, Behavioral Health Sliding Fee Schedules***

- 16-0701-1501 Proposed Rulemaking, Bulletin Vol. 15-9

***16.07.10, Behavioral Health Development Grants***

- 16-0710-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-9
- 16-0710-1501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-12 (eff. PLR 2016)

**16.07.15, Behavioral Health Programs**

- 16-0715-1501 Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 15-9

**16.07.17, Alcohol and Substance Use Disorders Services**

- 16-0717-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0717-1501 Proposed Rulemaking, Bulletin Vol. 15-9

**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
- 16-0720-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-9

***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
- 17-0206-1501 Proposed Rulemaking, Bulletin Vol. 15-10

**17.02.07, Procedures to Obtain Compensation**

- 17-0207-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0207-1501 Proposed Rulemaking, Bulletin Vol. 15-10

**17.02.08, Miscellaneous Provisions**

- 17-0208-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0208-1501 Proposed Rulemaking, Bulletin Vol. 15-10

**17.02.09, Medical Fees**

- 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
- 17-0209-1502 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
- 17-0209-1502 Proposed Rulemaking, Bulletin Vol. 15-10

**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
- 17-0210-1501 Proposed Rulemaking, Bulletin Vol. 15-10

**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
- 17-0211-1501 Proposed Rulemaking, Bulletin Vol. 15-10

**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

***18-0127-1501*** Proposed Rulemaking, Bulletin Vol. 15-9

***18-0127-1501*** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***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

***18-0144-1501*** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-9

***18-0144-1501*** Adoption of Pending Fee Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***18.01.60, Long-Term Care Insurance Minimum Standards***

***18-0160-1501*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

***18-0160-1501*** Proposed Rulemaking, Bulletin Vol. 15-9

***18-0160-1501*** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***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 (\*Rulemaking Terminated)

## ***IDAPA 22 -- BOARD OF MEDICINE***

### ***22.01.01, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho***

**22-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-9

### ***22.01.15, Rules Relating to Telehealth Services***

**22-0115-1501** Proposed Rulemaking (New Chapter), Bulletin Vol. 15-9

## ***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 (\*Rulemaking Terminated)

**23-0101-1503** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

**23-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**23-0101-1503** Proposed Rulemaking, Bulletin Vol. 15-10

**23-0101-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

**23-0101-1503** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

## ***IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES***

**24-0001-1500** Omnibus Rulemaking Notice for Certain Licensing Boards Served by the Bureau of Occupational Licenses Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-0001-1500** Omnibus Rulemaking Notice for Certain Licensing Boards Served by the Bureau of Occupational Licenses Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

### ***24.03.01, Rules of the State Board of Chiropractic Physicians***

**24-0301-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**24-0301-1501** Notice of Public Hearing, Bulletin Vol. 15-11

### ***24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals***

**24-0001-1500** Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

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**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

**24-0501-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

### ***24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants***

**24-0001-1500** Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-0601-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

**24-0601-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

### ***24.07.01, Rules of the Idaho State Board of Landscape Architects***

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**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

### ***24.08.01, Rules of the State Board of Morticians***

**24-0801-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**24-0801-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.12.01, Rules of the State Board of Psychologist Examiners***

**24-1201-1501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-1201-1501** Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.13.01, Rules Governing the Physical Therapy Licensure Board***

**24-0001-1500** Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists***

**24-1501-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**24-1501-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.17.01, Rules of the State Board of Acupuncture***

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**24-1701-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

**24-1701-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.18.01, Rules of the Real Estate Appraiser Board***

**24-0001-1500** Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-1801-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

**24-1801-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.21.01, Rules of the Idaho State Contractors Board***

**24-2101-1501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-2101-1501** Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board***

**24-0001-1500** Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.24.01, Rules of the Genetic Counselors Licensing Board***

**24-2401-1501** Proposed Rulemaking (New Chapter) (Fee Rule), Bulletin Vol. 15-10

**24-2401-1501** Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 15-12 (eff. PLR 2016)

***24.25.01, Rules of the Idaho Driving Businesses Licensure Board***

**24-0001-1500** Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-2501-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

