

IDAHO ADMINISTRATIVE BULLETIN

December 6, 2023 – Vol. 23-12

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



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PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, 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 **19-1** refers to the first Bulletin issued in calendar year **2019**; Bulletin **20-1** refers to the first Bulletin issued in calendar year **2020**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **19-1** refers to January 2019; Volume No. **20-2** refers to February 2020; and so forth. Example: The Bulletin published in January 2019 is cited as Volume **19-1**. The December 2019 Bulletin is cited as Volume **19-12**.

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 Bulletin publication. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

1. 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.

2. 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 very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. 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 these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. 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.

4. 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 statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

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.

5. 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.

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 sections 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 Administration’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. 38-0501-1901”

“**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**).

“**1901**” 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 2019**. A subsequent rulemaking on this same rule chapter in calendar year 2019 would be designated as “**1902**”. The docket number in this scenario would be 38-0501-**1902**.

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 YEAR 2023

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
23-2	February 2023	December 23, 2023	January 6, 2023	February 1, 2023	February 22, 2023
23-3	March 2023	January 27, 2023	February 10, 2023	March 1, 2023	March 22, 2023
23-4	April 2023	February 24, 2023	March 10, 2023	April 5, 2023	April 26, 2023
23-5	May 2023	March 24, 2023	April 7, 2023	May 3, 2023	May 24, 2023
23-6	June 2023	April 21, 2023	May 5, 2023	June 7, 2023	June 28, 2023
23-7	July 2023	May 26, 2023	June 9, 2023	July 5, 2023	July 26, 2023
23-8	August 2023	June 23, 2023	July 7, 2023	August 2, 2023	August 23, 2023
23-9	September 2023	July 21, 2023	August 4, 2023	September 6, 2023	September 27, 2023
23-10	October 2023	August 18, 2023	*September 1, 2023	October 4, 2023	October 25, 2023
23-11	November 2023	September 22, 2023	October 6, 2023	November 1, 2023	November 22, 2023
23-12	December 2023	October 27, 2023	November 9, 2023	December 6, 2023	December 27, 2023
24-1	January 2024	November 13, 2023	**November 27, 2023	January 3, 2024	January 24, 2024

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24-4	April 2024	February 23, 2024	March 8, 2024	April 3, 2024	April 24, 2024
24-5	May 2024	March 22, 2024	April 5, 2024	May 1, 2024	May 22, 2024
24-6	June 2024	April 19, 2024	May 3, 2024	June 5, 2024	June 26, 2024
24-7	July 2024	May 24, 2024	June 7, 2024	July 3, 2024	July 24, 2024
24-8	August 2024	June 21, 2024	July 5, 2024	August 7, 2024	August 28, 2024
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24-10	October 2024	August 16, 2024	*August 30, 2024	October 2, 2024	October 23, 2024
24-11	November 2024	September 20, 2024	October 4, 2024	November 6, 2024	November 27, 2024
24-12	December 2024	October 25, 2024	November 8, 2024	December 4, 2024	December 25, 2024
25-1	January 2025	November 15, 2024	**November 29, 2024	January 1, 2025	January 22, 2025

***Last day to submit a proposed rule for the rulemaking to remain on course for review by the upcoming legislature.**

****Last day to submit a pending rule to be reviewed by the upcoming legislature.**

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IDAPA 08 – STATE BOARD OF EDUCATION

08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

DOCKET NO. 08-0102-2301 (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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 33-105, 33-4601A, 33-4605, and Chapter 46, Title 33, 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.

Recently enacted legislative amendments will sunset Section 33-4605, Idaho Code, on July 1, 2027. The recent legislation also eliminated new awards of the scholarship as of July 1, 2023. IDAPA 08.01.02 addresses only the application process and the initial scholarship award. As new awards are no longer allowed, the rule is no longer necessary. The intent of this rulemaking is to repeal this chapter of administrative rules as it will be considered null and void effective July 1, 2023, as a result of the changes in governing law.

There are no changes to the pending rule and it is being adopted as originally proposed. The proposed repeal was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 201](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)488-7586
Fax: (208)334-2632

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-2302

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 33-105, 33-4303, and 33-4304, 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.

Amendments would move the deadline for initial awards from July 1 to December 31 each year. This will ensure that applicants will be informed of multiple scholarships at the same time. The pending rule would also allow the Board to make awards pending financial need verification should student access to the Free Application for Federal Student aid (FAFSA) be delayed in a future year.

Additional amendments to the proposed rule have been made to include language in Subsection 302.01 regarding the number of credit hours an awardee must complete each year in order to be eligible to renew the scholarship in the next year.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 202-206](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
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Idaho State Board of Education
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DOCKET NO. 08-0113-2302 – ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 202 through 206.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0113-2302
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, and 33-4303, Idaho Code, ~~the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code.~~ (4-6-23)()

(BREAK IN CONTINUITY OF SECTIONS)

101. ELIGIBILITY.

Applicants must meet all of the eligibility requirements to be considered for the scholarship award. (4-6-23)

01. Academic Eligibility. To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-6-23)

a. A student who has not yet graduated from an eligible secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of two point seven (2.7) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or (4-6-23)

b. A student who has obtained a general equivalency diploma must have taken the ACT assessment and received a minimum composite score of twenty (20) or better, or the equivalent SAT assessment and received a one thousand ten (1,010) or better, to be academically eligible to apply for an opportunity scholarship; or (4-6-23)

c. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of two point seven (2.7) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. (4-6-23)

d. An Adult Learner must have a minimum cumulative grade point average of two point five (2.5) or higher on a scale of four point zero (4.0). Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) decimal place. (4-6-23)

02. Financial Eligibility. The financial need of an applicant for an opportunity scholarship will be based upon ~~the verified expected family contribution~~ Student Aid Index, as identified by the free application for

federal student aid (FAFSA) ~~Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the scholarship application deadline.~~ Submission Summary. (4-6-23)()

03. Additional Eligibility Requirements. (4-6-23)

a. A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the opportunity scholarship program. (4-6-23)

b. If a student has attempted or completed more than one hundred and twenty (120) postsecondary credits, then such student must identify a major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (4-6-23)

i. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-6-23)

ii. Upon review of the student's academic transcript(s), the student cannot complete a degree/certificate in the major identified within two (2) semesters based on normal academic course load unless a determination by the executive director or designee has been made that there are extenuating circumstances and the student has a plan approved by the executive director or designee outlining the courses that will be taken and the completion date of the degree or certificate. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

300. SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Selection Process. Scholarship awards will be based on the availability of scholarship program funds. Opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (4-6-23)

a. Eligible students shall be selected based on ranking criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted an application to the Board earlier in time will be assigned a higher rank. (4-6-23)

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received an opportunity scholarship award during the previous fiscal year, and have met all of the continuing eligibility requirements provided in these rules. (4-6-23)

02. Monetary Value of the Opportunity Scholarship. (4-6-23)

a. The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: (4-6-23)

i. The amount of the assigned student responsibility, established by the Board annually; (4-6-23)

ii. The amount of federal grant aid, as identified by the ~~Student Aid Report (SAR) that is FAFSA~~ Submission Summary if known at the time of award determination; (4-6-23)()

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (4-6-23)

iv. The eligible maximum award amount for Adult Learners enrolled in less than twenty-four (24) credit hours or its equivalent in an academic year ~~attending an eligible four-year postsecondary institution, or less~~

~~than eighteen (18) credit hours or its equivalent in an academic year attending an eligible two-year institution,~~ will be prorated as follows: (4-6-23)()

- (1) Enrolled in six (6) to eight (8) credits or its equivalent per term - fifty percent (50%) of the maximum; (4-6-23)
- (2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term - seventy-five percent (75%) of the maximum; and (4-6-23)
- (3) Enrolled in twelve (12) or more credits or its equivalent per term - one hundred percent (100%) of the maximum. (4-6-23)

b. The amount of an opportunity scholarship award to an individual student shall not exceed the actual cost of tuition and fees at the institution the student attends or will attend, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition at Idaho's public four (4) year postsecondary educational institutions. (4-6-23)

c. The Board may determine monetary value without the FAFSA Submission Summary if the delay is due only to federal delay and may modify any final award or payment upon receipt of the FAFSA Submission Summary. ()

(BREAK IN CONTINUITY OF SECTIONS)

302. CONTINUING ELIGIBILITY.

~~To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program.~~ (4-6-23)

01. Credit Hours. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four (4) year eligible postsecondary institution must have completed a minimum of twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. ~~A~~ and the scholarship recipient attending a two (2) year eligible public postsecondary institution who accepted an award offer or renewed an award offer on or before June 30, 2023, must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. Notwithstanding these provisions, a scholarship recipient who has received the Opportunity Scholarship as an Adult Learner may retain eligibility by completing twelve (12) or more credit hours or its equivalent each academic year the student received the Opportunity Scholarship award. All students may use the summer term to meet the annual credit accumulation requirements. (4-6-23)()

02. Academic Progress. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of two point seven (2.7) on a scale of four point zero (4.0), and must be maintaining satisfactory academic progress toward their identified postsecondary credential as determined by the institution they are enrolled in. Students receiving an Opportunity Scholarship award as an Adult Learner must make satisfactory progress on their graduation plan established with the eligible institution at the time of admission. (4-6-23)

03. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than thirty (30) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director or designee will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring intent to re-enroll as a full-time undergraduate student in an academic or career technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do

so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the executive director. All requests for extension must be made thirty (30) days prior to the start of the succeeding academic year. (4-6-23)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 33-105, 33-116, 33-118, and 33-1612, 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 rulemaking will consider the removal of a duplicative reference to a satisfaction and engagement survey for alternative high schools. This rulemaking will also consider any technical edits identified as part of the negotiated rulemaking process.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 207-211](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)488-7586
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IDAPA 08 – STATE BOARD OF EDUCATION
08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY
DOCKET NO. 08-0401-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 33-5504, 33-5505, 33-5507, and Chapter 55, Title 33, 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.

In accordance with [Executive Order 2020-01](#), this rulemaking will be a review of the chapter for evaluation on how it can be improved, simplified, and streamlined. Additional amendments include restructured language in Subsection 102.01, to allow comprehensive final projects to be allowable as an alternative to a traditional final course exam. Amendments also remove language from various sections to allow for governance at the IDLA policy level when possible.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 212-214](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)488-7586
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**IDAPA 11 – IDAHO STATE POLICE
STATE BRAND BOARD**

11.02.01 – RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-2301 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective on July 1, 2024, after approval.

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 25-1102, 25-1110, 25-1160, and 25-1161, 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:

On July 18, 2022, the Idaho State Brand Board received a cooperative request from the Livestock Industries asking for formulation of a Brand Fee Working Group comprised of stakeholders, to study the need for fee adjustments, the potential to improve efficiencies and reduce costs within administration and operation of the brand inspector's office, and to develop recommendations for a long-range plan to address anticipated budget shortfalls within the Idaho Brand Board. Since that time, the formulated stakeholder group held multiple meetings to evaluate the foregoing. As a mutual result, the Brand Board initiated and carried out negotiated rulemaking to pursue an increase in the per head fee(s) charged for cattle brand inspection and any alternative as brought forth through the negotiated rulemaking process. Adoption of this pending rule is the collective outcome of the negotiated rulemaking.

The Brand Board experienced an \$85,000 financial deficit in FY2023 and will face an ongoing budgetary shortfall if this fee is not increased. The Brand Board has not imposed a cattle brand inspection fee increase since FY2017.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 215, 216, and 217](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The pending rule increases the cattle brand inspection fee by \$0.06 per head inspected; changing the total fee charged from \$1.19 to \$1.25 per head of cattle inspected. The fee increase moves the Brand Board cattle brand inspection fee charged to the statutory cap of \$1.25 per head set in Section 25-1160(1)(a), Idaho Code. For clarification purposes, the increase in cattle brand inspection fee also initiates a change to the courtesy brand inspection fee for cattle, increasing it from \$1.19 to \$1.25 per head, and the Idaho livestock to pasture fee for cattle from \$0.60 to \$0.63 per head.

As authorized in Section 25-1160(5), Idaho Code, “The state brand board may adopt a schedule or schedules of fees which are below the maximum fees and may adjust such schedule or schedules from time to time whenever such board finds that the cost of administering and enforcing the laws of the state of Idaho for brand inspection of livestock can be maintained with such below-maximum fees.”

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 is no negative impact to the State General Fund. An estimated \$126,000 will be generated to the Idaho State Brand Board from the Idaho livestock industry.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact State Brand Inspector, Cody Burlile at (208) 884-7070.

DATED this 7th day of November, 2023.

Cody D. Burlile
State Brand Inspector
Idaho State Brand Board – Idaho State Police
700 S. Stratford Dr.
P.O. Box 1177
Meridian, ID 83680-1177
(208) 884-7070 phone
(208) 884-7097 fax

**IDAPA 11 – IDAHO STATE POLICE
RACING COMMISSION**

11.04.01 – RULES GOVERNING THE IDAHO STATE RACING COMMISSION

DOCKET NO. 11-0401-2301 (NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 54-2506, 54-2507, 54-2508, 54-2509, 54-2512, 54-2513, and 54-2514, 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 May 3rd, 2023, Idaho Administrative Bulletin, [Volume 23-5, pages 15- 144](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

This rulemaking does not impose a new fee or charge, or increase an existing fee or charge, beyond what has been previously approved by the Idaho Legislature. The fees or charges are being imposed pursuant to Sections 54-2506, 54-2508, 54-2512, and 54-2515, Idaho Code.

Licensing fees plus add-ons, are designated in Section 090 of this rule as represented in the following table:

LICENSE	FEE		LICENSE	FEE	
Add-ons	-	\$10	Office Personnel	-	\$15
Admission	-	\$15	Official	-	\$50
Announcer	-	\$25	Outrider	-	\$25
Apprentice Jockey	-	\$50	Owner	-	\$50
Assistant Starter	-	\$25	Owner/Trainer	-	\$65
Authorized Agent	-	\$50	Paddock Judge	-	\$25
Chart Person	-	\$25	Photographer	-	\$25
Clerk of Scales	-	\$25	Plater	-	\$50
Clocker	-	\$25	Pony Person	-	\$25
Concession Employee	-	\$15	Racing Secretary	-	\$35
Concessionaire	-	\$50	Stable Registration	-	\$50

LICENSE	FEE		LICENSE	FEE
Duplicate	- \$10		Stall Superintendent	- \$25
EMT	- \$25		Starter	- \$25
Exercise Person	- \$25		State Veterinarian	- \$0
Groom	- \$25		Tote Employee	- \$15
Horsemen's Bookkeeper	- \$35		Track Security	- \$25
Identifier	- \$25		Track Superintendent	- \$25
Jockey	- \$50		Trainer	- \$50
Jockey Agent	- \$50		Valet	- \$10
Jocks Room Custodian	- \$25		Veterinarian	- \$50
Maintenance	- \$15		Vet Assistant	- \$15
Mutuel Employee	- \$15		Video Employee	- \$15

Any qualified person may add an additional license category to an existing license by paying the add-on fee further detailed in Section 034.

Any owner must pay a supplemental license fee of two hundred twenty-five dollars (\$225) when submitting a horse for hair testing as required in these rules.

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: No negative fiscal impact on the general fund. Racing is a dedicated fund agency.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anisha Jones, Business Operations Manager, 208-884-7080, Cell 208-954-6830; email, anisha.jones@isp.idaho.gov.

DATED this 2nd day of November, 2023.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian, ID 83642
(208) 884-7004
Bill.Gardiner@isp.idaho.gov

IDAPA 11 – IDAHO STATE POLICE

11.07.01 – RULES GOVERNING MOTOR VEHICLES – GENERAL RULES

DOCKET NO. 11-0701-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2901 and 49-901, 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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 15-18](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable.

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 is no fiscal impact as a result of this pending rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Major Matt Smith, Idaho State Police, (208) 884-7022, Email matt.smith@isp.idaho.gov.

DATED this 2nd day of November, 2023.

Lt Col. Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.gardiner@isp.idaho.gov

IDAPA 11 – IDAHO STATE POLICE

11.07.03 – RULES GOVERNING EMERGENCY VEHICLES/AUTHORIZED EMERGENCY VEHICLES

DOCKET NO. 11-0703-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2901 and 49-901, 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:

In support of the Governor’s Red Tap Reduction Initiative and in accordance with the [Zero-Based Regulation E.O. 2020-01](#), the goal of this rulemaking is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

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 6, 2023, Idaho Administrative Bulletin, [Vol.23-9, pages 19-23](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable.

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 is no fiscal impact associated with this rule making.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Major Matt Smith (208) 884-7022, Email matt.smith@isp.idaho.gov.

DATED this 3rd day of November, 2023.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.gardiner@isp.idaho.gov

IDAPA 11 – IDAHO STATE POLICE

11.10.01 – RULES GOVERNING IDAHO PUBLIC SAFETY AND SECURITY INFORMATION SYSTEM

DOCKET NO. 11-1001-2301 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 19-5201, 19-5202, 19-5203, and 19-5204, 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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 24-26](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 19-5202, Idaho Code, the fee(s) in this rulemaking is being done to ensure the Idaho Public Safety and Information Security System (ILETS), can continue to provide the critical officer safety and other information used by law enforcement agencies across Idaho. The system is a vital link for law enforcement and provides 24/7 access to information that keeps communities safe. The proposed changes will ensure adequate funding is available to support the continued stable operation of the ILETS System. The change will impact only the ILETS Dedicated Fund and is necessary to protect the public health, safety, or welfare.

The following is a specific description of the fees imposed or increased. Idaho Code 19-5202 authorizes the access charges for users of the ILETS system. The following is the fee schedule that will be effective October 1, 2023.

Percentage of Total ILETS Message Traffic	Annual Usage Fee effective Oct. 1, 2023
0 - .25 %	\$3,750
.26 - .50 %	\$7,500
.51 - .75 %	\$15,000
.76 - 1.0 %	\$24,000
1.01 - 1.50 %	\$32,500
1.51 – 2.0 %	\$48,750
2.01 – 5.0 %	\$69,625
> 5.01 %	\$98,939

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 will have no fiscal impact on state funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bureau Chief, Leila McNeill, (208) 884-7136, Email, Leila.mcneill@isp.idaho.gov.

DATED this 3rd day of November, 2023.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.gardiner@isp.idaho.gov

IDAPA 11 – IDAHO STATE POLICE
11.13.01 – THE MOTOR CARRIER RULES
DOCKET NO. 11-1301-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2901A, 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:

In support of the Governor’s Red Tape Reduction Initiative and in accordance with the [Zero-Based Regulation E.O. 2020-01](#), the goal of this rulemaking is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

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 6, 2023, Idaho Administrative Bulletin, [Vol.23-9, pages 27-35](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable.

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 is no fiscal impact associated with this rule making.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Captain Shawn Staley, (208) 884-7222, Email shawn.staley@isp.idaho.gov.

DATED this 3rd day of November, 2023.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.gardiner@isp.idaho.gov

**IDAPA 15 – OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

**15.04.01 – RULES OF THE DIVISION OF HUMAN RESOURCES
AND IDAHO PERSONNEL COMMISSION**

DOCKET NO. 15-0401-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the First Regular Session of the Sixty-eighth Idaho Legislature.

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 67-5308 and 67-5309, 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:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Division of Human Resources is striving to prevent the accumulation of costly, ineffective, and/or outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10 pages 294-331](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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: Michelle Peugh, Policy Bureau Chief, at (208) 334-2263, Michelle.Peugh@dhr.idaho.gov.

DATED this 13th day of November, 2023.

Janelle White
Interim Administrator
304 North 8th Street
P.O. Box 83720
Boise, Idaho 83720-0066
Janelle.White@dhr.idaho.gov
Phone: (208) 334-2263

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.24 – CLANDESTINE DRUG LABORATORY CLEANUP

DOCKET NO. 16-0224-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 6-2604, 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.

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

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 August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 60 through 66](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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 not anticipated to have any fiscal impact on the state General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brigitta Gruenberg at 208-616-5271.

DATED this 9th day of November, 2023.

Trinette Middlebrook and Frank Powell
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
email: dhwrules@dhw.idaho.gov

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.25 – STATE LABORATORY FEES

DOCKET NO. 16-0225-2301 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 56-1003 and 56-1007, 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 rulemaking is being done to correct errors in the fees for total coliform testing procedures under Section 200 and align the fees to reflect negotiations held with stakeholders prior to the chapter rewrite approved by the 2022 legislature. Further, this assures that the state will not be in competition with commercial laboratories for these procedures.

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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 37 through 41](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 56-1007, Idaho Code, the fees in Subsection 200.02 for Total Coliform/E. coli, Presence/Absence are being revised from the pre-2022 price of \$18 to the negotiated price of \$21. Similarly, Total Coliform/E. coli, Quantitative are being revised from \$20 to \$33.

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 not anticipated to have any fiscal impact on the state General Fund, however, it will be an increase in receipt funds for the State Laboratory. The proposed revisions will be within the laboratory's appropriation for receipts so it should not result in a substantive budget impact. This increase will help offset higher operating costs associated with this testing. Based upon the 2022 testing volume for the laboratory, these fee revisions will result in approximately a \$12,100 increase in receipts.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Chris Ball at (208) 334-0568.

DATED this 9th day of November, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
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phone: (208) 334-5500
fax: (208) 334-6558
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.01 – ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 56-202, 56-203, and 56-209, 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.

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 49 through 72](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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 not anticipated to have any fiscal impact on the State General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Laura Schumaker at 208-799-4335.

DATED this 9th day of November, 2023.

Trinette Middlebrook and Frank Powell
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
email: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0301-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-9, October 4, 2023, pages 49 through 72.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0301-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

601. EXCEPTIONS TO ANNUAL RENEWAL.

A participant who receives Title XIX or Title XXI through time-limited coverage does not require an annual renewal when the following exists. ()

01. Extended Medicaid. A participant who receives extended Medicaid is eligible ~~as provided in~~ under Section 420 of these rules. ~~(3-17-22)~~()

02. Pregnant Woman. ~~A participant who receives Medicaid as a Low Income Pregnant Woman is eligible as provided in Section 500 of these rules~~ A pregnant woman of any age is eligible for the Pregnant Woman coverage if she meets all the non-financial and financial criteria of the coverage group. Coverage includes services as described in IDAPA 16.03.09, "Medicaid Basic Plan Benefits." The Pregnant Woman medical assistance coverage extends through the sixty (60) day postpartum period if she applied for medical assistance while pregnant and was receiving medical assistance when the child was born. An individual who applies for Pregnant Woman medical assistance after the child is born is not eligible for the sixty-day (60) postpartum period. ~~(3-17-22)~~()

03. Newborn Child of Medicaid-Eligible Mother. A participant receiving Medicaid as the newborn child of a Medicaid-eligible mother is eligible ~~as provided in~~ under Section 530 of these rules. ~~(3-17-22)~~()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.06 – REFUGEE MEDICAL ASSISTANCE

DOCKET NO. 16-0306-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 56-202 and 56-203, 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.

In 2022, the Director of the Office of Refugee Resettlement (ORR), Administration for Children and Families, under the U.S. Department of Health and Human services announced a change of the Refugee Medical Assistance (RMA) eligibility period for participants whose date of eligibility for ORR benefits is on or after October 1, 2021. This change was made under the authority of 45 CFR 400.211(b) and announced in the Federal Register.

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 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 187 through 189](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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 not anticipated to have any fiscal impact on the state General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Laura Schumaker at 208-799-4335.

DATED this 9th day of November, 2023.

Trinette Middlebrook and Frank Powell
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
email: dhwrules@dhw.idaho.gov

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 56-202(b), 56-264, 56-265, and 56-1610, 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.

These rule changes will decrease regulatory burdens, make technical corrections, implement operations for the end of the public health emergency, update rules to comply with the latest changes to Idaho statutes (H0153, H0223, H0374, and S1094 from the 2023 legislative session), IDAPA 16.05.06, “Criminal History and Background Checks,” and make changes to the Idaho State Plan for behavioral health services appropriated by the Legislature.