**24-2501-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***24.27.01, Rules of the Idaho State Board of Massage Therapy***

**24-0001-1500** Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

**24-0001-1500** Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

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**25-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-10



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- 26-0106-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-8  
**26-0106-1501** Proposed Rulemaking (New Chapter), Bulletin Vol. 15-10

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- 27-0101-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7  
**27-0101-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-8 (2nd Notice)  
**27-0101-1501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10  
**27-0101-1502** Proposed Rulemaking, Bulletin Vol. 15-10  
**27-0101-1503** Proposed Rulemaking, Bulletin Vol. 15-10  
**27-0101-1504** Proposed Rulemaking, Bulletin Vol. 15-10  
**27-0101-1505** Proposed Rulemaking, Bulletin Vol. 15-10  
**27-0101-1501** Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)  
**27-0101-1502** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)  
**27-0101-1503** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)  
**27-0101-1504** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)  
**27-0101-1505** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

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***28.02.01, Idaho Community Development Block Grant Program (ICDBG)***

- 28-0201-1501** Proposed Rulemaking, Bulletin Vol. 15-10

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- 28-0207-1501** Proposed Rulemaking, Bulletin Vol. 15-10

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***31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public Utilities Commission***

- 31-1101-1501** Proposed Rulemaking, Bulletin Vol. 15-10

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- 31-7103-1501** Proposed Rulemaking, Bulletin Vol. 15-10

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- 34-0201-1501** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-10

***34.04.03, Rules Governing Benefit Corporations***

- 34-0403-1501** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 15-9 (eff. 8-6-15)T

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- 34-0501-1501** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-9 (eff. 8-6-15)T  
**34-0501-1501** Adoption of Pending Fee Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

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- 35-0101-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 35-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 35-0101-1502** Proposed Rulemaking, Bulletin Vol. 15-9
- 35-0101-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 35-0101-1502** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

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- 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
- 35-0102-1503** Adoption of Temporary Rule, Bulletin Vol. 15-8 (eff. 6-10-15)T
- 35-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 35-0102-1502** Proposed Rulemaking, Bulletin Vol. 15-10
- 35-0102-1504** Proposed Rulemaking, Bulletin Vol. 15-10
- 35-0102-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 35-0102-1502** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 35-0102-1504** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***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
- 35-0103-1504** Proposed Rulemaking, Bulletin Vol. 15-9
- 35-0103-1505** Proposed Rulemaking, Bulletin Vol. 15-9
- 35-0103-1503** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 35-0103-1504** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 35-0103-1505** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***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
- 35-0105-1503** Proposed Rulemaking, Bulletin Vol. 15-8
- 35-0105-1502** Proposed Rulemaking, Bulletin Vol. 15-9
- 35-0105-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 35-0105-1502** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 35-0105-1503** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***35.01.12, Idaho Beer Tax Administrative Rules***

- 35-0112-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

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- 35-0201-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 35-0201-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

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- 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***

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**38-0301-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-9 (eff. 7-1-15)T

***38.04.04, Rules Governing Capitol Mall Parking***

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***38.04.07, Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities***

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***38.05.01, Rules of the Division of Purchasing***

**38-0501-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 6-6-15)T

**38-0501-1501** Adoption of Pending Rule, Bulletin Vol. 15-10 (eff. PLR 2016)

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***39.02.22, Rules Governing Registration and Permit Fee Administration***

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**39-0222-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***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

**39-0203-1501** Proposed Rulemaking, Bulletin Vol. 15-9

**39-0203-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

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**39-0226-1501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-9

**39-0226-1501** Adoption of Pending Fee Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***39.03.01, Rules Governing Definitions Regarding Overlegal Permits***

**39-0301-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 7-23-15)T

**39-0301-1501** Adoption of Pending Rule, Bulletin Vol. 15-10 (eff. PLR 2016)

***39.03.13, Rules Governing Overweight Permits***

**39-0313-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

**39-0313-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**39-0313-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***39.03.16, Rules Governing Oversize Permits For Non-Reducible Vehicles And/Or Loads***