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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 42 through 79](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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 is no impact to the state General Fund, grant funds, or any other funds as funding has already been appropriated for the changes to services.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact William Deseron, 208-859-0046.

DATED this 9th day of November, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.14 – HOSPITALS

DOCKET NO. 16-0314-2301

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 14, 2023.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 39-1307, Idaho Code.

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

Idaho Hospital Association (IHA) requested rule changes about recredentialing to align with CFR language and asked that changes be made before the scheduled ZBR Rewrite for 2025. The Department supports this change.

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

The changes in this rulemaking qualify for all the following purposes for a Temporary rulemaking:

1. Protection of the public health, safety, or welfare by removing barriers and allowing providers flexibility in providing care to their patients; and
2. Confers a benefit as requested by stakeholders.

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

This chapter contains no fees or charges.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Laura Stute at 208-866-1775.

DATED this 9th day of November, 2023.

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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 16-0314-2301
(Only Those Sections With Amendments Are Shown.)**

200. GOVERNING BODY AND ADMINISTRATION.

There shall be an organized governing body, or equivalent, that has ultimate authority and responsibility for the operation of the hospital. (3-17-22)

01. Bylaws. The governing body shall adopt bylaws in accordance with Idaho Code, community responsibility, and identify the purposes of the hospital and that specify at least the following: (3-17-22)

a. Membership of Governing Body, that consists of: (3-17-22)

i. Basis of selecting members, term of office, and duties; and (3-17-22)

ii. Designation of officers, terms of office, and duties. (3-17-22)

b. Meetings: (3-17-22)

i. Specify frequency of meetings; (3-17-22)

ii. Meet at regular intervals, and there is an attendance requirement; (3-17-22)

iii. Minutes of all governing body meetings shall be maintained. (3-17-22)

c. Committees: (3-17-22)

i. The governing body officers shall appoint committees as appropriate for the size and scope of activities in the hospitals; (3-17-22)

ii. Minutes of all committee meetings shall be maintained, and reflect all pertinent business. (3-17-22)

d. Medical Staff Appointments and Reappointments: (3-17-22)

i. A formal written procedure shall be established for appointment to the medical staff; (3-17-22)

ii. Medical staff appointments shall include an application for privileges, signature of applicant to abide by hospital bylaws, rules, and regulations, and delineation of privileges as recommended by the medical staff. The same procedure shall apply to nonphysician practitioners who are granted clinical privileges; (3-17-22)

iii. The procedure for appointment and reappointment to the medical staff shall involve the administrator, medical staff, and the governing body. ~~Reappointments shall be made at least biannually;~~ (3-17-22)(11-14-23)T

iv. The governing body bylaws shall approve medical staff authority to evaluate the professional competence of applicants, appointments and reappointments, curtailment of privileges, and delineation of privileges; (3-17-22)

v. Applicants for appointment, reappointment or applicants denied to the medical staff privileges shall be notified in writing; (3-17-22)

vi. There shall be a formal appeal and hearing mechanism adopted by the governing body for medical staff applicants who are denied privileges, or whose privileges are reduced. (3-17-22)

- e.** The bylaws shall provide a mechanism for adoption, and approval of the organization bylaws, rules and regulations of the medical staff. (3-17-22)
- f.** The bylaws shall specify an appropriate and regular means of communication with the medical staff. (3-17-22)
- g.** The bylaws shall specify departments to be established through the medical staff, if appropriate. (3-17-22)
- h.** The bylaws shall specify that every patient be under the care of a physician licensed by the Idaho State Board of Medicine. (3-17-22)
- i.** The bylaws shall specify that a physician be on duty or on call at all times. (3-17-22)
- j.** The bylaws shall specify to whom responsibility for operations, maintenance, and hospital practices can be delegated and how accountability is established. (3-17-22)
- k.** The governing body shall appoint a chief executive officer or administrator, and shall designate in writing who will be responsible for the operation of the hospital in the absence of the administrator. (3-17-22)
- l.** Bylaws shall be dated and signed by the current governing body. (3-17-22)
- m.** Patients being treated by nonphysician practitioners shall be under the general care of a physician. (3-17-22)
- 02. Administration.** The governing body, through the administrator, shall provide appropriate physical facilities and personnel required to meet the needs of the patients and the community. (3-17-22)
- 03. Chief Executive Officer or Administrator.** The governing body through the chief executive officer shall establish the following policies, procedures or plans: (3-17-22)
- a.** The hospital shall adopt a written personnel policy concerning qualification, responsibility, and condition of employment for each category of personnel. The policy and/or procedures shall contain the following elements: (3-17-22)
- i.** Documentation of orientation of all employees to policies, procedures and objectives of the hospital. (3-17-22)
- ii.** Job descriptions for all categories of personnel. (3-17-22)
- iii.** Documentation of continuing education (inservice) for all patient care personnel. (3-17-22)
- b.** There shall be a personnel record for each employee that shall contain at least the following: (3-17-22)
- i.** Current licensure and/or certification status. (3-17-22)
- ii.** The results of a Tuberculin Skin Test that shall be determined either by history of a prior positive, or by the application of a skin test prior to or within thirty (30) days of employment. If the skin test is positive, either by history or by current test, a chest X-ray shall be taken, or a report of the result of a chest X-ray taken within three (3) months preceding employment, shall be accepted. The Tuberculin Skin Test status shall be known and recorded and a chest X-ray alone is not a substitute. No subsequent annual chest X-ray or skin test is required for routine surveillance. (3-17-22)
- c.** There shall be regularly scheduled departmental and interdepartmental meetings, appropriate to the needs of the hospital, and documentation of such meetings shall be available. (3-17-22)

d. The chief executive officer shall serve as liaison between the governing body, medical staff and the nursing staff, and all other departments of the hospital. (3-17-22)

e. Written policies and procedures shall be reviewed as needed. (3-17-22)

04. Discharge Planning. Administration shall provide a procedure to screen each patient for discharge planning needs. If discharge planning is necessary, a qualified person shall be designated responsible for such planning. The hospital shall have a transfer agreement with a Medicare and/or Medicaid skilled nursing home. If there is a common governing board for a hospital and a skilled nursing home, a policy statement concerning transfers will be sufficient. (3-17-22)

05. Institutional Planning. The governing body through the chief executive officer shall provide for institutional planning by means of a committee composed of members of the governing body, administration, and medical staff. The plan shall include at least these elements: (3-17-22)

a. Annual budgeting; and (3-17-22)

b. A protocol for coordinating the hospital services with other health care facilities and community resources. (3-17-22)

06. Disclosure of Ownership. The governing body and administration of hospitals required to be licensed under these rules shall fully disclose to the licensing agency the names and addresses of all persons owning or controlling five percent (5%) interest in the hospital. (3-17-22)

07. Compliance with Laws and Regulations. The governing body through the chief executive officer will be responsible for meeting all applicable laws and regulations pertaining to hospitals, and acting promptly upon reports and reviews of regulatory and inspecting agencies. (3-17-22)

08. Use of Outside Resources. If a hospital does not employ a required professional person to render a specific service, there shall be a written agreement for such service to meet the requirements of these rules. The agreement shall specify the following: (3-17-22)

a. Responsibilities of both parties, with the hospital retaining responsibility for services rendered. (3-17-22)

b. All services to be performed by outside resources including reports, frequency of visits, and services rendered. (3-17-22)

09. Substantial Change in Services. Any hospital proposing to offer a new service or a new department under these rules or proposing to implement a substantial change in an existing service or department shall provide to the licensing agency evidence of a request for a determination of reviewability if a program providing prospective review of hospitals is in effect. (3-17-22)

10. Quality Assurance. Through administration and medical staff, the governing body shall ensure that there is an effective, hospital-wide quality assurance program to evaluate the provision of care. The hospital must take and document appropriate remedial action to address deficiencies found through the program. The hospital must document the outcome of the remedial action. (3-17-22)

(BREAK IN CONTINUITY OF SECTIONS)

250. MEDICAL STAFF.

The hospital must have an active medical staff organized under bylaws approved by the governing body and responsible to the governing body for the quality of all medical care provided the patients, and for the professional practices and ethical conduct of the members. (3-17-22)

01. Medical Staff Qualifications and Privileges. All medical staff members must be qualified legally and professionally for the privileges that they are granted. (3-17-22)

a. Privileges must be granted only on the basis of individual training, competence, and experience. (3-17-22)

b. The medical staff, with governing body approval, must develop and implement a written procedure for determining qualifications for medical staff appointment, and for determining privileges. (3-17-22)

c. The governing body must approve medical staff privileges within the limits of the hospital's capabilities for providing qualified support staff and equipment in specialized areas. (3-17-22)

02. Authority to Admit Patients. A hospital may grant to physicians, physician assistants, and advanced practice nurses the privilege to admit patients, provided that admitting privileges be granted only if the privileges are: (3-17-22)

a. Recommended by the medical staff at the hospital; (3-17-22)

b. Approved by the governing body of the hospital; and (3-17-22)

c. Within the scope of practice conferred by the license of the physician, physician assistant, or advanced practice nurse. (3-17-22)

d. A hospital must specify in its bylaws the process by which its governing body and medical staff oversee those practitioners granted admitting privileges. Such oversight must include credentialing and competency review. (3-17-22)

03. Medical Staff Appointments and Reappointments. Medical staff appointments and reappointments must be made by the governing body upon the recommendation of the active medical staff, or a committee of the active staff. (3-17-22)

a. Appointments to the medical staff must include a written delineation of all privileges including surgical procedures, and governing body approval must be documented. (3-17-22)

b. Reappointments to the medical staff must be made ~~at least every two (2) years~~ periodically with appropriate documentation indicating governing body approval. (3-17-22)(11-14-23)T

c. Reappointment procedures must include a means of increasing or decreasing privileges after consideration of the member's physical and mental capabilities. (3-17-22)

d. The medical staff and administration with approval of the governing body must develop a written procedure for temporary or emergency medical staff privileges. (3-17-22)

04. Required Hospital Functions. Each hospital must have a mechanism in place to perform the following functions: (3-17-22)

a. Coordinate all activities of the medical staff; (3-17-22)

b. Develop a hospital formulary and procedures for the choice and control of all drugs used in the hospital; (3-17-22)

c. Establish procedures to prevent and control infections in the hospital; (3-17-22)

d. Develop and monitor standards of medical records contents; (3-17-22)

e. Maintain communications between medical staff and the governing body of the hospital; and (3-17-22)

- f. Review clinical work of the medical staff. (3-17-22)
- 05. Documentary Evidence of Medical Staff Activities.** The medical staff or any committees of the staff must meet as often as necessary, but at least twice annually, to assure implementation of the required functions in Subsection 250.04 of this rule. Minutes of all meetings of the medical staff or any committees of the staff must be maintained. (3-17-22)
- 06. Medical Staff Bylaws, Rules, and Regulations.** These must specify at least the following: (3-17-22)
- a. A description of the medical staff organization that includes: (3-17-22)
- i. Officers and their duties; (3-17-22)
- ii. Staff committees and their responsibilities; (3-17-22)
- iii. Frequency of staff and committee meetings; and (3-17-22)
- iv. Agenda for all meetings and the type of records to be kept. (3-17-22)
- b. A statement of the necessary qualifications for appointment to the staff, and the duties and privileges of each category of medical staff. (3-17-22)
- c. A procedure for appointment, granting and withdrawal of privileges. (3-17-22)
- d. A mechanism for hearings and appeals of decisions regarding medical staff membership and privileges. (3-17-22)
- e. A statement regarding attendance at staff meetings. (3-17-22)
- f. A statement of qualifications and a procedure for delineation of clinical privileges for all categories of nonphysician practitioners. (3-17-22)
- g. A requirement for keeping accurate and complete medical records. (3-17-22)
- h. A requirement that all tissue surgically removed will be delivered to a pathologist for a report on such specimens, unless the medical staff, in consultation with the pathologist, adopts uniform exceptions to sending tissue specimens to the laboratory for analysis. (3-17-22)
- i. A statement requiring a medical history and physical examination be performed no more than seven (7) days before or within forty-eight (48) hours after admission. The findings from this history and physical examination, including a provisional diagnosis, must be included in the medical record prior to surgery, except in emergencies. (3-17-22)
- j. A requirement that consultation is necessary with unusual cases, except in emergencies. Unusual cases must be defined by the hospital medical staff. (3-17-22)
- 07. Review of Policies and Procedures.** The medical staff must review and approve all policies and procedures directly related to medical care. (3-17-22)
- 08. Dentists and Podiatrists.** If dentists and podiatrists are appointed to the medical staff, the bylaws must specifically refer to services performed by such professionals, and must specify at least the following: (3-17-22)
- a. Patients admitted for dental or podiatry service must be under the general care of a physician member of the active staff. (3-17-22)

b. All medical staff requirements and procedure for privileges must be followed for dentists and podiatrists. (3-17-22)

09. Dating of Bylaws. Bylaws must be dated and signed by the current officers of the medical staff or the committee of the whole. (3-17-22)

10. Medical Orders. Written, verbal and telephone orders from persons authorized to give medical orders under Idaho law must be accepted by those health care practitioners empowered to do so under Idaho law and written hospital policies and procedures. Verbal and telephone orders must contain the name of the person giving the order, the first initial and last name and professional designation of the health care practitioners receiving the order. The order(s) must be promptly signed or otherwise authenticated by the prescribing practitioner in a timely manner in accordance with the hospital's policy. (3-17-22)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.19 – PEER SUPPORT SPECIALIST AND FAMILY SUPPORT PARTNER CERTIFICATION

DOCKET NO. 16-0719-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 39-3140, 56-1003, and 56-1004, 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.

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language. The title of this IDAPA chapter is changing from “Certification of Peer Support Specialist and Family Support Partners” to “Peer Support Specialist and Family Support Partner Certification.”

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 August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 128 through 141](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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 not anticipated to have any fiscal impact on the state funds, the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Treena Clark at 208-334-6611, or Cade Hulbert at 208-334-0463.

DATED this 9th day of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.25 – PREVENTION OF MINORS' ACCESS TO TOBACCO OR ELECTRONIC SMOKING DEVICE PRODUCTS

DOCKET NO. 16-0725-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 39-5704, 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.

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language. The title of this IDAPA chapter is changing from “Prevention of Minors' Access to Tobacco Products” to “Prevention of Minors' Access to Tobacco or Electronic Smoking Device Products.”

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 August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 142 through 152](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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 not anticipated to have any fiscal impact on the state funds, the General Fund, or any other known funds.

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

DATED this 9th day of November, 2023.

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IDAPA 18 – DEPARTMENT OF INSURANCE

18.01.02 – SCHEDULE OF FEES, LICENSES, AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0102-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 41-211 and 41-401, 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:

18.01.02.030.04.k. establishes the \$300 application fee for pharmacy benefit managers which was inadvertently missing in the proposed rule. 18.01.02.030.03 corrects a typographical error on the word “Fingerprinting.” 18.01.02.030.04, Subsections g. and h. correct inadvertent increases to those renewal fees.

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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 218-224](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Sections 41-211 and 41-401, Idaho Code, this rule provides amounts to be collected for insurance fees, licenses, and miscellaneous charges.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Weston Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID, 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

DOCKET NO. 18-0102-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-09, September 6, 2023, pages 218 through 224.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 18-0102-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

030. PRODUCER ~~LICENSE AND MISCELLANEOUS LICENSING FEES~~ **RELATED FEES.**

01. ~~Original License Application.~~ The following fees ~~are~~ **is** due ~~at the time of original~~ **and need to be**
~~paid with the filing~~ application for ~~the following original~~ license ~~types:~~ (3-23-22)()
- a. ~~Third party~~ Administrators -- three hundred dollars (\$300). (3-23-22)()
 - b. Producers, ~~including limited line producers~~ -- eighty dollars (\$80). (3-23-22)()
 - c. ~~Designation as a m~~Managing general agent -- eighty dollars (\$80). (3-23-22)()
 - d. Adjusters, ~~independent and or public adjusters~~ -- eighty dollars (\$80). (3-23-22)()
 - e. Reinsurance intermediary -- eighty dollars (\$80). ()
 - f. Surplus line brokers -- eighty dollars (\$80). ()
 - g. Life settlement providers -- five hundred dollars (\$500). ()
 - h. Life settlement brokers -- three hundred dollars (\$300). ()
 - i. Independent review organization -- five hundred dollars (\$500). ()
 - j. Vendor of portable electronics insurance, a ~~separate~~ type of limited lines producer: (3-23-22)()
 - i. ~~A vendor of portable electronic insurance who is engaged in portable electronic transactions at~~
~~m~~More than ten (10) locations in the state of Idaho -- one thousand dollars (\$1,000). (3-23-22)()
 - ii. ~~A vendor of portable electronic insurance who is engaged in portable electronic transactions at~~ Ten
(10) or fewer locations in the state of Idaho -- one hundred dollars (\$100). (3-23-22)()
 - k. ~~Pharmacy Benefit Managers -- three hundred dollars (\$300).~~ ()

02. Examination Fees. Each time a producer or adjuster's ~~licensing~~ examination is taken ~~for licensing~~ ~~under per~~ Title 41, Chapters 10 and 11, Idaho Code, the applicant may pay a fee to a third-party testing vendor in the amount established by contract between the ~~Department~~ and the vendor. (3-23-22)()

03. Fingerprinting-Processing. ~~Processing of~~ Fingerprints (as applicable) -- not to exceed eighty dollars (\$80). (3-23-22)()

04. License Renewal. The following ~~renewal~~ fees are ~~due owed either annually or biannually and due as indicated in the Department's renewal form and need to be paid for each license to renew or continue for each of the following license types:~~ (3-23-22)()

a. ~~Third Party Administrators (biennial) -- eighty dollars (\$80).~~ ()

b. ~~Producers, including limited lines producers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically.~~ ()

c. ~~Managing general agent (annual) -- eighty dollars (\$80).~~ ()

d. ~~Adjusters, independent or public (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically.~~ ()

e. ~~Surplus line brokers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically.~~ ()

f. ~~Life settlement providers (biennial) -- three hundred dollars (\$300).~~ ()

g. ~~Life settlement brokers (biennial) -- eighty dollars (\$80).~~ ()

h. ~~Independent review organization (biennial) -- three hundred dollars (\$300).~~ ()

i. ~~Vendor of portable electronics insurance, a separate type of limited lines producer with (biennial):~~ ()

i. ~~More than ten (10) locations in the state of Idaho -- five hundred dollars (\$500).~~ ()

ii. ~~Ten (10) or fewer locations in the state of Idaho -- one hundred dollars (\$100).~~ ()

a. ~~Adjusters, public adjusters, and producers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically.~~ (3-23-22)

i. ~~A vendor of portable electronic insurance who is engaged in portable electronic transactions at more than ten (10) locations in the state of Idaho -- five hundred dollars (\$500).~~ (3-23-22)

ii. ~~A vendor of portable electronic insurance who is engaged in portable electronic transactions at ten (10) or fewer locations in the state of Idaho -- one hundred dollars (\$100).~~ (3-23-22)

b. ~~Redesignation as managing general agent (annual) -- eighty dollars (\$80).~~ (3-23-22)

e. ~~Administrators (biennial) -- eighty dollars (\$80).~~ (3-23-22)

i. ~~Renewal form is filed on or before December 31.~~ (3-23-22)

ii. ~~Any renewal form postmarked after December 31 includes a penalty in an amount equal to the renewal fee.~~ (3-23-22)

iii. ~~A renewal form postmarked after January 31 needs to be submitted as a new application with supporting documents and the full application fee.~~ (3-23-22)

- ~~d.~~ Surplus line brokers (biennial) — eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. ~~(3-23-22)~~
- ~~e.~~ Life settlement providers (biennial) — three hundred dollars (\$300). ~~(3-23-22)~~
- ~~f.~~ Life settlement brokers (biennial) — eighty dollars (\$80). ~~(3-23-22)~~
- ~~g.~~ Independent review organization (biennial) — three hundred dollars (\$300). ~~(3-23-22)~~

IDAPA 18 – DEPARTMENT OF INSURANCE
18.04.04 – THE MANAGED CARE REFORM ACT RULE
DOCKET NO. 18-0404-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 Title 41, Chapters 2 and 39, 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 implements the Managed Reform Act by defining and establishing operating procedures. This rulemaking is consistent with the Governor's [Executive Order 2020-01: Zero Based Regulation](#). The proposed changes are to simplify, clarify, and reduce.

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 6, 2023, Idaho Administrative Bulletin, [Vol. 23-09 pages 225-229](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208)334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

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IDAPA 18 – DEPARTMENT OF INSURANCE

18.04.08 – INDIVIDUAL AND GROUP SUPPLEMENTARY DISABILITY INSURANCE MINIMUM STANDARDS RULE

DOCKET NO. 18-0408-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 Title 41, Chapters 2 and 42, 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 purpose of this chapter is to implement Title 41, Chapters 21, 22, 34, and 42, Idaho Code, to standardize and simplify the terms and coverages of individual and group supplementary disability insurance. Changes since the proposed rule are in response to comments received from interested parties.