**39-0316-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-9 (eff. 7-23-15)T

**39-0316-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***39.03.17, Rules Governing Permits For Manufactured Homes, Modular Buildings, And Office Trailers***

**39-0317-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**39-0317-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***39.03.19, Rules Governing Annual Overlegal Permits***

**39-0319-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-9 (eff. 7-23-15)T

**39-0319-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

***39.03.21, Rules Governing Overlegal Permit Fees***

- 39-0321-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 39-0321-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

**39.03.22, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up To 129,000 Pound Vehicle Combinations**

- 39-0322-1501 Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 7-23-15)T
- 39-0322-1501 Adoption of Pending Rule, Bulletin Vol. 15-10 (eff. PLR 2016)

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- 42-0101-1501 Proposed Rulemaking, Bulletin Vol. 15-8
- 42-0101-1501 Adoption of Pending Rule, Bulletin Vol. 15-10 (eff. PLR 2016)

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**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
- 46-0101-1501 Proposed Rulemaking, Bulletin Vol. 15-8
- 46-0101-1501 Adoption of Pending Rule, Bulletin Vol. 15-10 (eff. PLR 2016)

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- 47-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-9
- 47-0101-1501 Proposed Rulemaking, Bulletin Vol. 15-11

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**49.01.01, Rules of Procedure of the Idaho Certified Shorthand Reporters Board**

- 49-0101-1501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 49-0101-1501 Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

***IDAPA 50 -- COMMISSION FOR PARDONS AND PAROLE***

**50.01.01, Rules of the Commission of Pardons and Parole**

- 50-0101-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 50-0101-1502 Adoption of Temporary Rule, Bulletin Vol. 15-10 (eff. 10-1-15)T

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- 58-0000-1501 Notice of Final Decision - Lower Boise River Total Maximum Daily Load (TMDL): 2015 Sediment and Bacteria Addendum (HUC ID 17050114), Bulletin Vol. 15-8
- 58-0000-1502 Salt River Subbasin Total Maximum Daily Load (TMDL) (HUC ID 17040105), Bulletin Vol. 15-10
- 58-0000-1503 Priest River Subbasin Assessment (SBA) and Total Maximum Daily Load (TMDL): 2015 Temperature Addendum (HUC ID 17010215), Bulletin Vol. 15-10
- 58-0000-1504 Lower Boise River Total Maximum Daily Load (TMDL): 2015 Total Phosphorus Addendum (HUC ID 17050114), Bulletin Vol. 15-10

***58.01.01, Rules for the Control of Air Pollution in Idaho***

- 58-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 58-0101-1501** Adoption of Pending Rule, Bulletin Vol. 15-12

***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
- 58-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 58-0102-1201** Proposed Rulemaking, Bulletin Vol. 15-10
- 58-0102-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-10
- 58-0102-1502** Notice of Rescheduling - Negotiated Rulemaking Meeting, Bulletin Vol. 15-11
- 58-0102-1501** Adoption of Pending Rule, Bulletin Vol. 15-12

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- 58-0103-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-10

***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
- 58-0104-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 58-0104-1501** Adoption of Pending Rule, Bulletin Vol. 15-12

***58.01.05, Rules and Standards for Hazardous Waste***

- 58-0105-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 58-0105-1501** Adoption of Pending Rule, Bulletin Vol. 15-12

***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
- 58-0108-1501** Adoption of Pending Rule, Bulletin Vol. 15-12

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- 58-0111-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (eff. 6-1-15)T
- 58-0111-1501** Adoption of Pending Rule, Bulletin Vol. 15-12

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- 58-0112-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 58-0112-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 58-0112-1501** Adoption of Pending Rule, Bulletin Vol. 15-12

***58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program***

- 58-0125-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-11
- 58-0125-1401** Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 15-9
- 58-0125-1401** Adoption of Pending Fee Rule, Bulletin Vol. 15-12

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***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
- 59-0103-1402** Adoption of Pending Rule, Bulletin Vol. 15-8 (eff. PLR 2016)

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**59-0201-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

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