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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 230-249](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Weston Trexler, (208)334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

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DOCKET NO. 18-0408-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 230 through 249.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 18-0408-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

18.04.08 – INDIVIDUAL AND GROUP SUPPLEMENTARY DISABILITY INSURANCE
MINIMUM STANDARDS RULE

011. POLICY DEFINITIONS AND TERMS.

Except as provided in this chapter, an insurance policy or certificate to which this chapter applies will not include definitions more restrictive than the following: ()

01. **Accident.** “Accident,” “accidental injury,” and “accidental” is to employ “result” language and does not include words that establish an accidental means test or use words such as “external, violent, visible wounds” or similar words of description or characterization. ()

a. “Injury” or “injuries” means accidental bodily injury ~~sustained by the insured person that is the direct cause of the condition for which benefits are provided~~, independent of disease ~~or bodily infirmity or any other cause, and that which~~ occurs while the ~~insurance coverage~~ is in force. (3-31-22)()

b. It may exclude injuries for which benefits are provided: ~~under workers’ compensation, employers’ liability or similar law; or under a motor vehicle no-fault plan, unless not allowed by law; or injuries occurring while the insured person is engaged in any activity pertaining to a trade, business, employment or occupation for wage or profit.~~ (3-31-22)()

i. ~~Under workers’ compensation, employers’ liability, or similar law; or~~ (3-31-22)

ii. ~~Under a motor vehicle no-fault plan, unless the motor vehicle no-fault plan provides for coordination of benefits; or~~ (3-31-22)

iii. ~~For injuries occurring while the insured person is engaged in any activity pertaining to a trade, business, employment or occupation for wage or profit.~~ (3-31-22)

02. **Convalescent Nursing Home.** “Convalescent nursing home,” “extended care facility,” “assisted living facility”, or “skilled nursing facility” is to be defined in relation to its status, facility and available services. (3-31-22)()

- a. Such home or facility is to: ()
 - i. Be operated pursuant to law; ()
 - ii. Be ~~approved for payment of Medicare benefits or be~~ qualified to receive approval for payment of Medicare or medicaid benefits, if so requested; (3-31-22)()
 - iii. ~~Be primarily engaged in providing~~ Provide, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician; (3-31-22)()
 - iv. Provide continuous twenty-four (24) hours per day nursing service by or under the supervision of a registered nurse; and ()
 - v. Maintain a daily medical record of each patient. ()
- b. The definition of the home or facility may ~~provide that the term will not be inclusive of:~~ exclude a home, facility or part of a home or facility used primarily: for rest, for the aged, for individuals with a substance use disorder or a mental disease or disorder, or for custodial or educational care. (3-31-22)()
 - ~~i. A home, facility or part of a home or facility used primarily for rest;~~ (3-31-22)
 - ~~ii. A home or facility for the aged or for the care of drug addicts or alcoholics; or~~ (3-31-22)
 - ~~iii. A home or facility primarily used for the care and treatment of mental diseases or disorders, or for custodial or educational care.~~ (3-31-22)
- 03. Home Health Care Agency.** “Home health care agency” means an agency approved under Medicare, or that is licensed to provide home health care under applicable state law, or that ~~meets all of the following requirements:~~ (3-31-22)()
 - a. ~~It~~ is primarily engaged in providing home health care services; (3-31-22)()
 - b. ~~Its Has~~ policies ~~are~~ established by a group of professional personnel (including at least one (1) physician and one (1) registered nurse); (3-31-22)()
 - c. A Has a physician or a registered nurse ~~provides supervision of~~ supervising the home health care services; (3-31-22)()
 - d. ~~It m~~ Maintains clinical records on all patients; and (3-31-22)()
 - e. ~~It h~~ Has a full-time administrator. (3-31-22)()
- 04. Hospice.** “Hospice” means a facility licensed, certified or registered in accordance with state law that provides a formal program of care that is: ()
 - a. For terminally ill patients whose life expectancy is less than six (6) months; ()
 - b. Provided on an inpatient or outpatient basis; and ()
 - c. Directed by a physician. ()
- 05. Hospital.** “Hospital” is to be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission ~~on Accreditation of Healthcare Organizations, Accreditation of Rehabilitation Facilities or by Medicare.~~ (3-31-22)()
 - a. The hospital may: ()

- i. Be an institution licensed to operate as a hospital pursuant to law; ()
- ii. Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an in-patient basis for which a charge is made; and ()

iii. Provide twenty-four (24) hour nursing service by or under the supervision of registered nurses. ()

~~b. The term will not be inclusive of the following, unless the facility otherwise meets the qualifications set forth at Paragraph 011.05.a. of this Section~~ may exclude: (3-31-22)()

i. Convalescent homes or, convalescent, rest, or nursing facilities; ()

ii. Facilities affording primarily custodial, educational, or rehabilitary care; ()

iii. Facilities for the aged, ~~drug addicts, or alcoholics~~ or individuals with a substance use disorder; or (3-31-22)()

iv. A military or veterans' hospital, a soldiers' home or a hospital contracted for or operated by any national government or government agency for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability for the patient exists for charges made to the individual for the services. ()

06. Mental Disorders or Nervous Disorders. "Mental disorders" or "nervous disorders" ~~includes neurosis, psychoneurosis, psychosis, or mental or emotional disease or disorder of any kind~~ means any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or its successor. (3-31-22)()

07. Nurse. "Nurse" may be restricted to a type of nurse, such as registered nurse, ~~a licensed practical nurse, or a licensed vocational nurse.~~ If the words "nurse," ~~"trained nurse" or "registered nurse"~~ are is used without specific instruction, then the use ~~of these terms~~ necessitates the insurer ~~to~~ recognize the services of any individual who qualifies under the terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state ~~of Idaho.~~ (3-31-22)()

08. One Period of Confinement. "One (1) period of confinement" means consecutive days of in-hospital service received as an in-patient, or successive confinements when discharge from and readmission to the hospital occurs within a period of time not more than ninety (90) days or three (3) times the maximum number of days of in-hospital coverage provided by the policy to a maximum of one hundred eighty (180) days. ()

09. Partial Disability. "Partial disability" is in relation to the individual's inability to perform one or more but not all of the "major," "important" or "essential" duties of employment or occupation, or may be related to a percentage of time worked or to a specified number of hours or to compensation. ()

10. Preexisting Condition. "Preexisting condition" is: (3-31-22)

~~a. A condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care or treatment during the six (6) months immediately preceding the effective date of coverage;~~ (3-31-22)

~~b. A condition for which medical advice, diagnosis, care or treatment was recommended or received by a provider or that would have caused an ordinarily prudent person to seek medical advice or treatment during the six (6) months immediately preceding the effective date of coverage;~~ or (3-31-22)

~~c. A pregnancy existing on the effective date of coverage.~~ (3-31-22)()

11. Provider. "Provider" means a person or entity that, as necessary, is licensed to provide health care

or related services. ()

12. Residual Disability. “Residual disability” is in relation to the individual’s reduction in earnings and may be related either to the inability to perform some part of the “major,” “important,” or “essential duties” of employment or occupation, or to the inability to perform all usual business duties for as long as is usually necessary. A policy that provides for residual disability benefits may impose a qualification period, during which the insured needs to be continuously totally disabled before residual disability benefits are payable. The qualification period for residual benefits may be longer than the elimination period for total disability. In lieu of the term “residual disability,” the insurer may use “proportionate disability” or other term of similar import that in the opinion of the Director adequately and fairly describes the benefit. ()

13. Sickness or Illness. “Sickness or illness” means sickness or disease of an insured person that presents itself after the effective date of insurance and while the insurance is in force. It may exclude sickness or disease for which benefits are provided under a worker’s compensation, occupational disease, employers’ liability or similar law.” ()

14. Total Disability. “Total disability” is in accordance with the following limitations: ()

a. The individual who is totally disabled not be engaged in any employment or occupation for which he or she is or becomes qualified by reason of education, training or experience, and is not in fact engaged in any employment or occupation for wage or profit. ()

b. Total disability may be defined in relation to the inability of the person to perform duties but is not to be based solely upon an individual’s inability to: ()

i. Perform “any occupation whatsoever,” “any occupational duty,” or “any and every duty of his occupation”; or ()

ii. Engage in a training or rehabilitation program. ()

c. An insurer may stipulate the complete inability of the person to perform all of the substantial and material duties of his or her regular occupation or words of similar import. An insurer may stipulate care by a physician other than the insured or a member of the insured’s immediate family. ()

(BREAK IN CONTINUITY OF SECTIONS)

036. DISABILITY INCOME PROTECTION COVERAGE.

01. Minimum Standards for Benefits. The ~~following~~ minimum standards ~~apply to~~ for disability income protection coverage are: (3-31-22)()

a. Provides that any periodic payments ~~that are payable at ages after sixty two (62) and reduced solely on the basis of age are at least fifty percent (50%) of amounts payable immediately prior to sixty two (62) are not reduced based on age, except when such reductions do not exceed fifty percent (50%) and do not take place until the individual has reached full retirement age for Social Security benefits;~~ (3-31-22)()

b. Contains an elimination period no greater than: one-fourth (1/4) of the maximum payable benefit period, and not exceeding one (1) year; (3-31-22)()

i. ~~Ninety (90) days in the case of a coverage providing a benefit of one year (1) or less;~~ (3-31-22)

ii. ~~One hundred and eighty (180) days in the case of coverage providing a benefit of more than one (1) year but not greater than two (2) years; or~~ (3-31-22)

iii. ~~Three hundred sixty five (365) days in all other cases during the continuance of disability resulting~~

~~from sickness or injury;~~ (3-31-22)

c. Has a maximum payable benefit period ~~of time for which it is payable during disability~~ of at least ~~six (6)~~ three (3) months. ~~No reduction in benefits is put into effect because of an increase in Social Security or similar benefits during a benefit period.~~ (3-31-22)()

02. Banned Policy Provisions. ()

a. Where a policy provides total disability ~~benefits~~ and partial disability benefits, only one (1) elimination period may ~~be applied~~ applied. (3-31-22)()

b. ~~A disability income policy may contain a “return of premium” or “cash value benefit” so long as the return of premium or cash value benefit is not reduced by an amount greater than the aggregate of claims paid under the policy, and the insurer demonstrates that the reserve basis for the policies is adequate.~~ (3-31-22)

eb. Disability income protection benefits will not require the loss to commence less than thirty (30) days after the date of accident, nor will any policy that the insurer cancels or refuses to renew require that it be in force at the time disability commences if the accident occurred while the coverage was in force. (3-31-22)()

dc. No reduction in benefits will be put into effect because of an increase in Social Security or similar benefits during a benefit period. ()

ed. No policy or certificate may use activities of daily living to define partial or total disability. ()

03. Disclosure Provisions. All disability income protection policies will ~~display~~ prominently state on the first page ~~of the policy~~, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections ~~in the policy the following~~: “Notice to Buyer: This is a disability income protection policy.” (3-31-22)()

IDAPA 18 – DEPARTMENT OF INSURANCE
18.06.01 – RULES PERTAINING TO BAIL AGENTS
DOCKET NO. 18-0601-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 41-211 and 41-1037 through 41-1045, 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 sets requirements and procedures relating to bail agents and is supplementary to other rules and laws in Title 41, Idaho Code, regulating insurance producers which also apply to bail agents. This rulemaking is consistent with the Governor’s [Executive Order 2020-01: Zero-Based Regulation](#). The proposed changes are to simplify, clarify, and reduce. Changes since the proposed rule are in response to comments received from interested parties.

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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 250-253](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Weston Trexler, (208)334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

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DOCKET NO. 18-0601-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 250 through 253.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 18-0601-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

18.06.01 – RULES PERTAINING TO BAIL AGENTS

017. BAIL AGENT FINANCING OF BAIL BOND PREMIUMS.

01. **Written Agreement.** No credit may be extended by any bail agent or surety insurance company for the payment of any bail bond premium without entering into a written agreement. The written agreement for the extension of credit to finance premium need to contain at a minimum the following: ()

- a. The name, signatures, and dates of signatures of all parties to the credit agreement; ()
- b. The amount of premium financed; ()
- c. The per annum rate of interest; and ()
- d. The scheduled premium payment dates. ()

~~02. **Early Surrender for Failure to Pay.** If failure to pay premiums due under a credit arrangement may result in the early surrender of the defendant, that fact needs to be clearly set forth in the written credit agreement. Early surrender for failure to make premium or interest payments when due is to be handled in accordance with Section 41-1044, Idaho Code, and neither the bail agent nor the surety is entitled to seek recovery of any amounts unpaid as of the date of surrender. (3-31-22)~~

~~02. **Interest.** A bail agent or surety insurance company that extends credit for premium payments at zero percent (0%) interest for more than ninety (90) days is in violation of Section 41-1314(4), Idaho Code. ()~~

03. **Collateral for Credit Agreement.** ~~If the credit agreement is to be collateralized, the collateral will not be excessive in relation to the amount of premium financed.~~ In any collateralized credit agreement the collateral will be separate and apart from any collateral used in the bail bond transaction, will be described in the credit agreement or in an attachment to the agreement, and will be handled in accordance with Section 41-1043, Idaho Code. (3-31-22)()

IDAPA 18 – DEPARTMENT OF INSURANCE
18.06.02 – PRODUCERS HANDLING OF FIDUCIARY FUNDS
DOCKET NO. 18-0602-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 Title 41, Chapters 2 and 10, 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 sets allowable fiduciary fund accounts and types, deposits of other funds, account designation, interest, and disbursement of funds. This rulemaking is consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). The proposed changes are to simplify, clarify, and reduce.

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 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9 pages 254-259](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208)334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

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IDAPA 18 – DEPARTMENT OF INSURANCE

18.06.03 – RULES GOVERNING DISCLOSURE REQUIREMENTS FOR INSURANCE PRODUCERS WHEN CHARGING FEES

DOCKET NO. 18-0603-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 41-211 and 41-1037 through 41-1045, 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 provides disclosure requirements when charging a fee to consumers. The Department is proposing to repeal this rule in its entirety. The proposed chapter repeal was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9 pages 260-261](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208)334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

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IDAPA 18 – DEPARTMENT OF INSURANCE

18.07.06 – RULES GOVERNING LIFE AND HEALTH REINSURANCE AGREEMENTS

DOCKET NO. 18-0706-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 41-211, 41-335, 41-510, 41-511, 41-512, and 41-514, 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 sets standards for reinsurance agreements involving life insurance, annuities, or accident and sickness (disability) insurance in order that financial statements properly reflect business of the insurer. This rule is subject to Accreditation review. This rulemaking is consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). The proposed changes are to simplify, clarify, and reduce.

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 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9 pages 262-268](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208)334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

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IDAPA 18 – DEPARTMENT OF INSURANCE
18.07.10 – CORPORATE GOVERNANCE ANNUAL DISCLOSURE
DOCKET NO. 18-0710-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 Title 41, Chapters 2 and 64, 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 sets procedures for filing and required content of the Corporate Governance Annual Disclosure (CGAD), necessary to carry out the provisions of Title 41, Chapter 64, Idaho Code. This rule is subject to Accreditation review. This rulemaking is consistent with the Governor’s [Executive Order 2020-01: Zero-Based Regulation](#). The proposed changes are to simplify, clarify, and reduce.

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 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9 pages 269-273](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208)334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID, 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

IDAPA 18 – DEPARTMENT OF INSURANCE
18.08.01 – ADOPTION OF THE INTERNATIONAL FIRE CODE
DOCKET NO. 18-0801-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 41-211 and 41-253, 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 adopts the International Fire Code and edits by the State Fire Marshal, such as the minimum standard for the protection of life and property from fire and explosion in the state of Idaho. This rulemaking is consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). The proposed changes are to simplify, clarify, and reduce.

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 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 274-279](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not Applicable.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208)334-4214, weston.trexler@doi.idaho.gov.

DATED this 6th day of November, 2023.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID, 83720-0043
Phone: (208) 334-4250
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 54-2406, 54-2407, 67-2614, 67-9406, and 67-9409, 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 pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Changes from the proposed rules have been made to Rule 100.03.e., 100.05, and 200.03.e. as a result of the negotiated rulemaking process.

- Rule 100.03.e. – Pending language allows individuals to qualify for a Class 1 Operator license based upon experience from a Very Small Wastewater System. This language was added to provide a path to licensure for individuals with experience at a Very Small Wastewater System in response to concern that this path to licensure was currently absent from rule.
- Rule 100.05 – Pending language added that continuing education for backflow assembly testers must be in person and board approved. Distance education remains in rule for other licensure types.
- Rule 200.03.e. – Pending language was added to clarify that field tests with calibrated equipment was included in the Code of Conduct.

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 August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 190-211](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The fees for applications, licenses, certificates, and reinstatement as designated in Rule 400 of these pending rules are authorized in Section 54-2407, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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 is no anticipated change to the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart Bureau Chief- Administration, (208)-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief- Administration
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

DOCKET NO. 24-0501-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-8, August 2, 2023, pages 190 through 211.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-0501-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSURE.

01. Classifications.

License Type	Classification
Drinking Water Distribution Operator Drinking Water Treatment Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV
Wastewater Treatment Operator Wastewater Collections Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, IV, or Land Application_
Wastewater Laboratory Analyst	Class I, II, III, or IV
Backflow Assembly Tester	

()

02. Examination Requirement. Applicants must pass a written examination for each license type and classification. ()

03. Education and Experience Requirements. Applicants must present proof of the following: ()

a. Operator-In-Training. Passage of the board-approved examination or enrollment in a board-approved apprenticeship program. The Operator-In-Training license is valid for five (5) years. ()

b. Very Small Water. Eighty-eight (88) hours of on-site operating experience at a water system and twelve (12) hours of chlorination and water distribution course(s). ()

c. Very Small Wastewater. Eighty-eight (88) hours of on-site operating experience at a wastewater collection or treatment system; six (6) hours of pumps and motors or collection course(s); and six (6) hours of lagoon operation and maintenance, large soil absorption system, or wastewater treatment course(s). ()

d. Class I Restricted. Two hundred sixty (260) hours of on-site operating experience at a Class I or higher system during twelve (12) consecutive months with the system and sixteen (16) hours of continuing education relevant to the license. A restricted license is limited to a specific system. ()

e. Class I Operator. One thousand six hundred (1,600) hours of on-site operating experience at a Class I or higher system, or 3200 hours of experience at a Very Small Wastewater System, or successful completion of one (1) year of an approved apprenticeship program. ()

f. Class II Operator. Four thousand eight hundred (4,800) hours of on-site operating experience at a Class I or higher system or successful completion of an approved apprenticeship program. ()

g. Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class II or higher system. ()

h. Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program; and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class III or higher system. ()

i. Wastewater Land Application. A wastewater Class I or higher operation license and eight hundred (800) hours of on-site operating experience at a wastewater land application system. A wastewater land application operator who is in responsible charge must be licensed at a class equal to or greater than the wastewater system classification. The wastewater treatment license must be maintained to renew the wastewater land application. ()

j. Backflow Assembly Tester. Successful completion of a Board-approved training program and passage of a practical examination using University of Southern California (USC) testing procedures. ()

k. Class I Wastewater Laboratory Analyst. One thousand six hundred (1,600) hours of lab experience at a Class I or higher system. ()

l. Class II Wastewater Laboratory Analyst. Four thousand eight hundred (4,800) hours of lab experience at a Class I or higher system. ()

m. Class III Wastewater Laboratory Analyst. Two (2) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class II or higher system. ()

n. Class IV Wastewater Laboratory Analyst. Four (4) years of postsecondary education in

environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class III or higher system. ()

04. Substitutions. An applicant may substitute education and experience requirements as follows: ()

a. Completion of an apprenticeship program will be accepted in lieu of education or experience requirements as identified in Rule 100.03 if the program provides experience and education related to the operation of Class I-IV systems; is registered with the U.S. Department of Labor, Office of Apprenticeship; meets the Standards of Apprenticeship developed by the U.S. Department of Labor; and fulfills the requirements in Rules 100.03. ()

b. Education for Experience. For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a rate of thirty (30) college semester credits or forty-five (45) hours of continuing education for one thousand six hundred (1,600) hours of experience. Education substituted for experience must be in addition to the minimum education requirement. ()

c. Experience for Education. One thousand six hundred (1,600) hours of on-site operating experience may be substituted for one (1) year of high school. For Class III and IV, responsible charge experience may be substituted for postsecondary education at a rate of one thousand six hundred (1,600) hours of experience for one (1) year postsecondary education. Experience substituted for education must be in addition to the minimum experience requirement. ()

d. Experience for Experience. ()

i. Experience as a laboratory analyst may count towards one-half (1/2) of the required wastewater operating experience and experience as a wastewater operator may count towards one-half (1/2) of the required laboratory analyst experience. ()

ii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Class I, II, III and IV: environmental or operations consultant; environmental or engineering branch of federal, state, county, or local government; wastewater collection system operator; wastewater treatment plant operator; water distribution system operator or manager; and/or waste treatment operation or maintenance. ()

iii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Class I and II: construction of a water or wastewater distribution or collections system if such experience is documented in a declaration from a system owner or licensed operator. ()

05. Continuing Education. To renew, a licensee must complete, during the prior licensing period, and retain proof of completion of six (6) classroom hours (0.6 CEUs) of continuing education germane to the license type, except that backflow assembly testers must complete an eight (8) hour refresher course every two (2) years. A licensee holding both drinking water and wastewater licenses must complete six (6) classroom hours for each license type. A remote or distant study course is acceptable if it is germane to the license type, except that backflow assembly testers must complete in-person and board-approved continuing education. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Operator-in-Training. Operators-in-training must practice under the direct supervision of a licensed operator of a type, category, and classification higher than the operator-in-training. No operator-in-training can accept or perform the designated responsible charge duties at any system. ()

02. Grandparent License. The licensee may operate in responsible charge of the specific facility identified in the original application. The license is site specific, non-transferable, and does not grant authority for the holder to practice as an operator at any other system. The license becomes invalid when the classification of the system changes to a higher classification. ()

- 03. Operators and Backflow Assembly Testers Code of Conduct.** Operators and backflow assembly testers must: ()
- a. Perform duties with due care and diligence to protect the safety, health, and welfare of the public. ()
 - b. Comply with all applicable local, state, and federal laws relating to their respective profession(s). ()
 - c. Perform only those duties within their education, training, and experience and scope of licensure. ()
 - d. Prepare reports which are accurate, objective, and include all relevant information. ()
 - e. Use standard test procedures, operating procedures, methods, and equipment when conducting inspections, sampling, and field tests with calibrated equipment. ()
 - f. Backflow assembly testers will observe or inspect existing installations of backflow prevention assemblies to identify whether the assembly is properly installed the assembly is adequate for the degree of hazard. ()
 - g. When a backflow prevention assembly passes a field test, the report will be submitted to the consumer and relevant public water system within fifteen (15) business days of the field test. When a backflow prevention assembly is defective or fails to pass the field test, the report will be submitted to the consumer and relevant public water system within two (2) business days of the field test. ()

[Agency redlined courtesy copy]

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

~~175.100. LICENSURE TYPES AND CLASSIFICATIONS.~~

The Board issues the following licenses under the provisions of Chapter 24, Title 54, Idaho Code. (—)

~~License Type~~ Classification
01. Classifications.

<u>License Type</u>	<u>Classifications</u>
<u>Drinking Water Distribution Operator</u>	<u>Class Operator-In-Training, Very Small, Class I</u>
<u>Drinking Water Treatment Operator</u>	<u>Restricted, Class I, II, III, or IV</u>
<u>Wastewater Collections Operator</u>	
<u>Wastewater Treatment Operator</u>	<u>Class Operator-In-Training, Very Small, Lagoon, Class I</u>
<u>Wastewater Collections Operator</u>	<u>Restricted, Class I, II, III, IV, or Land Application</u>
<u>Wastewater Laboratory Analyst</u>	<u>Class I, II, III, or IV</u>
<u>Backflow Assembly Tester</u>	
<u>Drinking Water Very Small System Operator</u>	
<u>Wastewater Very Small Systems Operator</u>	

~~01. Drinking Water Distribution Operator. (—)~~

- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV.(—)~~
- ~~02. Drinking Water Treatment Operator.(—)~~
- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV.(—)~~
- ~~03. Wastewater Treatment Operator.(—)~~
- ~~a. Class Operator In Training, Lagoon, Class I Restricted, Class I, Class II, Class III, Class IV, or Land Application.(—)~~
- ~~04. Wastewater Collection Operator.(—)~~
- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV.(—)~~
- ~~05. Wastewater Laboratory Analyst.(—)~~
- ~~a. Class I, Class II, Class III, or Class IV.(—)~~
- ~~06. Backflow Assembly Tester.(—)~~
- ~~07. Drinking Water Very Small System Operator.(—)~~
- ~~08. Wastewater Very Small System Operator.(—)~~

~~176.—199.(RESERVED)~~

~~201.—249.(RESERVED)~~

200. LICENSE REQUIRED — SCOPE OF PRACTICE STANDARDS.

~~All water and wastewater operating personnel, including those in responsible charge and those in substitute responsible charge, of public water systems and public wastewater systems, and all backflow assembly testers, shall be licensed under the provisions of these rules and Chapter 24, Title 54, Idaho Code.(—)~~

~~01. Drinking Water and Wastewater Operator Scope. Operating personnel shall only act in accordance with the nature and extent of their license. Those in responsible charge or substitute of a public drinking water or wastewater system must hold a valid license equal to or greater than the classification of the public water system where the responsible charge or substitute responsible charge operator is in responsible charge. The types of drinking water systems are distribution and treatment. The types of wastewater systems are collections, laboratory analyst, treatment, and land application.(—)~~

~~02. Wastewater Operator Scope. Operating personnel may only act in accordance with the nature and extent of their license. Those in responsible charge or substitute responsible charge of a public wastewater system must hold a valid license equal to or greater than the classification of the public wastewater system where the responsible charge or substitute responsible charge operator is in responsible charge. The types of wastewater systems are collection, laboratory analyst, and treatment.(—)~~

~~03. Backflow Assembly Tester. Individuals licensed as backflow assembly testers may inspect and test backflow prevention assemblies, as defined in Title 54, Chapter 24, Idaho Code.(—)~~

~~0401. Operator-in-Training. Operators-in-training may must practice only under the direct supervision of a licensed operator of a type, category, and classification higher than the operator-in-training. No operator-in-training can accept or perform the designated responsible charge duties at any system.()~~

~~02. Grandparent License. The licensee may operate in responsible charge of the specific facility identified in the original application. The license is site specific, non-transferable, and does not grant authority for the holder to practice as an operate at any other system. The license becomes invalid when the classification of the~~

system changes to a higher classification.

~~251.— 299.(RESERVED)~~

300. GENERAL REQUIREMENTS FOR LICENSE.

Applicants must submit an application together with the required fees and required documentation.(—)

Rule 100.042. Examination Requirement. Applicants must pass a written examination for each individual license type and classification in each type of licensure, with a minimum score of seventy percent (70%).()

~~a. The examination will reflect different levels of knowledge, ability and judgment required for the established license type and class. The Board will administer examinations at such times and places as the Board may determine. (—)~~

~~b. The examination for all types and classes of licensure will be validated and provided by the Association of Boards of Certification (ABC). The American Backflow Prevention Association (ABPA) backflow assembly tester examination is also approved for backflow assembly tester licensure.(—)~~

~~c. Applicants who fail an examination must make application to retake the same type and class examination and pay the required examination fees prior to retaking the examination.(—)~~

~~d. Applicants must take and pass the examination within one (1) year of application approval. After one (1) year a new application and applicable application fees must be submitted.(—)~~

~~02. Education Requirements. Documentation must be provided showing proof of education required for the type and level of license being sought.(—)~~

~~023. Experience Requirement. Only actual verified on-site operating experience at a treatment, distribution or collection system will be acceptable except as may be allowed by substitution, as set forth in these rules. Experience as a laboratory analyst can be counted as wastewater operating experience for up to one half (1/2) of the wastewater operating experience requirement but cannot be counted as responsible charge experience. Experience as a wastewater operator can be counted as laboratory analyst experience for up to one half (1/2) of the laboratory analyst experience. Applicants may not receive more than one (1) year of experience for hours worked in excess of one thousand six hundred (1,600) hours of experience in a calendar year unless specifically approved by the Board based upon documentation submitted by the Applicant.(—)~~

~~024. Apprenticeship Program. The Board may approve Apprenticeship Programs that are designed to provide either experience or education and education for individuals seeking licensure in Idaho as an Operator In-Training, or a Class I, II, III, or IV Water or Wastewater Operator. A basic An Apprenticeship Program is designed to provide hands on experience and education related to the operation of Class I and through Class IV II facilities. An advanced Apprenticeship Program is designed to provide hands on experience and education related to Class III and IV facilities. All approved Apprenticeship Programs will be registered with the U.S. Department of Labor, Office of Apprenticeship, meet the Standards of Apprenticeship developed by the U.S. Department of Labor, and meet the intent of these rules regarding the education and experience necessary for Operator In-Training, Class I, II, III, and IV licensure. Sponsors of Apprenticeship Programs must seek Board approval by application along with all supporting documentation necessary to establish the program meets the intent of these rules regarding education and experience. The Board may revoke the approval of any program, that fails to comply with the Board's rules.(—)~~

~~301.— 309.(RESERVED)~~

100.03. Education and Experience Requirements. Applicants must present proof of the following:

310 a. REQUIREMENTS FOR Operator-In-Training LICENSE.

Each applicant for an Operator In-Training License must meet the following requirements:(—)

~~01. Education. Possess a high school diploma or GED; and(—)~~

~~02. Examination. Applicants must submit an application together with the required fees and~~

~~Passage of the board-approved written examination, the relevant Class I examination or be enrolled in an board-approved Apprenticeship Program approved by the Board. The Operator-In-Training license is valid for five (5) years.~~()

~~311. — 314.(RESERVED)~~

~~315B. Requirements For A Very Small Water System License.~~

~~TO QUALIFY FOR A VERY SMALL WATER SYSTEM LICENSE AN OPERATOR MUST MEET THE FOLLOWING REQUIREMENTS:()~~

~~01. EDUCATION. POSSESS A HIGH SCHOOL DIPLOMA OR GED AND;()~~

~~02. EXPERIENCE. DOCUMENT EIGHTY-EIGHT (88) HOURS OF ACCEPTABLE ON-SITE OPERATING EXPERIENCE AT A WATER SYSTEM; AND;()~~

~~A. COMPLETE AN APPROVED SIX TWELVE HOURS WATER TREATMENT COURSE OR AN APPROVED SIX HOUR CHLORINATION COURSE OR A COMBINATION OF SAID APPROVED CHLORINATION AND WATER DISTRIBUTION COURSE(S) EQUALING SIX (6) HOURS; AND;()~~

~~B. COMPLETE AN APPROVED SIX HOUR WATER DISTRIBUTION COURSE; AND ()~~

~~03. EXAMINATION. PASS THE RELEVANT VERY SMALL WATER SYSTEM EXAMINATION.()~~

~~316. — 319.(RESERVED)~~

~~320c. Requirements For A Very Small Wastewater System License.~~

~~To qualify for a Very Small Wastewater System license, an operator must meet the following requirements: ()~~

~~01. Education. Possess a high school diploma or GED; and()~~

~~02. Experience. Document fifty (50) Eighty-eight (88) hours of acceptable on-site operating experience at a wastewater collection or treatment system; and()~~

~~a. Fifty (50) hours of acceptable relevant on site operating experience at a wastewater treatment system or lagoon; and()~~

~~b. Complete an approved six (6) hours of pumps and motors or collection course(s) or an approved six hour collection course or a combination of said approved courses equaling six (6) hours; and()~~

~~e. Complete an approved six (6) hours of lagoon operation and maintenance, large soil absorption system, or wastewater treatment course(s); or an approved six hour large soil absorption system course or an approved six hour wastewater treatment course or a combination of said approved courses equaling six (6) hours; and ()~~

~~03. Examination. Pass the relevant lagoon examination.()~~

~~321. — 324.(RESERVED)~~

~~325. d. REQUIREMENTS FOR Class I Restricted WATER OR WASTEWATER LICENSE.~~

~~To qualify for a Class I Restricted water or wastewater license an operator must meet the following requirements: ()~~

~~01. Education. Possess a high school diploma or GED; and()~~

~~02. Experience. Document two hundred sixty (260) hours of acceptable relevant on-site operating experience at a Class I or higher system during twelve (12) consecutive months with the system and complete sixteen (16) hours of continuing education relevant to the license; and(—)~~

~~03. Examination. Pass the relevant Class I examination.(—)~~

~~a04. Restricted License Upgrade. Upon obtaining one thousand six hundred (1,600) hours of supervised on-site operating experience for each license, the operator shall be eligible to apply for an unrestricted Class I license. There is no limit on the amount of time needed to obtain the necessary experience to qualify for the unrestricted license. A restricted license is limited to a specific system.()~~

~~326.—327.(RESERVED)~~

~~328. Requirements For A
e. Class I Operator License.~~

~~To qualify for a Class I operator license an applicant must meet the following requirements:(—)~~

~~01. Education. Possess a high school diploma or GED; and(—)~~

~~02. EXPERIENCE. DOCUMENT A MINIMUM OF **ONE THOUSAND SIX HUNDRED HOURS (1,600) HOURS** ONE (1) YEAR OF ACCEPTABLE RELEVANT ON-SITE OPERATING EXPERIENCE AT A CLASS I OR HIGHER SYSTEM OR SUCCESSFULLY COMPLETION OF ONE (1) YEAR OF AN **APPROVED APPRENTICESHIP PROGRAM**; AND(—)~~

PENDING TEXT 100.03.e.

e. Class I Operator. One thousand six hundred (1,600) hours of on-site operating experience at a Class I or higher system, *or 3200 hours of experience at a Very Small Wastewater System*, or successful completion of one (1) year of an approved apprenticeship program.()

~~03. EXAMINATION. PASS THE RELEVANT CLASS I EXAMINATION.(—)~~

~~329. (Reserved)~~

~~330 f. Requirements For A Class II Operator License.~~

~~TO QUALIFY FOR A CLASS II LICENSE AN APPLICANT MUST MEET THE FOLLOWING REQUIREMENTS:(—)~~

~~01. EDUCATION. POSSESS A HIGH SCHOOL DIPLOMA OR GED; AND(—)~~

~~02. EXPERIENCE. DOCUMENT A MINIMUM OF **FOUR THOUSAND EIGHT HUNDRED (4,800) HOURS** THREE (3) YEARS OF ACCEPTABLE RELEVANT ON-SITE OPERATING EXPERIENCE AT A CLASS I OR HIGHER SYSTEM OR SUCCESSFULLY COMPLETION OF AN **APPROVED APPRENTICESHIP PROGRAM**; AND(—)~~

~~03. EXAMINATION. PASS THE RELEVANT CLASS II EXAMINATION.(—)~~

~~331.—334.(RESERVED)~~

~~335. Requirements For A~~

~~G. Class III Operator License.~~

~~TO QUALIFY FOR A CLASS III LICENSE AN APPLICANT MUST MEET THE FOLLOWING REQUIREMENTS:(—)~~

~~01. Education. Possess a high school diploma or GED and T~~two (2) years of ~~post high school~~postsecondary education in ~~the~~ environmental control ~~field~~, engineering or related science or successful completion of an ~~a~~Approved ~~a~~Apprenticeship ~~p~~Program; and()

~~02. Experience. Ddocument a minimum of four (4) years of acceptable relevant six thousand four hundred (6,400) hours on-site operating experience, including a minimum of two (2) years three thousand two hundred (3,200) hours of responsible charge of a major segment of thea system, in the sameat a Class II or next lowerhigher system. class,, of a Class I or higher system for collection or distribution or Class II or higher system for treatment; and()~~

~~03. Examination. Pass the relevant Class III examination.()~~

336.—339.(Reserved)

340II. Requirements For A Class IV Operator License.

~~TO QUALIFY FOR A CLASS IV LICENSE AN APPLICANT MUST MEET THE FOLLOWING REQUIREMENTS;()~~

~~01. Education. Possess a high school diploma or GED and f~~Four (4) years of ~~post high school~~postsecondary education in ~~the~~ environmental control ~~field~~, engineering or related science or successful completion of an ~~a~~Approved ~~a~~Apprenticeship ~~p~~Program; and()

~~02. Experience. Ddocument a minimum of four (4) years of acceptable relevant six thousand four hundred (6,400) hours of on-site operating experience, including a minimum of two (2) years of in three thousand two hundred (3,200) hours of responsible charge of a major segment of thea system, at a Class III or higher system. in the same or next lower class,, at a Class I or higher system for collection or distribution or Class III or higher system for treatment; and()~~

~~03. Examination. Pass the relevant Class IV examination.()~~

341.—344.(Reserved)

345. Requirements For A Lagoon Operator License.

To qualify for a lagoon license, an operator must meet the following requirements;()

~~01. Education. Possess a high school diploma or GED; and()~~

~~02. Experience. Document twelve (12) consecutive months of acceptable on-site operating experience at a Lagoon system; and()~~

~~03. Examination. Pass the relevant Lagoon examination.()~~

346.—349.(Reserved)

350i. Requirements For A Wastewater Land Application ~~LICENSE.~~

~~TO QUALIFY FOR A WASTEWATER LAND APPLICATION LICENSE, AN OPERATOR MUST MEET THE FOLLOWING REQUIREMENTS;()~~

~~01. EDUCATION. POSSESS A HIGH SCHOOL DIPLOMA OR GED; AND()~~

~~02. EXPERIENCE. DOCUMENT A MINIMUM OF E A WASTEWATER CLASS I OR HIGHER OPERATION LICENSE and eight hundred (800) hours SIX (6) MONTHS OF ON-SITE OPERATING EXPERIENCE AT A WASTEWATER LAND APPLICATION SYSTEM,; AND()~~

~~03. EXAMINATION. PASS THE RELEVANT WASTEWATER LAND APPLICATION EXAMINATION; AND()~~

~~014. Other. Possess a wastewater Class I or higher operation license. The A wastewater land application operator that who is in responsible charge operator or substitute responsible charge operator must be licensed at the type and a class equal to or greater than the classification of the wastewater system classification. The wastewater treatment license must be maintained to renew the wastewater land application.()~~

~~351.—354.(RESERVED)~~

~~355J. **REQUIREMENTS FOR A** Backflow Assembly Tester License. **TO QUALIFY FOR A BACKFLOW ASSEMBLY TESTER LICENSE, AN APPLICANT MUST MEET THE FOLLOWING REQUIREMENTS:(—)**~~

~~01. **EDUCATION. POSSESS A HIGH SCHOOL DIPLOMA OR GED, AND(—)**~~

~~02. **Experience.** Document Ssuccessful completion of a Board-approved backflow assembly tester training program, in compliance with the Cross Connection Control Accepted Procedure and Practice Manual and consisting of theory instruction, practical instruction, and passage of a practical examination in compliance with theusing University of Southern California (USC) Ttesting procedures,; and()~~

~~03. **Examination.** Pass the relevant Backflow Assembly Tester examination.(—)~~

~~356.—359.(RESERVED)~~

~~360. Requirements For Wastewater Laboratory Analyst **LICENSE.** To qualify for a wastewater laboratory analyst license, an applicant must meet the following requirements for the relevant class: (—)~~

~~01k. Class I Wastewater Laboratory Analyst.(—)~~

~~a. Possess a high school diploma or GED; and(—)~~

~~b. Document a minimum of eOne thousand six hundred (1,600) hours one (1) year of acceptable lab experience at a eClass I or higher system,; and()~~

~~e. Pass the relevant class I laboratory analyst examination.(—)~~

~~02l. Class II Wastewater Laboratory Analyst.(—)~~

~~a. Possess a high school diploma or GED; and(—)~~

~~b. Document a minimum of f Four thousand eight hundred (4,800) hours three (3) years of acceptable lab experience at a Cclass I or higher system,; and()~~

~~e. Pass the relevant class II laboratory analyst examination.(—)~~

~~03m. Class III Wastewater Laboratory Analyst.(—)~~

~~a. Possess a high school diploma or GED and tTwo (2) years of postsecondary post high school education in theenvironmental control field, engineering or related science; and,(—)~~

~~b. Document a minimum of six thousand four hundred (6,400) hours four (4) years of acceptable lab experience at a Cclass II or higher system,; and()~~

~~e. Pass the relevant class III laboratory analyst examination.(—)~~

~~04n. Class IV Wastewater Laboratory Analyst.(—)~~

- ~~a. Possess a high school diploma or GED and f Four (4) years of postsecondary post high school education in the environmental control field, engineering or related science; and(—)~~
- ~~b. Document a minimum of six thousand four hundred (6,400) hours four (4) years of acceptable lab experience at a eClass III or higher system.; and()~~
- ~~c. Pass the relevant class IV laboratory analyst examination.(—)~~

~~361.—374.(RESERVED)~~

~~375~~**04. Substitutions.** An applicant may substitute education and experience requirements as follows:

a. Completion of an apprenticeship program will be accepted in lieu of education or experience requirements as identified in Rule 100.03 if the program provides experience and education related to the operation of Class I-IV systems; is registered with the U.S. Department of Labor, Office of Apprenticeship; meets the Standards of Apprenticeship developed by the U.S. Department of Labor; and fulfills the requirements in Rules 100.03.

~~01b. Substituting—~~Education for Experience. ~~Applicants may substitute approved education for operating and responsible charge experience as specified below.(—)~~
For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a rate of thirty (30) college semester credits or forty-five (45) hours of continuing education for one thousand six hundred (1,600) hours of experience.

~~a. No substitution for on site operating experience shall be permitted for licensure as a very small system operator or a Class I operator.(—)~~

~~b. For Classes II, III and IV, substitution shall will only be allowed for the required experience when fifty percent (50%) of all stated experience (both on-site operating and responsible charge) has been met by actual on-site operating experience.(—)~~

~~c. For Class II, a maximum of one and one half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for two thousand four hundred (2,400) hours one and one half (1½) years of operating experience.(—)~~

~~d. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for three thousand two hundred (3,200) hours (2) years of on-site operating experience; however the applicant for Class III must still have a minimum of one thousand six hundred (1,600) hours (1) year of responsible charge experience and the applicant for Class IV must have minimum of three thousand two hundred (3,200) hours (2) years of responsible charge experience.(—)~~

~~e. Education substituted for on-site operating experience may not be also credited to toward the education requirement. ()~~
must be in addition

~~f. One (1) year of post high school education may be substituted for one thousand six hundred (1,600) hours (1) year experience up to a maximum of fifty percent (50%) of the required on-site operating or responsible charge experience.(—)~~

~~02c. Substituting—~~Experience for Education. ~~Where applicable, approved on-site operating and responsible charge experience may be substituted for education as specified below:(—)~~

~~a. One thousand six hundred (1,600) hours (1) year of on-site operating experience may be substituted for two (2) years of grade school or one (1) year of high school with no limitation.(—)~~

~~b. For Classes III and IV, additional responsible charge experience (that exceeding the two year class requirements) may be substituted for postsecondary post high school education on a one (1) for one (1) basis: one (1) year additional at a rate of one thousand six hundred (1,600) hours of responsible charge experience is equal to for one (1) year of postsecondary post high school education. Experience substituted for education must be in addition to the minimum experience requirement.()~~
Experience substituted for education must be in addition to the minimum experience requirement.

~~03.d. Substituting~~ Experience for Experience. ~~Related~~

~~i. Experience as a laboratory analyst may count towards one-half (1/2) of the required wastewater operating experience and experience as a wastewater operator may count towards one-half (1/2) of the required laboratory analyst experience.~~

~~ii. The following~~ experience may be substituted for ~~experience up to~~ one-half (~~1/2~~) (~~1/2~~) of the operating experience requirement for Classes ~~I~~, II, III and IV: ~~Experience that may be substituted includes, but is not limited to, the following:~~(~~---~~)

- ~~a. Experience as an~~ environmental or operations consultant;(~~---~~)
- ~~b. Experience in an~~ environmental or engineering branch of federal, state, county, or local government; (~~---~~)
- ~~c. Experience as a~~ wastewater collection system operator;(~~---~~)
- ~~d. Experience as a~~ wastewater treatment plant operator;(~~---~~)
- ~~e. Experience as a~~ water distribution system operator ~~and/or~~ manager; ~~and/or~~(~~---~~)
- ~~f. One (1) year of post high school education may be substituted for one thousand six hundred (1,600) hours (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge experience.~~(~~---~~)
- ~~g. Experience in~~ waste treatment operation ~~and or~~ maintenance;(~~---~~)
- ~~h. Experience as a laboratory analyst can be counted as wastewater operating experience for up to one-half (1/2) of the wastewater operating experience requirement but cannot be counted as responsible charge experience.~~(~~---~~)
- ~~i. Experience as a wastewater operator can be counted as laboratory analyst experience for up to one-half (1/2) of the laboratory analyst experience requirement.~~(~~---~~)

~~j. Experience for~~

~~iii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Classes I and II: construction of a water and/or wastewater distribution and/or collections systems if such experience is documented with an affidavit in a declaration from a system owner or licensed operator.~~

~~04. Equivalency Policy.~~ Substitutions for education or experience requirements needed to meet minimum requirements for license will be evaluated upon the following equivalency policies:(~~---~~)

- ~~a. High School—High School diploma equals GED or equivalent as approved by the Board equals four (4) years.~~ (~~---~~)
- ~~b. College—Thirty (30) credits equal one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or other courses as determined by the Board).~~ (~~---~~)
- ~~c. Continuing Education Units (CEU) for operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equal one (1) CEU; forty five (45) CEUs equal one (1) year of college.~~ (~~---~~)

~~376.—399.(RESERVED)~~

~~400. ENDORSEMENT.~~

The board may waive the examination requirements and issue the appropriate license for applicants holding licenses issued by other States that have equivalent license requirements and who otherwise meet the requirements set forth in Subsections 150.02 and 150.03.(—)

~~401.—449.(RESERVED)~~

~~450. **DRINKING WATER AND WASTEWATER GRANDPARENT PROVISION.**~~

The board issued grandparent licenses to ~~water and~~ wastewater operators who provided documentation satisfactory to the board of being in responsible charge of an existing public wastewater system on or before April 15, 2006.(—)

~~01. **Grandparent License.** A grandparent license allowed the licensee to operate in responsible charge of the specific facility identified in the original application. The license is site specific and non-transferable and does not grant authority for the holder to practice at any other system in any capacity as an operator.(—)~~

~~02. **License Requirements.** A grandparent licensed wastewater operator is required to meet all other requirements including the continuing education and renewal requirements.(—)~~

~~03. **Wastewater System Classification Limitations.** The grandparent license becomes invalid any time the classification of the wastewater~~the~~ system changes to a higher classification.(—)~~

~~451.—499.(RESERVED)~~

~~500~~**100.05.**Continuing Education.

~~01. **Continuing Education Requirement.** Each licensee must successfully complete, during the prior licensing period, and retain proof of completion of a minimum of six (6) classroom hours (0.6 CEUs) of approved continuing education annually for license renewal germane to the license type, except that backflow assembly testers will must complete an eight (8) hour refresher course every two (2) years for license renewal. Continuing education must be earned in a subject matter relevant to the field in which the license is issued. A licensee holding one (1) or more drinking water license(s) only needs to complete the annual continuing education requirement for one (1) license. A licensee holding one (1) or more wastewater license(s) only needs to complete the annual continuing education requirement for one (1) license. A licensee holding both drinking water and wastewater class licenses will must complete a minimum of six (6) classroom hours annually for the drinking water license plus six (6) hours annually for the wastewater license for each license type. A remote or distant study course is acceptable if it is germane to the license type.()~~

PENDING TEXT 100.05

05. **Continuing Education.** To renew, a licensee must complete, during the prior licensing period, and retain proof of completion of six (6) classroom hours (0.6 CEUs) of continuing education germane to the license type, except that backflow assembly testers must complete an eight (8) hour refresher course every two (2) years. A licensee holding both drinking water and wastewater licenses must complete six (6) classroom hours for each license type. A remote or distant study course is acceptable if it is germane to the license type, except that backflow assembly testers must complete in-person and board-approved continuing education.()

~~a. Each licensee will submit to the Board an annual license renewal application form, together with the required fees, certifying by signed affidavit that compliance with the CE requirements have been met. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements.(—)~~

~~b. A licensee will be considered to have satisfied their CE requirements for the first renewal of their license.(—)~~

~~c. A water or wastewater licensee may carryover a maximum of six (6) hours of continuing education to meet the next year's continuing education requirement. The same hours may not be carried forward more than one~~

~~(1) renewal cycle.(—)~~

~~d. Continuing Education hours for approved operator training courses, seminars, related college courses, and other training activities may be converted to Continuing Education Units (CEU) as follows: Six (6) classroom hours = point six (0.6) CEU.(—)~~

~~02. **Subject Material.** The subject material of the continuing education requirement will be relevant to the license for which the continued education is required. "Relevant" will be limited to material germane to the operation, maintenance and administration of drinking water and wastewater systems as referenced in Chapter 24, Title 54, Idaho Code, and includes those subjects identified in the "need to know" criteria published by the Associations of Boards of Certification.(—)~~

~~03. **Course Approval.** All course providers will submit requests for approval of continuing education courses to the Board in writing no less than thirty (30) days prior to the course being offered, on a form approved by the Board, that includes:(—)~~

- ~~a. The name and qualifications of the instructor or instructors;(—)~~
- ~~b. The date, time and location of the course;(—)~~
- ~~c. The specific agenda for the course;(—)~~
- ~~d. The type and number of continuing education credit hours requested;(—)~~
- ~~e. A statement of how the course is believed to be relevant as defined;(—)~~
- ~~f. Any certificate of approval from a governmental agency if the course has been previously approved for continuing education;(—)~~
- ~~g. The training materials;(—)~~
- ~~h. Other information as may be requested by the Board.(—)~~
- ~~i. Upon review of all information requested, the Board may either approve or deny any request for a course. Board approval of a course will be granted for a period not to exceed five (5) years or until the course materials or instructors are changed.(—)~~

~~04. **Approved Courses.** Those continuing education courses which are relevant and approved by the states of Nevada, Oregon, Montana, Utah, Wyoming, and Washington are deemed approved by the Board.(—)~~

~~05. **Verification of Attendance.** It will be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. This Verification of attendance will be maintained by the licensee and provided upon request of the Board or its agent.(—)~~

~~06. **Distance Learning and Independent Study.** The Board may approve a course of study for continuing education credit that does not include require the actual licensee to attend in person, physical attendance of the licensee in a face-to-face setting with the course instructor. The licensee will maintain documentation of the nature and details of the course and evidence that the licensee successfully completed the course, which will be made available to the Board upon request.(—)~~

~~07. **Failure to Fulfill the Continuing Education Requirements.** The license will not be renewed for those licensees who fail to certify or otherwise provide acceptable documentation of meeting the CE requirements. Licensees who make a false attestation regarding compliance with the CE requirements is subject to disciplinary action by the Board.(—)~~

~~08. **Exemptions.** The Board may waive the continuing education requirement or extend the deadline~~

up to ninety (90) days for ~~good cause~~, any one (1) or more of the following circumstances. The licensee requests the exemption and provides any information requested to assist the Board in making a determination. An exemption may be granted at the sole discretion of the Board.(—)

~~a. The licensee is a resident of another jurisdiction recognized by the Board having a continuing professional education requirement for licensure renewal and has complied with the requirements of that state or district. (—)~~

~~b. The licensee is a government employee working outside the continental United States.(—)~~

~~e. The licensee documents individual hardship, including health (certified by a medical doctor) or other good cause.(—)~~

501.—599.(Reserved)

600. ~~Renewal Or Reinstatement Of License.~~

~~01. **Expiration Date.** All licenses expire and must be renewed annually on forms approved by the Board, in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code.(—)~~

~~02. **Reinstatement.** Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the applicant shall submit proof of having completed the total number of required continuing education for each year the license or certificate was cancelled.(—)~~

~~013. **Operator in Training License.** Applicants for the operator in training license shall, upon compliance with the requirements of Subsections 300.01 and 300.02, be issued a “one-time” non-renewable license for the purpose of gaining supervised experience as an operator in training (OIT). This license will be valid for five (5) three (3) years from the date of issue.(—)~~

~~04. **Backflow Assembly Testers.** Backflow assembly testers shall complete a Board-approved eight (8) hour refresher course every two (2) years for license renewal.(—)~~

~~025. **Wastewater Land Application License.** Wastewater land application licenses shall not be renewed unless the licensee also maintains a current wastewater treatment license.(—)~~

601.—649.(Reserved)

650. ~~Backflow Assembly Tester Code Of Ethics And Standards Of Conduct. All backflow assembly tester licensees shall comply with the Idaho Backflow Assembly Tester Code of Ethics and Standards of Conduct as approved by the Board and attached to these rules as Appendix A.(—)~~

651.—699.(Reserved)

700. ~~Discipline.~~

~~01. **Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensee for each violation of Chapter 24, Title 54, Idaho Code.(—)~~

~~02. **Costs and Fees.** The Board may order a licensee to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Chapter 24, Title 54, Idaho Code.(—)~~

701.—999.(Reserved)

~~APPENDIX A
IDAHO DRINKING WATER, WASTEWATER AND BACKFLOW ASSEMBLY TESTER CODE OF ETHICS~~

AND STANDARDS OF CONDUCT

The purpose of this rule is to protect public health by setting minimum requirements and standards for licensed ~~drinking and wastewater operators and Backflow Assembly Testers in Idaho who inspect and field test backflow assemblies, backflow prevention devices and air gaps that protect public water systems.~~

~~1. Code of Ethics~~

200.03 A licensed Operators andor Backflow Assembly Testers Code of Conduct. ~~shall: Operators and backflow assembly testers must: ()~~

- a. ~~At all times, act in accordance with his/her primary obligation to p~~Perform his/her duties with due care and diligence to protect the safety, health and welfare of the public.;
- b. Comply with ~~the laws and rules governing Backflow Assembly Testers and~~ all applicable local, state, and federal laws ~~and regulations~~ relating to their respective profession(s), ~~backflow assembly testing;~~
- c. Perform only those duties ~~consistent with and appropriate to~~within his/her~~their~~ education, experience, training, and experience and scope of, ~~skills, abilities, and licensure;~~ and
- d. Be objective and truthful in all professional reports, statements, or testimony and include all relevant and pertinent information in such reports, statements, or testimony Prepare reports which are accurate, objective, and include all relevant information.

~~2. Definitions:~~

~~a. Backflow Prevention Assembly: an approved assembly such as a Double Check Valve Assembly (DCVA), a Pressure Vacuum Breaker Assembly (PVBA), a Reduced Pressure Backflow Assembly (RPBA), or a Spill-Resistant Pressure Vacuum Breaker Assembly (SVBA) used for the protection of the public water supply according to the provisions of IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," as administered by DEQ.~~

~~b. Backflow Prevention Device: an approved device such as an Atmospheric Vacuum Breaker (AVB), which does not contain valves or test ports, or a method, such as an air gap, that is utilized to prevent cross connections to a public water supply.~~

~~c. Calibration/Verification: the annual verification, calibration, or both of a backflow assembly field test kit by an instrument calibration laboratory/facility or by a person qualified to verify and calibrate a field test kit such as a manufacturer, dealer licensed to calibrate or verify field test kits, or calibration technician.~~

~~d. Customer: means the owner of the property or his/her authorized or appointed agent.~~

~~e. Field Test Kit: an instrument, either mechanical or electronic in design, and all related fittings, tools, equipment and appurtenances necessary to perform field verification tests on backflow prevention assemblies.~~

~~23. Standards of Conduct~~

~~a. Principle 1—An Operator or Backflow Assembly Tester shall act only within the scope of practice as set forth in the Board's laws and rules. A Backflow Assembly Tester and must use due care and diligence in performing their his/her duties.~~

~~b. Principle 2—Use standard test procedures, operating procedures, methods, and equipment~~W when conducting inspections, sampling, and field tests, ~~of backflow prevention assemblies, an Operator or Backflow Assembly Tester must use test procedures that comply with standard field test procedures.~~

PENDING TEXT 200.03.e.

- e. Use standard test procedures, operating procedures, methods, and equipment when conducting

inspections, sampling, and field tests *with calibrated equipment.*()

~~ef.~~ Principle 3—The Backflow Assembly Testers will shall observe or inspect existing installations of backflow prevention assemblies to identify whether the assembly is properly installed and ~~and whether, in the opinion of the Backflow Assembly Tester, the assembly is adequate and appropriate~~ for the degree of hazard posed to the Public Water System having jurisdiction over the assembly.

~~d.~~ The Backflow Assembly Tester shall be responsible for performing accurate field tests and for making reports of such field tests to the consumer and responsible authorities on forms approved by the administrative authority having jurisdiction. The tester shall be equipped with and be capable of using all the necessary tools, gages ~~gages~~, and other equipment to properly field test backflow prevention assemblies. A certified tester shall perform and be responsible for the accuracy of all tests and reports.

~~i.~~ A Backflow Assembly Tester must report improperly installed assemblies to the customer and the Public Water System having jurisdiction over the backflow prevention assembly and also must note the discrepancy on the test report and submit the test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.

~~ii.~~ A Backflow Assembly Tester must note discrepancies regarding inadequate or inappropriate backflow prevention assemblies on the test report and submit the test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.

~~d.~~ Principle 4—A Backflow Assembly Tester shall use a properly working and calibrated field test kit that meets the requirements of the Pacific Northwest Section of the American Water Works Association Cross Connection Control Manual, Seventh Edition, November 2012. When requested by a Public Water System, a Backflow Assembly Tester shall submit the most recent calibration report that verifies the accuracy of the field kit. When requested by a Public Water System, a Backflow Assembly Tester shall submit proof of current licensure in Idaho as a Backflow Assembly Tester.

~~e.~~ Principle 5—The Backflow Assembly Tester must competently use a field test kit, all tools, and other equipment and appurtenances necessary to inspect and field test backflow prevention assemblies, inspect air gaps and backflow prevention devices.

~~f.~~ Principle 6—

~~g.~~ When a backflow prevention assembly passes a field test, the Backflow Assembly Tester shall submit the report will be submitted to the consumer and relevant public water system within fifteen (15) business days of performing the field test, ~~a passing test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.~~

~~g.~~ Principle 7—When a backflow prevention assembly is defective or fails to pass the field test, the Backflow Assembly Tester shall report will be submitted to the consumer and relevant public water system within submit immediately, if possible, but no later than within two (2) business days of the field test., ~~a failing field test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.~~

~~h.~~ Principle 8—The Backflow Assembly Tester shall complete a test report for each backflow prevention assembly for which the Backflow Assembly Tester conducts a field test. A test report must be legible and contain all relevant and pertinent information pertaining to the field test including, at a minimum, the make, model, size, serial number, orientation, and test results for each test conducted.

~~i.~~ A Backflow Assembly Tester shall record data and sign test reports only for backflow prevention assemblies for which the Backflow Assembly Tester has personally conducted the field test.

~~ii.~~ A Backflow Assembly Tester shall not falsify the results of a backflow prevention assembly field test or inspection.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.07.01 – RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective July 1, 2024, after approval.

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 67-2604, Idaho Code, and Sections 54-3003, 54-3003, 67-2614, 67-9406, and 67-9409, 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 chapter of administrative rules is being repealed due to consolidation within the administrative rules chapter for the Board of Architectural Examiners, IDAPA 24.01.01. The result will be a combined rule chapter for the Board of Landscape Architects and the Board of Architectural Examiners under companion ZBR docket 24-0101-2301.

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 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 321 and 322](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Katie Stuart Bureau Chief- Administration, (208)-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief- Administration
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.14.01 – RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

DOCKET NO. 24-1401-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2604, Idaho Code, and Sections 54-3204, 54-3209, 54-3211, 54-3212, 67-2614, 67-9406, and 67-9409, 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 pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed are as follows:

- 100.03 - “apprenticeship program” was changed to “supervised clinical experience” for clarity;
- 100.05 - “for four (4) years” was added to limit the scope of agency inquiries;
- 100.06 - reintroduced language that had previously been removed from the rules, causing confusion;
- 200.04.f. - added the word “former clients” for public protection;
- 200.04.g. - added new subsection to specify allowable sexual behavior with former clients;
- 200.04.h. - removed language made duplicative by adding section 6 above; and
- 200.05.a. - changed gendered language to neutral language.

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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 323-340](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Sections 54-3209 and 67-2614, Idaho Code, none of the fees for applications, licenses, registrations and reinstatement as designated in Rule 400 are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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 not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Katie Stuart at 208-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief
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DOCKET NO. 24-1401-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-9, September 6, 2023, pages 323 through 340.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-1401-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

24.14.01 – RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSURE.

01. Approved College, University, or Program. An educational institution accredited by the US Department of Education, a regionally accredited institution of higher education, or as otherwise approved by the Board, and a social work program accredited by the Council on Social Work Education (CSWE) or as otherwise approved by the Board. ()

02. Approved Examination. The applicable Association of Social Work Boards (ASWB) licensing examination for the license type, passed within the previous seven (7) years. ()

03. Approved Postgraduate Supervised Clinical Experience for Clinical Social Worker License. Three thousand (3,000) hours of supervised clinical social work experience must be completed over the course of no fewer than two (2) years and no more than five (5) years, including 1.) one thousand seven hundred fifty (1,750)

hours of direct client contact involving treatment in clinical social work as defined and one thousand two hundred fifty (1,250) hours of assessment, diagnosis, and other clinical social work, including indirect hours that may occur outside the presence of a client; and 2.) at least one hundred (100) hours of in-person or remote live electronic connection face-to-face contact with the supervisor, and with no more than fifty (50) hours of the face-to-face contact hours involving group supervision. At least fifty percent (50%) of the supervision must be provided by a licensed clinical social worker, with the remaining supervision provided by a licensed clinical psychologist, psychiatrist, clinical professional counselor, or marriage and family therapist. The supervisor must be licensed in the state in which the supervised experience was obtained. Supervision for clinical work must continue until clinical licensure is issued. The supervised clinical experience must comply with all criteria identified on the Clinical Social Work Supervision Report Forms. Supervision must be interactive and consultative teaching directed toward the enhancement and improvement of the individual's social work values, knowledge, methods, and techniques. Hours spent on case management will not count toward clinical social work hours. ()

a. Any licensee who has reached the maximum of five (5) years of experience and who is awaiting passing test results may not continue to practice under supervision and may only practice at the level of licensure that they currently hold. ()

b. If the supervised experience was completed more than five (5) years prior to application for licensure the Board will evaluate the applicant's competency, including evaluating completion of continuing education, supervised practice, examination, and/or practice in another jurisdiction. ()

04. Endorsement. In addition to the requirement in Section 54-3208, Idaho Code, the applicant must have successfully passed the approved examination for the license type or an equivalent, unless such an examination was not required at the time of the applicant's original licensure. ()

05. Continuing Education. To renew or return to active status, licensees must complete during the preceding twenty-four (24) months, and retain proof of completion for four (4) years, of thirty (30) hours of continuing education, two (2) hours of which must be in professional ethics and the remainder germane to the practice of social work. CE hours may be obtained for preparing and providing germane continuing education or training to other professionals and for individual research projects. Courses that are part of the curriculum of an accredited university, college or other educational institution are allotted CE credit at the rate of fifteen (15) CE hours for each semester hour or ten (10) CE hours for each quarter hour of school credit awarded. ()

06. Inactive Status. A licensee requesting inactive status must submit the required form and pay the inactive license fee. To return to active status a licensee must meet the continuing education requirements and submit a fee equivalent to the difference between the inactive and active renewal fee. After five (5) years of going inactive, a licensee must demonstrate competency to resume practice, as required by the Board. The requirements may include, but are not limited to, education, supervised practice, examination, and/or practice in another jurisdiction. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Baccalaureate Social Work. The application of social work theory, knowledge, methods, and ethics to restore or enhance social or psychosocial functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate social work is a generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, supportive counseling, supervision, and consultation with clients. Baccalaureate social work also includes advocacy, education, community organization, and the development, implementation and administration of policies, programs, and activities. Bachelor level social workers are prohibited from performing psychotherapy. ()

02. Master's Social Work. The application of social work theory, knowledge, methods and ethics, and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Master's social work requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, supportive counseling, supervision and consultation with clients, advocacy, teaching, research, community organization, and the development, implementation, and

administration of policies, programs, and activities. Master level social workers who do not hold clinical licensure may provide psychotherapy only under the supervision of a licensed clinical social worker, psychologist, or psychiatrist. ()

03. Clinical Social Work. The practice of clinical social work is a specialty within the practice of master's social work and requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions and addictions. Clinical social work is based on knowledge and theory of psychosocial development, behavior, psychopathology, motivation, interpersonal relationships, environmental stress, social systems, and cultural diversity, with particular attention to person-in-environment. It shares with all social work practice the goal of enhancement and maintenance of psychosocial functioning, including psychotherapy, of individuals, couples, families, and small groups. ()

04. Code of Professional Conduct. ()

a. A social worker must operate within their education, training, and experience and meet the applicable standard of care provided by other qualified social workers in the same or similar community and under the same or similar circumstances. A standard of care violation may exist where a social worker engages in professional conduct that a reasonable social worker would not under the same or similar circumstances and in the same or similar community, or where the social worker knew or should have known the professional conduct would cause unreasonable harm to the client. ()

b. When a social worker leaves an agency or practice, clients must be provided prompt notice and the opportunity to remain with the agency or practice, or to continue care with the social worker. ()

c. A social worker will not divide a fee or accept or give anything of value for receiving or making a referral. ()

d. A social worker will provide clients with accurate and complete information regarding the extent and nature of the services available to them. ()

e. While a social worker may terminate, transfer, or refer a client when the services are no longer needed or in the client's best interests, prompt notification should be provided to the client. The social worker must attempt to make appropriate referrals as indicated by the client's need or request for services. ()

f. A social worker may not exploit, sexually or otherwise, their professional relationships with clients, supervisees, former clients, supervisors, students, employees, or research participants. ()

g. A social worker may not engage in romantic or sexual acts with a client during and for ten (10) years following termination of a social worker's services. A social worker must not provide social work services to a person with whom they have had a romantic or sexual relationship. ()

h. A social worker may not engage in romantic or sexual acts with a relative of a client, or a person known to the social worker to have a close personal relationship with the client when it has the potential to be harmful to the client, during and for three (3) years following termination of a social worker's services. ()

i. In providing services, a social worker may not discriminate on the basis of age, gender, gender identity, sexual orientation, race, color, religion, national origin, mental status, physical disability, social or economic status, political belief, or any other preference or personal characteristic, condition or status. ()

j. A social worker must obtain the client's or legal guardian's informed written consent when a client is to be involved in a research project. A social worker must explain the research, including any implications. ()

k. A social worker must obtain informed consent of clients before taping, recording, or permitting third party observation. ()

l. A social worker must safeguard information given by clients in providing client services. ()

m. A social worker, regardless of personal or professional relationship, must report a licensee's violation of the Board's law or rules. ()

n. A social worker may not disseminate or cause the dissemination of any fraudulent or deceptive advertisement. ()

o. A social worker may not engage in dual or multiple relationships with clients or with relatives of a client, or with individuals with whom clients have close personal relationships known to the social worker, in which a reasonable and prudent social worker would conclude after appropriate assessment that there is a risk of harm or exploitation to the client or of impairing a social worker's objectivity or professional judgment. A dual or multiple relationship is a relationship that occurs when a social worker interacts with a client in more than one capacity, whether it be before, during, or after the professional, social, or business relationship. Dual or multiple relationships can occur simultaneously or consecutively. After an appropriate assessment determines that the relationship does not create a risk of harm or exploitation to the client and will not impair a social worker's objectivity or professional judgment, the social worker must document in case records, prior to the interaction, when feasible, the rationale for such a relationship, and the potential benefits. ()

p. A social worker may not purchase goods or services from a client or otherwise engage in a business relationship with a client except when 1) the client is providing necessary goods or services to the general public; 2) a reasonable and prudent social worker would determine that it is not practical or reasonable to obtain the goods or services from another provider; and 3) a reasonable and prudent social worker would conclude after appropriate and documented assessment that engaging in the business relationship will not be detrimental to the client or the professional relationship. ()

05. Competency. ()

a. A social worker must only represent themselves and practice in a competent manner within the boundaries of their education, training, licensure level, supervision, and other relevant professional experience. ()

b. A social worker must only practice within new areas or use new intervention techniques or approaches after engaging in appropriate study, training, consultation, or supervision. ()

c. A social worker must exercise careful judgment when generally recognized standards do not exist with respect to an emerging area of practice and take responsible steps to ensure the competence of his practice. ()

[Agency redlined courtesy copy]

24.14.01 – RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Section 54-3204, Idaho Code. ()

001. SCOPE.

These rules govern the practice of social work in Idaho. ()

~~002. 009.(RESERVED)~~

~~0402.~~ **DEFINITIONS.**

~~01. Professionalism. Behavior exhibited on the part of an applicant which is in conformity with the Social Work Code of Professional Conduct as defined in Section 450 of these rules and within the limits of state law.~~

()

021. Psychotherapy. Treatment methods using a specialized, formal interaction between a Clinical Social Worker and an individual, couple, family, or group in which a therapeutic relationship is established, maintained, or sustained to understand unconscious processes, intrapersonal, interpersonal, and psychosocial dynamics, and the diagnosis and treatment of mental, emotional, and behavioral disorders, conditions, and addictions. ()

032. Relative. For the purposes of these rules, a relative is a person's spouse, parent, child, or sibling, regardless of whether the relation is by blood, through marriage, or by law. ()

03. Supervisor. A clinical social worker who has been licensed for at least two years, has not been disciplined for acts relating to client care within the past five (5) years, and has completed fifteen hours of clinical supervisor training. ()

04. Supportive Counseling. ~~Supportive counseling by a social worker means a~~ method used by ~~social workers~~ to assist individuals, couples, families, and groups in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns. This help in the maintenance of adaptive patterns is done in the interview through reassurance, advice giving, information providing, and pointing out client strengths and resources. Supportive counseling does not seek to reach unconscious material. ()

~~011.—099.(RESERVED)~~

100. APPROVED COLLEGES AND UNIVERSITIES, LICENSURE

01. Approved College, University, or Program. Any educational institution accredited by the US Department of Education, a regionally accredited institution of higher education, or as otherwise approved by the Board, and college, university, or school of social work that is accredited or is a candidate for accreditation by the Northwest Commission on Colleges and Universities or any similar accrediting body, and that offers a social work program that is accredited by the Council on Social Work Education (CSWE) or that is as otherwise approved by the Board. The social work program must be a recognizable, coherent organizational entity within the institution. ()

~~101.—199.(RESERVED)~~

200. LICENSING QUALIFICATIONS AND DEFINITION OF TERMS.

~~All applicants for licensing under the Social Work Licensing Act must meet the minimum qualifications as set forth by this act. ()~~

01. Educational Requirements. ~~Educational requirements must be verified by submission of official transcripts sent directly to the Board from the educational institution or from the repository of primary source credentialing information administered by the Association of Social Work Boards (ASWB). Applicants are responsible for arranging transmission of this information.~~ ()

201. PRACTICE OF SOCIAL WORK STANDARDS.

01. Baccalaureate Social Work. The application of social work theory, knowledge, methods, and ethics to restore or enhance social or psychosocial functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate social work is a generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, supportive counseling, supervision, and consultation with clients. Baccalaureate social work also includes advocacy, education, community organization, and the development, implementation and administration of policies, programs, and activities. Bachelor level social workers are prohibited from performing psychotherapy. ~~Baccalaureate social work can include independent practice, but not private practice.~~ ()

02. Master's Social Work. The application of social work theory, knowledge, methods and ethics, and

the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Master's social work requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, supportive counseling, supervision and consultation with clients, advocacy, teaching, research, community organization, and the development, implementation, and administration of policies, programs, and activities. Master level social workers who do not hold clinical licensure may provide psychotherapy only under the supervision of a licensed clinical social worker, psychologist, or psychiatrist ~~and in accordance with an approved supervision plan. Master's social work can include independent practice, but not private practice.~~()

03. Clinical Social Work. The practice of clinical social work is a specialty within the practice of master's social work and requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions and addictions. Clinical social work is based on knowledge and theory of psychosocial development, behavior, psychopathology, motivation, interpersonal relationships, environmental stress, social systems, and cultural diversity, with particular attention to person-in-environment. It shares with all social work practice the goal of enhancement and maintenance of psychosocial functioning, including psychotherapy, of individuals, couples, families, and small groups. ~~Clinical social work includes, but is not limited to, individual, couples, family and group psychotherapy, and includes independent and private practice.~~()

~~**04. Employment of a Social Worker.** A social worker employed directly by a physician, psychologist or other social worker, or by a public or private agency, institution, hospital, nursing home, rehabilitation center, or any similar facility, is not to be considered within the definition of an independent practitioner. Furthermore, a social worker who contracts with an agency or institution that assumes full responsibility for and supervises the services provided to clients is not considered to be a private practitioner.~~(—)

~~202.—209.(Reserved)~~

210. SUPERVISION.

~~**01. Generally Applicable Supervision Requirements.** All supervised experience, as set forth in this section, must meet the following requirements:(—)~~

~~**a.** Supervision must be consultative-teaching supervision which is directed toward enhancement and improvement of the individual's social work values, knowledge, methods, and techniques.(—)~~

~~**b.** A minimum of one hundred (100) hours of the required supervision must be face-to-face contact with the supervisor and must occur on a regular and on going basis. Supervision may include a face to face setting provided by a secure live electronic connection. The secure live electronic connection must comply with any applicable state and federal laws, rules and regulations, including the health insurance portability and accountability act (HIPAA). (—)~~

~~**i.** A supervisee may count in full all time in a supervisory session where the ratio of supervisor to supervisees does not exceed one (1) supervisor to two (2) social workers. All one hundred (100) hours may be earned in such a one (1) to two (2) setting.(—)~~

~~**ii.** Group supervision may count for no more than fifty (50) hours of face to face contact. Group supervision may count only where the ratio of supervisor to supervisees does not exceed one (1) supervisor to six (6) supervisees, and the allowable countable time must be prorated by the following formula: total session minutes divided by total supervisees, multiplied by two (2) equals the maximum allowable countable time per supervisee for the session. i.e. a supervisee attending a one (1) hour group supervisory session consisting of six (6) supervisees must be allowed twenty (20) minutes of group supervision credit (60 minutes/6 supervisees x 2 = 20 minutes).(—)~~

~~**02. Pursuing Licensure As Independent Practitioners.** Requirements for supervision of baccalaureate or master's social workers pursuing licensure as independent practitioners.(—)~~

~~**a.** Develop a plan for supervision that must be reviewed and approved by a designated Board member~~

~~prior to commencement of supervision. ()~~

~~**b.** Complete a minimum of three thousand (3,000) hours of supervised social work experience. The hours must be accumulated in not less than two (2) years but in not more than five (5) years unless an extension is approved by the Board for good cause shown. ()~~

~~**c.** Supervision must be provided by a qualified and experienced licensed social worker with a current license in good standing and approved to pursue independent practice. ()~~

~~**i.** For a baccalaureate social worker the supervisor must hold a license at the baccalaureate, masters, or clinical level. ()~~

~~**ii.** For a masters social worker the supervisor must hold a license at the masters, or clinical level. ()~~

~~**iii.** Prior to a change in supervisors, the supervisee must notify the Board and the change must be approved by a designated member of the Board prior to the commencement of supervision by the new supervisor. ()~~

~~**iv.** The supervisee may not have more than two (2) supervisors at any given time. ()~~

03. Pursuing Licensure As Approved Postgraduate Supervised Clinical Experience for Clinical Social Worker License. Requirements for supervision of master's social workers pursuing licensure as clinical social worker. ()

~~**a.** Develop a plan for supervision that must be reviewed and approved by a designated Board member prior to commencement of supervision. ()~~

~~**b.** Complete a minimum of ~~three~~ three thousand (3,000) hours of supervised clinical social work experience must be completed over the course of no fewer than two (2) years and no more than five (5) years, including 1.) focused on clinical social work. The hours must be accumulated in not less than two (2) years but in not more than five (5) years unless an extension is approved by the Board for good cause shown. The hours must also meet the following: ()~~

~~**i.** One thousand seven hundred fifty (1,750) hours of direct client contact involving treatment in clinical social work as defined; and ()~~

~~**ii.** One thousand two hundred fifty (1,250) hours involving of assessment, diagnosis, and other clinical social work, including indirect hours that may occur outside the presence of a client; as defined. () and 2.) at least one hundred (100) hours of in-person or remote live electronic connection face-to-face contact with the supervisor, and with no more than fifty (50) hours of the face-to-face contact hours involving group supervision.~~

~~**e.** At least Fifty percent (50%) of the supervision supervised experience must be provided by a licensed clinical social worker, with registered as a supervisor pursuant to Section 211 of these rules. The remaining fifty percent (50%) of supervision may be provided by one or more of the following: ()~~

~~**i.** A licensed clinical social worker who is registered as a supervisor pursuant to Section 211; ()~~

~~**ii.** A a licensed clinical psychologist; ()~~

~~**iii.** A psychiatrist, person licensed to practice medicine and surgery who practices in the area of psychiatry; ()~~

~~**iv.** A licensed clinical professional counselor, registered as a supervisor by the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists; or ()~~

~~**v.** A licensed or marriage and family therapist. The supervisor must be licensed in the state in which the supervised experience was obtained. Supervision for clinical work must continue until clinical licensure is issued.~~

The apprenticeship program must comply with all criteria identified on the Clinical Social Work Supervision Report Forms. Supervision must be interactive and consultative teaching directed toward the enhancement and improvement of the individual's social work values, knowledge, methods, and techniques. Hours spent on case management will not count toward clinical social work hours. ~~registered as a supervisor by the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists.()~~

PENDING TEXT 100.03

03. Approved Postgraduate Supervised Clinical Experience for Clinical Social Worker License.

Three thousand (3,000) hours of supervised clinical social work experience must be completed over the course of no fewer than two (2) years and no more than five (5) years, including 1.) one thousand seven hundred fifty (1,750) hours of direct client contact involving treatment in clinical social work as defined and one thousand two hundred fifty (1,250) hours of assessment, diagnosis, and other clinical social work, including indirect hours that may occur outside the presence of a client; and 2.) at least one hundred (100) hours of in-person or remote live electronic connection face-to-face contact with the supervisor, and with no more than fifty (50) hours of the face-to-face contact hours involving group supervision. At least fifty percent (50%) of the supervision must be provided by a licensed clinical social worker, with the remaining supervision provided by a licensed clinical psychologist, psychiatrist, clinical professional counselor, or marriage and family therapist. The supervisor must be licensed in the state in which the supervised experience was obtained. Supervision for clinical work must continue until clinical licensure is issued. ~~The apprenticeship program supervised clinical experience~~ must comply with all criteria identified on the Clinical Social Work Supervision Report Forms. Supervision must be interactive and consultative teaching directed toward the enhancement and improvement of the individual's social work values, knowledge, methods, and techniques. Hours spent on case management will not count toward clinical social work hours.()

a. Any licensee who has reached the maximum of five (5) years of experience and who is awaiting passing test results may not continue to practice under supervision and may only practice at the level of licensure that they currently hold. ()

b. If the supervised experience was completed more than five (5) years prior to application for licensure the Board will evaluate the applicant's competency, including evaluating completion of continuing education, supervised practice, examination, and/or practice in another jurisdiction. ()

~~d. Prior to a change in supervisors, the supervisee must notify the Board and the change must be approved by a designated member of the Board prior to the commencement of supervision by the new supervisor. ()~~

~~e. The supervisee may not have more than two (2) supervisors at any given time.()~~

~~04. Out of State Supervised Experience. The Board may consider supervised experience obtained outside the state of Idaho submitted for Idaho licensure purposes as proscribed under Section 210.03 and consistent with that jurisdictions laws. Such experience, whether already obtained or planned to be obtained, must be included in the plan for supervision and reviewed and approved by a designated Board member.()~~

~~a. Previous supervised experience must have been obtained within the five (5) year period preceding the submission of the plan for supervision and must have been obtained in compliance with the law and rules of the state in which the experience was obtained.()~~

~~211. SOCIAL WORK SUPERVISOR REGISTRATION.~~

~~Idaho licensed social workers must be registered with the Board in order to provide postgraduate supervision for those individuals in Idaho pursuing licensure as a clinical social worker.()~~

~~01. Requirements for Registration.()~~

- ~~a. Document at least two years' experience as a licensed clinical social worker.(—)~~
- ~~b. Have not been the subject of any disciplinary action for five (5) years prior to application for registration.(—)~~
- ~~e. Document fifteen (15) contact hours of education in clinical supervisor training within the past five (5) years, as approved by the Board, or if previously registered as a supervisor with the Board, document six (6) hours of education in advanced supervisor training as approved by the Board.(—)~~

~~02. Registration.(—)~~

- ~~a. Upon receipt of a completed application verifying compliance with the requirements for registration as a supervisor, the applicant must be registered as a supervisor.(—)~~
- ~~b. A supervisor's registration must remain valid only so long as the individual's clinical social worker license remains current and in good standing.(—)~~

~~03. Renewal. A supervisor's registration is valid for a term of five (5) years. To renew a supervisor registration, the registered supervisor must submit a renewal application and:(—)~~

~~a. Hold an active Idaho clinical social worker license which has not been subject to discipline, the Board may, in its discretion, approve a supervisor who has been previously disciplined based on the nature of the discipline and the time elapsed; and(—)~~

~~b. Document six (6) hours of continuing education in advanced supervisor training as approved by the Board and completed within the previous five (5) years.(—)~~

~~212.— 224.(RESERVED)~~

~~225. INACTIVE STATUS.~~

~~04. Request for Inactive Status. Each person A licensee requesting an inactive status must submit the required form and pay the inactive license fee.(—)~~

~~02. Inactive License Status.(—)~~

~~a. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho(—)~~

~~b. To return to active status, a licensee must complete one (1) year of continuing education requirements and submit a fee equivalent to the difference between the inactive and active renewal fee.(—)~~

~~03. Return to Active Status After Five (5) Years or More of Inactive Status. Licensee must provide an account to the Board for that period of time during which the license was inactive and fulfilling requirements that After five (5) years of going inactive, a licensee must demonstrate competency to resume practice, as required by the Board. These requirements may include, but are not limited to, education, supervised practice, and examination, as determined by the Board. The Board may consider and/or practice in another jurisdiction, in determining competency.()~~

PENDING TEXT 100.06

06. Inactive Status. A licensee requesting inactive status must submit the required form and pay the inactive license fee. To return to active status a licensee must meet the continuing education requirements and submit a fee equivalent to the difference between the inactive and active renewal fee. After five (5) years of going inactive, a licensee must demonstrate competency to resume practice, as required by the Board. The requirements may include, but are not limited to, education, supervised practice, examination, and/or practice in another jurisdiction.()

~~226. — 299. (RESERVED)~~

3400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL (Not to Exceed)	INACTIVE (Not to Exceed)
Application	\$70		
Examination	Set by testing service		
Endorsement and License	\$90		
Licensed Clinical Social Worker	\$70	\$90	\$45
Licensed Masters Social Worker	\$70	\$80	\$40
Licensed Social Worker	\$70	\$80	\$40
Reinstatement	In accordance with Section 67-2614, Idaho Code		

()

~~301. — 349. (RESERVED)~~

350. EXAMINATIONS AND ENDORSEMENT.

Applications for examination and endorsement may be reviewed and approved by a designated Board member upon determination that the applicant meets the qualifications. Approval to sit for examination does not obligate the Board to issue a license if it is later determined that the applicant does not meet the requirements for licensure. ()

021. Approved Examination. The applicable Board approves the uniform, nationally standardized examination of the Association of Social Work Boards (ASWB) as the Idaho licensure examination for the license type, passed within the previous seven (7) years. ()

- a. Bachelor level candidates are required to successfully pass the bachelor's examination. ()
- b. Masters level candidates are required to successfully pass the master's examination. ()
- c. Clinical level candidates are required to successfully pass the clinical examination. ()

02. Graduation Date to Qualify for Exam. Candidates for examination who can satisfy the Board that they will be graduating at the end of the spring, summer, or fall terms of any given year may qualify for examination immediately preceding the date of graduation. ()

034. Endorsement. In addition to the requirement in Section 54-3208, Idaho Code, the applicant must have successfully passed the approved examination for the license type or an equivalent, unless such an examination was not required at the time of the applicant's original licensure. The Board may grant a license to any person who submits an application and who: ()

- ~~a. Holds a current, active social work license, at the level for which a license is being sought, issued by the authorized regulatory entity in another state or country, the certification of which must be received directly by the Board from the issuing agency; and(——)~~
- ~~b. Has not been disciplined within the last five (5) years, had a license revoked, suspended, restricted, or otherwise sanctioned by any regulatory entity and has never voluntarily surrendered a license; and(——)~~
- ~~c. Has not been convicted, found guilty, or received a withheld judgment or suspended sentence for any crime that is inconsistent with the profession of social work. (——)~~
- ~~d. Has successfully passed an examination, as referenced in Subsection 350.02, or an examination provided by the Professional Examination Service (PES) at the clinical social worker and social worker level or the Education Testing Service (ETS) examination; and(——)~~
- ~~e. Has certified under oath to abide by the laws and rules governing the practice of social work in Idaho and the code of professional conduct.(——)~~
- ~~f. The Board may waive the examination requirement in Subsection 350.05.d. for an applicant who was not required to pass such an examination at the time the applicant initially obtained a social work license, provided that the applicant meets all other requirements in this subsection and has actively practiced social work for five (5) of the last seven (7) years preceding application.(——)~~

351. CONTINUING EDUCATION.

~~**045. Continuing Education—Requirements.** To renew or return to active status, licensees must complete during the preceding twenty-four (24) months, and retain proof of completion, of thirty (30) hours of continuing education, two (2) hours of which must be in professional ethics and the remainder germane to the practice of social work. CE hours may be obtained for preparing and providing germane continuing education or training to other professionals and for individual research projects. (——)~~

- ~~a. Continuing education is required for renewal at all levels of social work licensure in Idaho. The Board may waive this requirement upon a showing of good cause.(——)~~
- ~~b. Each licensee must complete a minimum of twenty (20) continuing education (CE) hours, including at least one (1) hour in professional ethics.(——)~~
- ~~c. Compliance with the continuing education (CE) requirements for licensees must be reported annually. A continuing education course taken in any renewal year, but not claimed for CE credit in that year, may be utilized for credit in the following renewal year.(——)~~
- ~~d. Licensees will maintain documentation verifying CE attendance and curriculum for a period of four (4) years. This documentation will be subject to audit by the board.(——)~~
- ~~e. Licensees are not required to comply with this requirement during the first year in which they become licensed under the social work act.(——)~~
- ~~f. One (1) continuing education hour equals one (1) clock hour.(——)~~
- ~~g. Courses that are part of the curriculum of an accredited university, college or other educational institution are allotted CE credit at the rate of fifteen (15) CE hours for each semester hour or ten (10) CE hours for each quarter hour of school credit awarded.()~~

PENDING TEXT 100.05

05. Continuing Education. To renew or return to active status, licensees must complete during the preceding twenty-four (24) months, and retain proof of completion for four years, of thirty (30) hours of continuing education, two (2) hours of which must be in professional ethics and the remainder germane to the practice of social

work. CE hours may be obtained for preparing and providing germane continuing education or training to other professionals and for individual research projects. Courses that are part of the curriculum of an accredited university, college or other educational institution are allotted CE credit at the rate of fifteen (15) CE hours for each semester hour or ten (10) CE hours for each quarter hour of school credit awarded.()

~~h:~~ Applications for reinstatement of a canceled license must include documented proof of meeting the continuing education requirements for the previous twelve (12) months. The requirement for professional ethics training continues during any period of cancellation.()

~~02. Categories of Continuing Education.()~~

~~a:~~ Category I. Category I includes formally organized learning events, ideally involving face-to-face interaction with a teacher for the purpose of accomplishing specific learning objectives. Courses, workshops, conferences, practice-oriented seminars, staff development and training activities coordinated and/or taught by approved and recognized educators also are included in this category. Because of our geographic location and sparse population, closed circuit T.V., video and audio tapes, internet based courses, and correspondence courses may be substituted for face-to-face contact if the course is interactive or requires an examination.()

~~b:~~ Category II. No more than ten (10) CE hours may be obtained from this category. Category II consists of a variety of self-directed professional study activities and growth experiences. Examples include making an initial presentation on professional issues or programs, teaching a course for the first time, presenting a lecture or conducting a workshop for the first time, editing or writing professional books or articles, and conducting professional research.()

~~c:~~ The subject matter of all approved continuing education must be germane to the practice of social work as defined in Section 54-3202, Idaho Code, and may include the specialties of Marriage and Family Therapy, Psychiatry, Psychiatric Nursing, or Psychology.()

~~03. Continuing Education Sources.()~~

~~a:~~ Continuing education course providers must include:()

~~i:~~ Professional Associations. Continuing education hours may be obtained by participating in activities sponsored by or approved by professional associations including but not limited to the Idaho Chapter of the National Association of Social Workers, Idaho Society for Clinical Social Workers. The professional association must certify the number of clock hours of educational content in each sponsored or approved activity.()

~~ii:~~ Educational Institutions. Continuing education hours may be obtained by completing coursework not below your level of licensing or by participating in continuing education programs sponsored by or approved by educational institutions accredited by a regional body recognized by the Council on Post Secondary Accreditation. The educational institution must certify the number of clock hours of educational content in each sponsored or approved program.()

~~iii:~~ Government Agencies, Schools and Hospitals. Continuing education hours may be obtained by participating in in-service training, courses or workshops sponsored by federal, state, or local government agencies, public school systems and licensed hospitals. The provider must certify the number of clock hours of educational content in each approved activity.()

~~iv:~~ Private social service agencies and other entities. Continuing education hours may be obtained by participating in continuing education programs sponsored by agencies or entities who regularly provide social work services. The provider must certify the number of clock hours of educational content in each approved activity.
()

~~b:~~ All continuing education hours must be relevant to the profession of social work at the individual's particular level of social work licensure. The presenter's level of education must be at the licensee's level or above.

~~Continuing education for clinical licensees must be clinical in nature except that five (5) hours each year may be non-clinical but must be germane to the practice of social work. Final approval of acceptable programs rests with the Board. ()~~

~~**04. Documentation.**()~~

~~**a.** Each licensee must maintain documentation verifying CE attendance and curriculum for a period of four (4) years from the date of completion. This documentation will be subject to audit by the Board.()~~

~~**b.** Licensees must attest, on their annual license renewal application, that they have satisfied the continuing education requirements. False attestation of satisfaction of the continuing education requirements on a renewal application will subject the licensee to disciplinary action, including revocation.()~~

~~**e.** Continuing education documents must be in the form of a certificate of attendance, a statement signed by the provider verifying participation in the activity, an official transcript, or other documentation such as a certificate or letter from the sponsoring entity that includes the title of the activity, the subject material covered, the dates and number of hours credited, and the presenter's full name and professional credentials, or other documentation as the Board may require.()~~

~~**352.—399.(RESERVED)**~~

~~**400. UNPROFESSIONAL CONDUCT.**~~

~~“Unprofessional conduct” is further defined as any violation of the Social Work Code of Professional Conduct.
()~~

~~**401.—449.(RESERVED)**~~

~~**450. STATEMENT OF PUBLIC POLICY AND CODE OF PROFESSIONAL CONDUCT.**~~

~~The profession of social work is dedicated to serving people; the professional relationship between social workers and clients thus is governed by the highest moral and ethical values. The client is in a vulnerable role that extends beyond the time frame of actual services. In both social and professional interactions, this vulnerability is taken into consideration whether the person is currently or has been a client. Following is the Code of Professional Conduct:
()~~

~~**014. Code of Professional Conduct.**~~The Social Worker's Ethical Responsibility to Clients.~~()~~

~~**a.** For the purpose of this Code of Professional Conduct, a client is anyone for whom the social worker provides social work services directly or indirectly through consultations, staffings, or supervision with other professionals.A social worker must operate within their education, training, and experience and meet the applicable standard of care provided by other qualified social workers in the same or similar community and under the same or similar circumstances. A standard of care violation may exist where a social worker engages in professional conduct that a reasonable social worker would not under the same or similar circumstances and in the same or similar community, or where the social worker knew or should have known the professional conduct would cause unreasonable harm to the client.()~~

~~**b.** The social worker will not commit fraud nor misrepresent services performed.()~~

~~**eb.** TheWhen a social worker will not solicit the clients of leaves an agency or practice, clients must be for which they provideprovided prompt notice and the opportunity to remain with the agency or services for his private practice, or to continue care with the social worker.()~~

~~**dc.** TheA social worker will not divide a fee or accept or give anything of value for receiving or making a referral.()~~

~~**ed.** TheA social worker will provide clients with accurate and complete information regarding the extent and nature of the services available to them.()~~

~~fe.~~ fe. ~~The~~ While a social worker ~~will may~~ terminate, transfer, or refer a client when the services ~~service~~ to clients, and professional relationships with them, when such service and relationships are no longer needed or in the client's best ~~which a conflict of interests, arises~~ prompt notification should be provided to the client. The social worker must attempt to make appropriate referrals as indicated by the client's need or request for services.
()

~~g.~~ g. ~~A social worker may not violate a position of trust by knowingly committing any act detrimental to a client.~~ ()

~~hf.~~ hf. A social worker may not exploit, sexually or otherwise, their professional relationships with clients (or former clients), supervisees, supervisors, students, employees, or research participants, ~~sexually or otherwise.~~ Social workers will not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwelcomed by the recipient. ()

~~ig.~~ ig. A social worker may not engage in romantic or sexual acts with a client, ~~or with a person who has been a client within the past three (3) years, with~~ a relative of a client, or ~~with~~ a person known to the social worker with whom the client maintains to have a close personal relationship with the client when it has the potential to be harmful to the client, during and for three (3) years following termination of a social worker's services. A social worker must not provide social work services to a person with whom ~~he/she has~~ they have had a romantic or sexual relationship. ()

02. ~~The Social Worker's Conduct and Comportment as a Social Worker.~~ ()

~~ah.~~ ah. In providing services, a social worker may not discriminate on the basis of age, gender, gender identity, sexual orientation, race, color, religion, national origin, mental status, physical disability, social or economic status, political belief, or any other preference or personal characteristic, condition or status. ()

~~b.~~ b. ~~Social workers may not undertake any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their personal problems, they must seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional activities.~~ ()

~~e.~~ e. ~~A social worker may not practice while impaired by medication, alcohol, drugs, or other chemicals. A social worker may not practice under a mental or physical condition that impairs the ability to practice safely.~~ ()

~~d.~~ d. ~~A social worker may not repeatedly fail to keep scheduled appointments.~~ ()

~~e.~~ e. ~~The social worker who anticipates the termination or interruption of service to clients must notify clients promptly and seek the transfer, referral, or continuation of services in relation to the clients' needs and preferences.~~ ()

~~f.~~ f. ~~The social worker must attempt to make appropriate referrals as indicated by the client's need for services.~~ ()

~~gi.~~ gi. A social worker must obtain the client's or legal guardian's informed written consent when a client is to be involved in any research project. A social worker must explain the research, including any implications. ()

~~hj.~~ hj. ~~The~~ A social worker must obtain informed consent of clients before taping, recording, or permitting third party observation ~~of their activities.~~ ()

~~ik.~~ ik. A social worker must safeguard information given by clients in providing client services. ~~Except when required by law or judicial order, a social worker must obtain the client's informed written consent before releasing confidential information from the setting or facility except for compelling reasons defined as but not limited to:~~ ()

- ~~i. Consultation with another professional on behalf of the client thought to be dangerous to self or others; ()~~
- ~~ii. Duty to warn pursuant to Chapter 19, Title 6, Idaho Code; ()~~
- ~~iii. Child abuse and sexual molestation pursuant to Chapter 16, Title 16, Idaho Code; and ()~~
- ~~iv. Any other situation in accordance with statutory requirements. ()~~

~~j. A social worker, regardless of personal or professional relationship, must report any licensee's violation of the Board's law or rules, including Code of Professional Conduct, by a person certified under Chapter 32, Title 54, Idaho Code. ()~~

~~**035. Competency Practice for Social Workers.** All social workers must practice in a competent manner consistent with their level of education, training and experience. ()~~

~~a. A social worker must only represent himself and practice in a competent manner within the boundaries of his education, training, licensure level, supervision, and other relevant professional experience. ()~~

PENDING TEXT 200.04.f. through 200.05.a.

~~f. A social worker may not exploit, sexually or otherwise, their professional relationships with clients, supervisees, former clients, supervisors, students, employees, or research participants. ()~~

~~*g. A social worker may not engage in romantic or sexual acts with a client during and for ten (10) years following termination of a social worker's services. A social worker must not provide social work services to a person with whom they have had a romantic or sexual relationship. ()*~~

~~*gh. A social worker may not engage in romantic or sexual acts with a client, a relative of a client, or a person known to the social worker to have a close personal relationship with the client when it has the potential to be harmful to the client, during and for three (3) years following termination of a social worker's services. A social worker must not provide social work services to a person with whom they have had a romantic or sexual relationship. ()*~~

~~*hi. In providing services, a social worker may not discriminate on the basis of age, gender, gender identity, sexual orientation, race, color, religion, national origin, mental status, physical disability, social or economic status, political belief, or any other preference or personal characteristic, condition or status. ()*~~

~~*ij. A social worker must obtain the client's or legal guardian's informed written consent when a client is to be involved in a research project. A social worker must explain the research, including any implications. ()*~~

~~*jk. A social worker must obtain informed consent of clients before taping, recording, or permitting third party observation. ()*~~

~~*kl. A social worker must safeguard information given by clients in providing client services. ()*~~

~~*lm. A social worker, regardless of personal or professional relationship, must report a licensee's violation of the Board's law or rules. ()*~~

~~*mn. A social worker may not disseminate or cause the dissemination of any fraudulent or deceptive*~~

advertisement. ()

~~¶2.~~ A social worker may not engage in dual or multiple relationships with clients or with relatives of a client, or with individuals with whom clients have close personal relationships known to the social worker, in which a reasonable and prudent social worker would conclude after appropriate assessment that there is a risk of harm or exploitation to the client or of impairing a social worker's objectivity or professional judgment. A dual or multiple relationship is a relationship that occurs when a social worker interacts with a client in more than one capacity, whether it be before, during, or after the professional, social, or business relationship. Dual or multiple relationships can occur simultaneously or consecutively. After an appropriate assessment determines that the relationship does not create a risk of harm or exploitation to the client and will not impair a social worker's objectivity or professional judgment, the social worker must document in case records, prior to the interaction, when feasible, the rationale for such a relationship, and the potential benefits.()

~~¶2.~~ A social worker may not purchase goods or services from a client or otherwise engage in a business relationship with a client except when 1) the client is providing necessary goods or services to the general public; 2) a reasonable and prudent social worker would determine that it is not practical or reasonable to obtain the goods or services from another provider; and 3) a reasonable and prudent social worker would conclude after appropriate and documented assessment that engaging in the business relationship will not be detrimental to the client or the professional relationship.()

05. Competency. ()

a. A social worker must only represent ~~his~~himself and practice in a competent manner within the boundaries of ~~his~~their education, training, licensure level, supervision, and other relevant professional experience. ()

b. A social worker must only practice within new areas or use new intervention techniques or approaches after engaging in appropriate study, training, consultation, or supervision.()

c. A social worker must exercise careful judgment; when generally recognized standards do not exist with respect to an emerging area of practice; and take responsible steps to ensure the competence of his practice. ()

~~04m.~~ ~~The Advertising Rules for Social Workers.~~ No ~~A~~ social worker may ~~not~~ disseminate or cause the dissemination of any ~~fraudulent or deceptive~~ advertisement, ~~or advertising that is any way fraudulent, false, deceptive or misleading.~~ Any advertisement or advertising is deemed by the board to be ~~fraudulent, false, deceptive, or misleading if it:~~()

~~a.~~ Contains a misrepresentation of fact; or(—)

~~b.~~ Is misleading or deceptive because in its content or in the context in which it is presented it makes only a partial disclosure of relevant facts. More specifically, it is misleading and deceptive for a social worker to advertise free services or services for a specific charge when in fact the social worker is transmitting a higher charge for the advertised services to a third party payor for payment or charges the patient or a third party. It is misleading and deceptive for a social worker or a group of social workers to advertise a social work referral service or bureau unless the advertisement specifically names each of the individual social workers who are participating in the referral service or bureau.(—)

~~c.~~ Creates false or unjustified expectations of beneficial treatment or successful outcomes; or(—)

~~d.~~ Fails to identify conspicuously the social worker or social workers referred to in the advertising as a social worker or social workers; or(—)

~~e.~~ Contains any representation or claims, as to which the social worker, referred to in the advertising, fails to perform; or(——)

~~f.~~ Contains any representation which identifies the social worker practice being advertised by a name which does not include the terms “social worker,” “social work,” or some easily recognizable derivation thereof; or (——)

~~g.~~ Contains any representation that the practitioner has received any license or recognition by the state of Idaho or its authorized agents, which is superior to the license and recognition granted to any social worker who successfully meets the licensing requirements of Chapter 32, Title 54, Idaho Code; or(——)

~~h.~~ Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the social worker; or(——)

~~i.~~ Contains any other representation, statement, or claim which is misleading or deceptive.(——)

~~05n.~~ **Dual Relationships.** A social worker may not engage in dual or multiple relationships with clients, or with relatives of a client, or with individuals with whom clients ~~maintain~~ have close personal relationships known to the social worker, in which a reasonable and prudent social worker would conclude after appropriate assessment that there is a risk of harm or exploitation to the client or of impairing a social worker’s objectivity or professional judgment. A dual or multiple relationship is a relationship that occurs when a social worker interacts with a client in more than one capacity, whether it be before, during, or after the professional, social, or business relationship. Dual or multiple relationships can occur simultaneously or consecutively. After an appropriate assessment determines that the relationship does not create a risk of harm or exploitation to the client and will not impair a social worker’s objectivity or professional judgment, the social worker must document in case records, prior to the interaction, when feasible, the rationale for such a relationship, and the potential benefits to the client, and anticipated consequences for the client.()

~~06o.~~ **Business Relationships.** A social worker may not purchase goods or services from a client or otherwise engage in a business relationship with a client except when: (——)

~~a.~~ 1.) The client is providing necessary goods or services to the general public; (——)

~~b.~~ 2.) A reasonable and prudent social worker would determine that it is not practical or reasonable to obtain the goods or services from another provider; and(——)

~~e.~~ 3.) A reasonable and prudent social worker would determine conclude after appropriate and documented assessment that engaging in the business relationship will not be detrimental to the client or the professional relationship.()

~~07.~~ **Bartering.** Bartering is the acceptance of goods, services, or other nonmonetary remuneration from a client in return for a social worker’s services. Social workers may not barter except when such arrangement is not exploitative and:(——)

~~a.~~ Is initiated by the client and with the client’s written informed consent; and(——)

~~b.~~ Has an easily determined fair market value of the goods or services received.(——)

~~451.—474.(RESERVED)~~

~~475. DISCIPLINE.~~

~~01.~~ **Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed social worker for each violation of Section 54-3211, Idaho Code.(——)

~~02. **Costs and Fees.** The Board may order a licensed social worker to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-3211, Idaho Code.~~
(—)

~~476. **999.(RESERVED)**~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.18.01 – RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-4106, 67-2614, 67-9406, and 67-9409, 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 proposed rule chapter adopted the practical application of real estate appraising (PAREA) for the experience requirement of various licensure types. The pending rule(s) adds additional clarifying language regarding the application of PAREA in response to comments received during the negotiated rulemaking process.

- Rule 100.06.b.ii. Clarifies PAREA experience requirement for Licensed Residential Real Estate Appraisers.
- Rule 100.07.e.ii., and iii. Clarifies PAREA experience requirement for State Certified Residential Real Estate Appraiser.
- Rule 100.08.a.i. Removes redundant language regarding classroom hour requirements.
- Rule 100.08.c.ii. Clarifies PAREA experience requirement for State Certified General Real Estate Appraiser.
- Rule 100.09.a.vi. Changes the total number of continuing education credits allowable for attending a state regulatory board meeting from two (2) to seven (7) because comments received from stakeholders indicated that two (2) hours is more restrictive than other jurisdictions and that seven (7) hours total was the standard number.

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 4, 2023, Edition of the Idaho Administrative Bulletin, [Vol. 29-10, pages 520-543](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The fees for applications, licenses, certificates, and reinstatement as designated in Rule 400 of these pending rules are authorized in Section 54-4106, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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 not anticipated to have any impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart Bureau Chief- Administration, (208)-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief- Administration
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

DOCKET NO. 24-1801-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 520 through 543.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-1801-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

24.18.01 – RULES OF THE REAL ESTATE APPRAISER BOARD

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSURE.

All applicants for licensure must comply with the following requirements: ()

01. Education. Classroom hours will be credited only for the Required Core Curriculum as outlined by the AQB. ()

a. Credit toward the classroom hour requirement may only be granted where: ()

i. The length of the educational offering is at least fifteen (15) hours, and the individual successfully completes a closed-book examination, or; ()

ii. A Trainee Appraiser successfully completes a course which meets the AQB content requirements of the Valuation Bias and Fair Housing Laws and Regulations Outline. ()

iii. Distance education courses intended for use as qualifying education must include a written, proctored closed-book final examination - proctored by an official approved by the college or university or by the sponsoring organization. Biometric proctoring is acceptable. The testing must be in compliance with the examination requirements of this section. ()

b. Credit for the classroom hour requirement may be obtained: from Colleges or Universities; Community or Junior Colleges, the Appraisal Foundation or its boards; State or Federal Agencies or commissions; or other providers approved by the Board. ()

c. Only those courses completed preceding the date of application will be accepted for meeting educational requirements. ()

d. Course credits that are obtained from the course provider by challenge examination without attending the course will not be accepted. ()

e. Credit toward education requirements may be obtained through completion of a degree in Real Estate from an accredited degree-granting college or university approved by the Association to Advance Collegiate Schools of Business, or a regional or national accreditation agency recognized by the US Secretary of Education whose curriculum has been reviewed and approved by the AQB. ()

f. Applicants with a college degree from a foreign country may have their education evaluated for equivalency by one (1) of the following: ()

i. An accredited, degree-granting domestic college or university; ()

ii. The American Association of Collegiate Registrars and Admissions Officers (AACRAO); ()

iii. A foreign degree credential evaluation services company that is a member of the National Association of Credential Evaluation Services (NACES); or ()

iv. A foreign degree credential evaluation service company that provides equivalency evaluation. ()

02. Experience. ()

a. The work product claimed must be in conformity with USPAP. All appraisal experience must be obtained as a registered trainee, licensed or certified appraiser, or participant in an AQB approved PAREA program. For Registered Trainees, only experience gained during the five (5) years immediately preceding application will be considered. Each applicant must verify completion of the required experience on a Board approved form. An appraisal log that contains the following must be submitted: ()

i. Type of property; ()

ii. Address of the property; ()

iii. Report date; ()

iv. Description of work performed by the trainee/applicant and scope of the review and supervision of the Supervisory Appraiser; ()

v. Number of work hours by the trainee/applicant on the assignment; ()

vi. Signature and certification number of the Supervisory Appraiser. ()

b. Ad valorem tax appraisers must demonstrate the use of techniques to value properties similar to those used by appraisers and effectively use the process as defined in Subsection 004.05, Field Real Estate Appraisal Experience. ()

c. PAREA programs approved by the AQB may serve as an alternative pathway to the experience requirements, subject to the following rules: ()

i. Applicants may not receive partial credit for PAREA training; ()

ii. Applicants may not receive a certificate of completion until all required components of PAREA training have been successfully completed and approved by a program mentor; ()

iii. Certificates of completion must be signed by an individual from the training entity qualified to verify an applicant's successful completion and; ()

iv. Certificates of completion must not contain an expiration date or other constraints that either limit or restrict the applicant's ability to receive appropriate credit. ()

03. Examination. A passing grade on an examination approved by the Board pursuant to the guidelines of the AQB. ()

04. Registered Real Estate Appraiser Trainee. ()

a. Qualifications. An applicant must have completed seventy-five (75) hours of qualifying education as specified in the Required Core Curriculum within the last five (5) years, consisting of not less than thirty (30) hours of Basic Appraisal Principles, including: fifteen (15) hour National USPAP course or AQB approved equivalent. ()

b. Appraisers holding a Licensed Residential Real Property Appraiser credential satisfy the educational requirements for the Trainee Appraiser credential. ()

i. Each trainee applicant shall pass the end of course examinations in each of the prerequisite courses in order to earn credit. ()

ii. Prior to registration as an Appraiser Trainee, each applicant must complete a trainee appraiser course that complies with the requirements established by the AQB. ()

iii. An Appraiser Trainee shall not be involved in the appraisal of any property that exceeds the scope of practice of the Supervisory Appraiser, and is subject to USPAP. ()

iv. Each Appraiser Trainee is permitted to have more than one (1) Supervisory Appraiser. An appraisal log shall be maintained jointly. ()

c. Prior to the second and subsequent renewals, an appraiser trainee shall be required to obtain the equivalent of twenty-eight (28) classroom hours of instruction in approved courses or seminars. Once every twenty-four (24) months, registered appraiser trainees will be required to attend an approved seven-hour USPAP Continuing Education Course or the equivalent. The course must cover the most recent USPAP edition. ()

i. If the licensee completes two (2) or more courses having substantially the same content during any one (1) continuing education cycle, the licensee only will receive continuing education credit for one (1) of the courses. ()

ii. Continuing education credit may be granted for participation in appraisal educational processes and programs, including: teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education, up to one-half (1/2) of total credits for renewal period. ()

d. An individual may only be registered as an appraiser trainee for a maximum period of five (5) years, unless approved by the Board. ()

- 05. Supervisory Appraiser.** ()
- a.** Qualifications. Hold a license in good standing with no disciplinary history in any jurisdiction that affected the Supervisory Appraiser's eligibility to engage in appraisal practice for at least three (3) years immediately prior to providing supervision; and ()
- i.** Completion of a course that complies with requirements established by the AQB focused on the responsibilities of a Supervisory Appraiser. ()
- ii.** Not supervise more than three (3) Appraiser Trainees at one time; ()
- iii.** Be responsible for the training and direct supervision of the Appraiser Trainee; and ()
- iv.** Accept responsibility for all Trainee Appraiser appraisal reports by signing and certifying that the report is in compliance with USPAP; and ()
- v.** Review and sign all appraiser trainee appraisal report(s); and ()
- vi.** Personally inspect each appraised property with the appraiser trainee until the Supervisory Appraiser determines the Appraiser Trainee is competent in accordance with the Competency Rule of USPAP for the property type. ()
- b.** An accurate, current and complete appraisal experience log shall be maintained by the Supervisory Appraiser and the Appraiser Trainee. ()
- c.** A Supervisory Appraiser may not continue to supervise if: ()
- i.** The appraiser ceases to meet supervisor requirements; or has ()
- ii.** Discipline that affects the Supervisory Appraiser's ability to engage in appraisal practice. ()
- 06. Licensed Residential Real Estate Appraiser.** Applies to the appraisal of residential real property consisting of one (1) to four (4) non-complex residential units having a transaction value less than one million dollars (\$1,000,000) and complex one (1) to four (4) residential units having a transaction value less than four hundred thousand dollars (\$400,000). Requirements: ()
- a.** Education. An applicant may either complete one hundred and fifty (150) qualified class hours as specified in the Required Core Curriculum, including the 15-Hour National USPAP course or, register as an Appraiser Trainee and complete seventy-five (75) classroom hours in: Residential Market Analysis and Highest and Best Use –fifteen (15) hours; Residential Appraiser Site Valuation and Cost Approach –fifteen (15) hours; Residential Sales Comparison and Income Approaches –thirty (30) hours; and Residential Report Writing and Case Studies –fifteen (15) hours. ()
- b.** Experience. Either: ()
- i.** One thousand (1,000) hours of experience in no less than six (6) months; or ()
- ii.** Successful completion of a Licensed Residential or Certified Residential PAREA program in accordance with Subsections 100.02.a. and c. of this rule. ()
- c.** Examination. Successful completion of the AQB-approved Licensed Residential or the successful completion of the Certified Residential or Certified General examination. ()
- 07. State Certified Residential Real Estate Appraiser.** Applies to the appraisal of residential properties of four (4) or less units without regard to value or complexity. Requirements: ()
- a.** Education. ()

- i. Bachelor's degree in any field of study from an accredited degree-granting college or university, or meet one of the following options: ()
- ii. Associate's degree in a field of study related to business administration, accounting, finance, economics or real estate; or ()
- iii. Completion of thirty (30) semester hours of college-level courses that cover each of the following specific topic areas and hours: English composition (three (3) semester hours), microeconomics (three (3) semester hours), macroeconomics (three (3) semester hours), finance (three (3) semester hours), algebra, geometry or higher mathematics (three (3) semester hours), statistics (three (3) semester hours), computer science (three (3) semester hours), business or real estate law (three (3) semester hours), and two (2) elective courses in any of the topics listed above or in accounting, geography, agricultural economics, business management, or real estate (three (3) semester hours each); or ()
- iv. Completion of at least thirty (30) semester hours of College Level Examination Program® (CLEP®) examinations from each of the following subject matter areas: college algebra (three (3) semester hours), college composition (six (6) semester hours), college composition modular (three (3) semester hours), college mathematics (six (6) semester hours), principles of macroeconomics (three (3) semester hours), principles of microeconomics (three (3) semester hours), introductory business law (three (3) semester hours), and information systems (three (3) semester hours), or ()
- v. Any combination of the above. ()
- b.** As an alternative to the requirements above, individuals who have held a Licensed Residential credential for a minimum of five (5) years may qualify if they do not have a record of any disciplinary action affecting their legal eligibility to engage in appraisal practice within the five (5) years immediately preceding the date of application. ()
- c.** Registration as an Appraiser Trainee and completion of the education required for licensure as a Licensed Residential Real Estate Appraiser, or hold a current license as a Licensed Residential Real Estate Appraiser; and; ()
- d.** Document the successful completion of not less than fifty (50) classroom hours of courses in subjects related to real estate appraisal as follows: ()
- i. Statistics, Modeling and Finance: not less than fifteen (15) hours; ()
- ii. Advanced Residential Applications and Case Studies: not less than fifteen (15) hours; and ()
- iii. Appraisal Subject Matter Electives: not less than twenty (20) hours. ()
- e.** Experience. Either: ()
- i. One thousand five hundred (1,500) hours of appraisal experience in no less than twelve (12) months, with at least one thousand two hundred (1,200) hours of the experience from residential field appraisal experience; or ()
- ii. Successful completion of a Certified Residential PAREA program in accordance with Subsections 100.02.a. and c. of this rule; or ()
- iii. Successful completion of a Licensed Residential PAREA program in accordance with Subsections 100.02.a. and c. of this rule and an additional five hundred (500) hours of appraisal experience. ()
- f.** Examination. Successful completion of the Certified Residential Appraiser examination approved by the Board pursuant to the guidelines of the AQB. ()

- 08. State Certified General Real Estate Appraiser.** Applicants must meet the following: ()
- a. Education** ()
 - i. Bachelor’s degree or higher from an accredited degree-granting college or university; and ()
 - ii. Document registration as an Appraiser Trainee and successful completion of not less than two hundred twenty-five (225) classroom hours of courses in: ()
 - iii. Statistics, Modeling and Finance: not less than fifteen (15) hours, specifically including Statistics; Valuation Models (AVM’s and Mass Appraisal), and Real Estate Finance; ()
 - iv. General Appraiser Market Analysis and Highest and Best Use: not less than thirty (30) hours; ()
 - v. General Appraiser Sales Comparison Approach: not less than thirty (30) hours, including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; ()
 - vi. General Appraiser Site Valuation and Cost Approach: not less than thirty (30) hours; ()
 - vii. General Appraiser Income Approach: not less than sixty (60) hours, specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; ()
 - viii. General Appraiser Report Writing and Case Studies: not less than thirty (30) hours, specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and ()
 - ix. Appraisal Subject Matter Electives: not less than thirty (30) hours; or ()
 - b. Completion of not less than one hundred fifty (150) classroom hours of courses in:** ()
 - i. Statistics, Modeling and Finance: not less than fifteen (15) hours, specifically including Statistics; Valuation Models (AVM’s and Mass Appraisal); and Real Estate Finance; and ()
 - ii. General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and ()
 - iii. General Appraiser Sales Comparison Approach: not less than fifteen (15) hours, specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and ()
 - iv. General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and ()
 - v. General Appraiser Income Approach: not less than forty-five (45) hours, specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and ()
 - vi. General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours, specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and ()
 - vii. Appraisal Subject Matter Electives: not less than thirty (30) hours, or completion of one hundred five (105) classroom hours of courses in: General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and General Appraiser Sales Comparison Approach: not less than fifteen (15) hours, including

Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and General Appraiser Income Approach: not less than forty-five (45) hours, including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours, including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies. ()

c. Experience. Either: ()

i. Three thousand (3,000) hours of appraisal experience in no less than eighteen (18) months. One thousand five hundred (1,500) hours of the experience must be non-residential appraisal experience. The balance of one thousand five hundred (1,500) hours may be solely residential experience or can include up to five hundred (500) hours of non-field experience; or ()

ii. Successful completion of a Certified Residential PAREA program in accordance with Subsections 100.02.a. and c. of this rule and an additional two thousand (2,000) hours of non-residential appraisal experience. ()

d. Examination. Successful completion of the Certified General Appraiser examination approved by the Board pursuant to the guidelines of the AQB. ()

09. Continuing Education. All certified/licensed appraisers must comply with the following requirements: ()

a. Twenty-eight (28) classroom hours of instruction in courses or seminars during the twenty-four (24) months prior to renewal. If the licensee completes two (2) or more courses having substantially the same content during anyone (1) continuing education cycle, the licensee only will receive continuing education credit for one (1) of the courses. ()

i. If the educational offering is taken in a virtual classroom, the course must include successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter. ()

ii. Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours. ()

iii. Credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the AQB and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board. Courses shall be approved for a period of four (4) years. ()

iv. Every twenty-four (24) months, Idaho State Certified/Licensed Real Estate Appraisers and registered trainees will be required to attend an approved seven (7) hour USPAP Continuing Education course covering the most recent edition, or the AQB approved equivalent. ()

v. Continuing education credit may be granted for participation, other than as a student, in appraisal educational processes and programs. Continuing education shall not exceed one-half (1/2) of the total continuing education credits required for a renewal period. ()

vi. Credit may be awarded for a single state appraisal regulatory meeting per continuing education cycle. The must be open to the public and must be a minimum of two (2) hours in length. The total credit cannot exceed seven (7) hours. ()

vii. Continuing education will be granted for successful completion of a course which meets the AQB content requirements of the Valuation Bias and Fair Housing Laws and Regulations Outline. ()

viii. For each year in which a license is inactive, fourteen (14) hours of continuing education must be

completed prior to reinstatement. For a license inactive for less than two (2) years, the hours must include the most recent seven (7) hour USPAP Continuing Education course. For a license inactive more than two (2) years but less than five (5) years, the hours must include the most recent fifteen (15) hour National USPAP course. ()

10. Temporary License. An individual may receive a permit to temporarily practice on a per appraisal assignment basis for not more than six (6) months. The applicant must be listed on the National Registry, maintained by the Appraisal Subcommittee, as current and in good standing and comply with Section 54-4115(3), Idaho Code. ()

[Agency redlined courtesy copy]

24.18.01 – RULES OF THE REAL ESTATE APPRAISER BOARD

250. **REQUIREMENTS FOR LICENSURE.**

All applicants for licensure must comply with the following requirements: in any real estate appraiser classification must comply with the following education, experience and examination requirements in addition to meeting those requirements set forth in Sections 275, 300, 350, and 400 below.()

01. Education. Classroom hours will be credited only for courses with content that follows the Required Core Curriculum as outlined by the AQB. Appraisal Qualification Board.()

a. Credit toward the classroom hour requirement may only be granted where:

i. The length of the educational offering is at least fifteen (15) hours, and the individual successfully completes a closed-book examination; or pertinent to the educational offering. In addition,

ii. A Trainee Appraiser successfully completes a course which meets the AQB content requirements of the Valuation Bias and Fair Housing Laws and Regulations Outline.

iii. Distance education courses intended for use as qualifying education must include a written, closed-book final examination - proctored by an official approved by the college or university or by the sponsoring organization. Biometric proctoring is acceptable. The term "written" as used herein refers to an exam that might be written on paper or administered electronically on a computer workstation or other device. Oral exams are not acceptable. The testing must be in compliance with the examination requirements of this section.()

b. Credit for the classroom hour requirement may be obtained from from Colleges or Universities; Community or Junior Colleges, the Appraisal Foundation or its boards; State or Federal Agencies or commissions; or other providers approved by the Board.()

i. Colleges or Universities.()

ii. Community or Junior Colleges.()

iii. Courses approved by the Appraisal Qualifications Board.()

iv. State or Federal Agencies or Commissions.()

v. Other providers approved by the Board.()

c. Only those courses completed preceding the date of application will be accepted for meeting educational requirements.()

d. Course credits that are obtained from the course provider by challenge examination without attending the course will not be accepted.()

~~e. Credit toward education requirements may be obtained through completion of a degree in Real Estate from: an accredited degree-granting college or university approved by the Association to Advance Collegiate Schools of Business, or a regional or national accreditation agency recognized by the US Secretary of Education whose curriculum has been reviewed and approved by the AOB. ()~~

~~i. An accredited degree-granting college or university that has been approved by the Association to Advance Collegiate Schools of Business; or ()~~

~~ii. A regional or national accreditation agency that is recognized by the U.S. Secretary of Education and whose curriculum has been reviewed and approved by the Appraiser Qualifications Board. ()~~

~~f. Applicants with a college degree from a foreign country may have their education evaluated for equivalency by one (1) of the following: ()~~

~~i. An accredited, degree-granting domestic college or university; ()~~

~~ii. The American Association of Collegiate Registrars and Admissions Officers (AACRAO); ()~~

~~iii. A foreign degree credential evaluation services company that is a member of the National Association of Credential Evaluation Services (NACES); or ()~~

~~iv. A foreign degree credential evaluation service company that provides equivalency evaluation, reports accepted by an accredited degree-granting domestic college or university or by a state licensing board that issues credentials in another discipline. ()~~

02. Experience. ()

~~a. The work product claimed for experience credit must be in conformity with USPAP. All appraisal experience must be obtained as a registered trainee, licensed or certified appraiser, or participant in an AOB approved PAREA program. For Registered Trainees, only experience gained during the five (5) years immediately preceding application will be considered. Each applicant must verify completion of the required experience on a Board approved form. An appraisal log that contains the following must be submitted: ()~~

~~b. All appraisal experience must be obtained as a registered trainee or as a licensed appraiser. At least five hundred (500) hours in no less than three (3) months must be obtained in Idaho pursuant to these rules. The Board will only consider experience from other jurisdictions with substantially equal requirements. ()~~

~~c. Only experience gained during the five (5) years immediately preceding application will be considered for evaluation. ()~~

~~d. Acceptable non field appraisal experience includes, but is not limited to the following: Fee and Staff appraisal analysis, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, review appraisal, real estate counseling, highest and best use analysis, and feasibility analysis/study. ()~~

~~e. Each applicant applying for licensure must verify completion of the required experience via affidavit, under oath subject to penalty of perjury, and notarized on a form provided by the Board. ()~~

~~i. The Board requires submission of a log that details hours claimed for experience credit. The log must include the following: ()~~

~~i. (1) Type of property; ()~~

~~ii. (2) Address of the property; ()~~

~~iii. (3) Report date; ()~~

~~iv. (4) Description of work performed by the trainee/applicant and scope of the review and supervision~~

- ~~of the Supervisory Appraiser;~~()
- ~~v. (5) Number of work hours by the trainee/applicant on the assignment;~~()
- ~~(6) Complexity;~~()
- ~~(7) Approaches to value;~~()
- ~~(8) Appraised value;~~()
- ~~(9) Scope of supervising appraiser's review; and~~()
- ~~vi. (10) Signature and license number of the supervising appraiser.~~()
- ~~ii. The Board reserves the right to contact an employer for confirmation of length and extent of experience claimed. This may require an employer to submit appraisal reports and/or an affidavit.~~()
- ~~iii. The Board may request submission of written reports or file memoranda that substantiate an applicant's claim for experience credit.~~()
- ~~b. f. Ad valorem tax appraisers must demonstrate the use of techniques to value properties similar to those used by appraisers and effectively use the process as defined in Subsection 010.056, Field Real Estate Appraisal Experience, in order to receive experience credit.~~()

~~03. Examination. Successful completion of an examination appropriate to the license classification being applied for and approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. A passing grade on an examination approved by the Board pursuant to the guidelines of the AQB.~~()

~~251.—274.(RESERVED)~~

~~275. REGISTERED TRAINEE REAL ESTATE APPRAISER.~~

~~041. Registered Real Estate Appraiser Trainee.~~

~~a. Qualifications. Each applicant for registration as an appraiser trainee must meet the following requirements: An applicant must have completed seventy-five (75) hours of qualifying education as specified in the Required Core Curriculum within the last five (5) years, consisting of not less than thirty (30) hours of Basic Appraisal Principles, including: not less than thirty (30) hours of Basis Appraisal Principles; fifteen (15) hour National USPAP course or AQB approved equivalent.~~()

~~a. Education. Within the five year period preceding application, all applicants for registration as a trainee must document completion of at least seventy-five (75) classroom hours of courses in subjects related to real estate appraisal as follows:~~()

~~i. Basic Appraisal Principles— not less than thirty (30) hours specifically including Real Property Concepts and Characteristics, Legal Considerations, Influences on Real Estate Values, Types of Value, Economic Principles, Overview of Real Estate Markets and Analysis, and Ethics and How They Apply in Appraisal Theory and Practice; and~~()

~~ii. Basic Appraisal Procedures— not less than thirty (30) hours specifically including Overview of Approaches to Value, Valuation Procedures, Property Description, and Residential Applications; and~~()

~~iii. National USPAP Course— not less than fifteen (15) hours.~~()

~~b. Appraisers holding a Licensed Residential Real Property Appraiser credential satisfy the educational requirements for the Trainee Appraiser credential.~~()

~~Experience. All applicants for registration as a trainee must retain and identify at least one (1) qualified supervisor as required by law and rule.()~~

~~**i.e.** Examination. Each trainee applicant shall pass the end of course document successful passage of examinations in each of the prerequisite courses in order to earn credit. required for registration as a trainee.()~~

~~**ii.d.** Prior to registration ~~as an appraiser trainee~~, each applicant trainee applicant must complete a trainee appraiser course that complies with the content requirements established by the AQB. Appraisal Qualifications Board. This course is in addition to the education requirements set forth in Section 275.()~~

~~**iii.02. Scope and Practice.** An Appraiser Trainee shall not be involved in the appraisal of any property that exceeds the lawful scope of practice of the Supervising Appraiser, and is subject to USPAP. The appraiser trainee shall be subject to USPAP.()~~

~~**iv.a.** Each appraiser trainee is permitted to have more than one (1) Supervisory Appraiser. An appraisal log shall be maintained jointly. ing appraiser provided a supervising appraiser is not registered to more than three (3) trainees at any one (1) time.()~~

~~**b.** An appraisal log shall be maintained for each supervising appraiser by the appraiser trainee and shall include no less than the requirements outlined in Subsection 250.02.e.i. for each appraisal.()~~

~~**e.** An appraiser trainee shall be entitled to obtain copies of all appraisal reports prepared by the trainee.()~~

~~**c.03. Continuing Education.** Prior to the second and subsequent renewals an appraiser trainee shall be required to obtain the equivalent of twenty-eight (28) classroom hours of instruction in approved courses or seminars.. Once every twenty-four (24) months, registered appraiser trainees will be required to attend an approved seven-hour USPAP Continuing Education Course or the equivalent. The course must cover the most recent USPAP edition. renewal and for each continuing education cycle thereafter as provided in Section 275 of this rule, an appraiser trainee shall be required to obtain:()~~

~~**a.** The equivalent of thirty (30) classroom hours of instruction in approved courses or seminars during the twenty-four (24) month period preceding the renewal. Once every twenty-four (24) months, registered appraiser trainees will be required to attend an approved seven-hour USPAP update course or the equivalent. The course must cover the most recent USPAP edition.()~~

~~**b.** All continuing education shall be in compliance with Subsections 401.01 through 401.05.
i. If the licensee completes two (2) or more courses having substantially the same content during any one (1) continuing education cycle, the licensee only will receive continuing education credit for one (1) of the courses. ()~~

~~**ii.e.** Continuing education credit may be granted for participation in appraisal educational processes and programs, including: teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education, up to one-half (1/2) of total credits for renewal period. also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. Credit for educational processes and programs continuing education shall not exceed one-half (1/2) of the total continuing education credits required for a renewal period.()~~

~~**d.** The purpose of continuing education is to ensure that the appraiser trainee participates in a program that maintains and increases skill, knowledge and competence in real estate appraising.()~~

~~**04. Renewal and Reinstatement.** An appraiser trainee shall renew their registration annually as set forth in Section 67-2614, Idaho Code, and may reinstate after expiration as provided in Section 67-2614, Idaho Code. Beginning July 1, 2017, an individual may only be registered as an appraiser trainee for a maximum period of five (5) years, unless approved by the Board for good cause.~~

d. An individual may only be registered as an appraiser trainee for a maximum period of five (5) years, unless approved by the Board. ()

276. REGISTERED TRAINEE SUPERVISORS.

~~054. Supervisory Appraiser. Registered Trainee Supervisor Requirements.~~ ()

a. Qualifications. Hold a license in good standing with no disciplinary history in any jurisdiction that affected the Supervisory Appraiser's eligibility to engage in appraisal practice for at least three (3) years immediately prior to providing supervision; and;
A supervising appraiser shall: ()

i. Hold a current Idaho license as a Certified Residential Appraiser or as a Certified General Appraiser when supervising a trainee registered in Idaho. ()

ii. Have held a current and unrestricted license as a Certified Residential Appraiser or a Certified General Appraiser for at least three (3) years prior to providing supervision; and; ()

iii. Submit evidence of completion of a course that complies with requirements established by the AQB focused on the responsibilities of a Supervisory Appraiser, approved four hour (4) continuing education course regarding the role of a supervising appraiser. ()

iv. Not have been disciplined by the Board or any other state or jurisdiction within the previous four (4) years; and ()

ii. v. Not supervise more than three (3) appraiser trainees at one time; and ()

iii. vi. Be responsible for the training and direct supervision of the appraiser trainee; and ()

iv. vii. Accept responsibility for all appraiser trainee appraisal reports by signing and certifying that the report is in compliance with USPAP; and ()

v. viii. Review and sign all appraiser trainee appraisal report(s); and ()

vi. ix. Personally inspect each appraised property with the appraiser trainee until the supervising appraiser determines the appraiser trainee is competent in accordance with the Competency Provision of USPAP for the property type. ()

b. An accurate, current and complete appraisal experience log shall be maintained jointly by the supervising appraiser and the appraiser trainee as outlined in Subsection 250.02.e.i. ()

c. A supervising appraiser may not continue to supervise if: ()

i. The appraiser ceases to meet supervisor requirements; or has ()

ii. The appraiser is disciplined, unless the board grants a waiver and a waiver may be subject to conditions set by the board. Discipline that affects the Supervisory Appraiser's ability to engage in appraisal practice. ()

~~**277. 299.(RESERVED)**~~

~~**300. LICENSED RESIDENTIAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA.**~~

~~The state licensed residential real estate appraiser classification applies to the appraisal of residential real property consisting of one (1) to four (4) non-complex residential units having a transaction value less than one million dollars (\$1,000,000) and complex one (1) to four (4) residential units having a transaction value less than two hundred fifty thousand dollars (\$250,000). Applicants must meet the following education, experience and examination~~

~~requirements in addition to complying with Section 250. Subsequent to being licensed, every licensee must annually meet the continuing education requirement.(—)~~

06. Licensed Residential Real Estate Appraiser. ~~Applies to the appraisal of residential real property consisting of one (1) to four (4) non-complex residential units having a transaction value less than one million dollars (\$1,000,000) and complex one (1) to four (4) residential units having a transaction value less than four hundred thousand dollars (\$400,000). Requirements:~~

~~**a01. Education.** An applicant may either complete one hundred and fifty (150) qualified class hours as specified in the Required Core Curriculum, including the 15-Hour National USPAP course or, register as an Appraiser Trainee and complete seventy-five (75) classroom hours in: Residential Market Analysis and Highest and Best Use –fifteen (15) hours; Residential Appraiser Site Valuation and Cost Approach –fifteen (15) hours; Residential Sales Comparison and Income Approaches –thirty (30) hours; and Residential Report Writing and Case Studies –fifteen (15) hours.(—)~~

~~As a prerequisite to taking the examination for licensure as an Idaho Licensed Residential Real Estate Appraiser, each applicant shall:(—)~~

- ~~a. Document registration as an Appraiser Trainee; and(—)~~
- ~~b. Document the successful completion of not less than seventy-five (75) classroom hours of courses in subjects related to real estate appraisal as follows:(—)~~
 - ~~i. Residential Market Analysis and Highest and Best Use— not less than fifteen (15) hours; and (—)~~
 - ~~ii. Residential Appraiser Site Valuation and Cost Approach— not less than fifteen (15) hours; and (—)~~
 - ~~iii. Residential Sales Comparison and Income Approaches— not less than thirty (30) hours specifically including: Valuation Principles and Procedures—Sales Comparison Approach; Valuation Principles and Procedures—Income Approach; Finance and Cash Equivalency; Financial Calculator Introduction; Identification, Derivation and Measurement of Adjustments; Gross Rent Multipliers; Partial Interests; Reconciliation; and Case Studies; and(—)~~
 - ~~iv. Residential Report Writing and Case Studies— not less than fifteen (15) hours specifically including: Writing and Reasoning Skills; Common Writing Problems; Form Reports; Report Options and USPAP Compliance; Case Studies.(—)~~

~~**02. Experience.** One thousand (1,000) hours of experience in no less than six (6) months. Prerequisite to sit for the examination:(—)~~

~~a. Document one thousand (1,000) hours of supervised appraisal experience as a registered Appraiser Trainee in no less than six (6) months. Experience documentation in the form of reports or file memoranda should be available to support the claim for experience.(—)~~

~~b. Of the required one thousand (1,000) hours, the applicant must accumulate a minimum of seven hundred fifty (750) hours from field real estate appraisal experience. The balance of two hundred fifty (250) hours may include non-field experience, refer to Subsection 250.02.d.(—)~~

PENDING TEXT 100.06.b. through 100.06.b.ii.

- ~~b. Experience. *Either:* (—)~~
- ~~i. One thousand (1,000) hours of experience in no less than six (6) months: ; or (—)~~
- ~~ii. *Successful completion of a Licensed Residential or Certified Residential PAREA program in*~~

accordance with Subsections 100.02.a. and c. of these rules.()

03. Examination. Successful completion of the AQB-approved Licensed Residential Appraiser examination the successful completion of the Certified Residential or Certified General examination approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board.()

~~301. 349.(RESERVED)~~

~~**350. CERTIFIED RESIDENTIAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA.**~~

~~The~~

~~**06. State Certified Residential Real Estate Appraiser.** classification A applies to the appraisal of residential properties of four (4) or less units without regard to transaction value or complexity. Applicants must meet the following education, experience and examination requirements in addition to complying with Section 250. Subsequent to being certified every licensee must annually meet the continuing education requirement.()~~

~~**a.01. Education.** As a prerequisite to taking the examination for licensure as an Idaho Certified Residential Real Estate Appraiser, each applicant shall:()~~

~~**i.** Hold a Bachelor's degree in any field of study from an accredited degree-granting college or university, or meet one of the following options:()~~

~~**ii.** Possession of an Associate's degree in a field of study related to business administration, accounting, finance, economics or real estate; or()~~

~~**iii.** Successful eCompletion of thirty (30) semester hours of college-level courses that cover each of the following specific topic areas and hours: English composition (three (3) semester hours), microeconomics (three (3) semester hours), macroeconomics (three (3) semester hours), finance (three (3) semester hours), algebra, geometry or higher mathematics (three (3) semester hours), statistics (three (3) semester hours), computer science (three (3) semester hours), business or real estate law (three (3) semester hours), and two (2) elective courses in any of the topics listed above or in accounting, geography, agricultural economics, business management, or real estate (three (3) semester hours each); or()~~

~~**iv. iii.** Successful eCompletion of at least thirty (30) semester hours of College Level Examination Program® (CLEP®) examinations from each of the following subject matter areas: college algebra (three (3) semester hours), college composition (six (6) semester hours), college composition modular (three (3) semester hours), college mathematics (six (6) semester hours), principles of macroeconomics (three (3) semester hours), principles of microeconomics (three (3) semester hours), introductory business law (three (3) semester hours), and information systems (three (3) semester hours), or()~~

~~**iv.** Any combination of the above criteria (within Subsections 350.01.a.ii. and 350.01.a.iii. of these rules) that ensures coverage of all topics and hours identified in Subsection 350.01.a.ii.()~~

~~**b.** As an alternative to the requirements in Subsection 350.01.a., above, individuals who have held a Licensed Residential credential for a minimum of five (5) years may qualify if they do not have a record of any disciplinary action affecting their legal eligibility to engage in appraisal practice within the five (5) years immediately preceding the date of application. as meeting the requirements of Subsection 350.01.a., if it is established that there is no record of any adverse, final, and non appealable disciplinary action affecting the Licensed Residential appraiser's legal eligibility to engage in appraisal practice within the five (5) years immediately preceding the date of application for a Certified Residential license.()~~

~~**c.** Document registration as an Appraiser Trainee and completion of the education required for licensure as a Licensed Residential Real Estate Appraiser, or hold a current license as a Licensed Residential Real Estate Appraiser; and()~~

~~**d.** Document the successful completion of not less than fifty (50) classroom hours of courses in~~

subjects related to real estate appraisal as follows:()

- i. Statistics, Modeling and Finance: not less than fifteen (15) hours, ~~specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and~~()
- ii. Advanced Residential Applications and Case Studies: not less than fifteen (15) hours, ~~specifically including Complex Property, Ownership and Market Conditions; Deriving and Supporting Adjustments; Residential Market Analysis; and Advanced Case Studies; and~~()
- iii. Appraisal Subject Matter Electives: not less than twenty (20) hours, ~~and may include hours over the minimum shown in Subsection 350.01.d. of these rules.~~()

~~**c02. Experience.** One thousand five hundred (1,500) hours of appraisal experience in no less than twelve (12) months, with at least one thousand two hundred (1,200) hours of the experience from residential field appraisal experience. Experience is a prerequisite to sit for the licensure examination:()~~

~~**a:** Document one thousand five hundred (1,500) hours of appraisal experience in no less than twelve (12) months (see Subsection 250.02). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience.()~~

~~**b:** One thousand two hundred (1,200) hours of the experience shall be from residential field appraisal experience. The balance of three hundred (300) hours may include non-field experience, refer to Subsection 250.02.d. ()~~

PENDING TEXT 100.07.e. through 100.07.e.iii.

e. Experience. Either: ()

i. One thousand five hundred (1,500) hours of appraisal experience in no less than twelve (12) months, with at least one thousand two hundred (1,200) hours of the experience from residential field appraisal experience: ; or ()

ii. Successful completion of a Certified Residential PAREA program in accordance with Subsections 100.02.a. and c. of these rules; or ()

iii. Successful completion of a Licensed Residential PAREA program in accordance with Subsections 100.02.a. and c. of these rules and an additional five hundred (500) hours of appraisal experience. ()

fe. **Examination.** Successful completion of the Certified Residential Appraiser examination approved by the Board pursuant to the guidelines of the ~~AQB. Appraisal Qualifications Board.~~()

~~351. — 399. (RESERVED)~~

~~**400. CERTIFIED GENERAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA.**~~

~~The State Certified General Real Estate Appraiser classification applies to the appraisal of all types of real property. Applicants must meet the following examination, education, and experience requirements in addition to complying with Section 250. Subsequent to being certified, an individual must meet the continuing education requirement. ()~~

~~**071. State Certified General Real Estate Appraiser. Applicants must meet the following:**~~

~~**a.** **Education.** As a prerequisite to taking the examination for licensure as an Idaho Certified General Real Estate Appraiser, each applicant shall:()~~

~~ia.~~ ~~Hold a~~ Bachelor's degree or higher from an accredited degree-granting college or university ~~and document two hundred twenty-five (225) in ; and~~()

PENDING TEXT 100.08.a.i.

i. Bachelor's degree or higher from an accredited degree-granting college or university; ~~and document two hundred and twenty five (225) classroom hours or~~()

~~ii.b.~~ Document registration as an Appraiser Trainee and document the successful completion of not less than two hundred twenty-five (225) classroom hours of courses in subjects related to real estate appraisal as follows:
()

~~iii. i.~~ Statistics, Modeling and Finance: not less than fifteen (15) hours, specifically including Statistics; Valuation Models (AVM's and Mass Appraisal), and Real Estate Finance;()

~~iv. ii.~~ General Appraiser Market Analysis and Highest and Best Use: not less than thirty (30) hours;
()

~~v. iii.~~ General Appraiser Sales Comparison Approach: not less than thirty (30) hours, specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies;
()

~~vi. iv.~~ General Appraiser Site Valuation and Cost Approach: not less than thirty (30) hours;()

~~vii. v.~~ General Appraiser Income Approach: not less than sixty (60) hours, specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies;()

~~viii. vi.~~ General Appraiser Report Writing and Case Studies: not less than thirty (30) hours, specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and()

~~ix. vii.~~ Appraisal Subject Matter Electives: not less than thirty (30) hours, ~~and may include hours over the minimum shown in Subsection 400.01.b. of these rules;~~ or()

~~b.e.~~ ~~Document licensure as a Licensed Residential Real Estate Appraiser and the successful~~ Completion of not less than one hundred fifty (150) classroom hours of courses in subjects related to real estate appraisal as follows:()

i. Statistics, Modeling and Finance: not less than fifteen (15) hours, specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and()

ii. General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and
()

iii. General Appraiser Sales Comparison Approach: not less than fifteen (15) hours, specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and
()

iv. General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and()

v. General Appraiser Income Approach: not less than forty-five (45) hours, specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating

Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and ()

vi. General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours, specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and ()

vii. Appraisal Subject Matter Electives: not less than thirty (30) hours, or completion of one hundred five (105) classroom hours of courses in: General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and General Appraiser Sales Comparison Approach: not less than fifteen (15) hours, including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and General Appraiser Income Approach: not less than forty-five (45) hours, including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours, including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and may include hours over the minimum shown in Subsection 400.01.e.; or()

~~d. Document licensure as a Certified Residential Real Estate Appraiser and the successful completion of not less than one hundred five (105) classroom hours of courses in subjects related to real estate appraisal as follows: ()~~

~~i. General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and ()~~

~~ii. General Appraiser Sales Comparison Approach: not less than fifteen (15) hours, specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and ()~~

~~iii. General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and()~~

~~iv. General Appraiser Income Approach: not less than forty five (45) hours, specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and ()~~

~~v. General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours, specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies. ()~~

c 02. Experience. Three thousand (3,000) hours of appraisal experience in no less than eighteen (18) months. One thousand five hundred (1,500) hours of the experience must be non-residential appraisal experience. The balance of one thousand five hundred (1,500) hours may be solely residential experience or can include up to five hundred (500) hours of non-field experience.. ~~xperience is a prerequisite to sit for the licensure examination:()~~

~~a. Document three thousand (3,000) hours of appraisal experience in no less than eighteen (18) months (See Subsection 250.02). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience.()~~

~~b. One thousand five hundred (1,500) hours of the experience must be non-residential appraisal experience. The balance of one thousand five hundred (1,500) hours may be solely residential experience or can include up to five hundred (500) hours of non-field experience as outlined in Subsection 250.02.d.()~~

PENDING TEXT 100.08.c. through 100.08.c.ii.

c. Experience. *Either:* ()

i. Three thousand (3,000) hours of appraisal experience in no less than eighteen (18) months. One thousand five hundred (1,500) hours of the experience must be non-residential appraisal experience. The balance of one thousand five hundred (1,500) hours may be solely residential experience or can include up to five hundred (500) hours of non-field experience. *or* ()

ii. *Successful completion of a Certified Residential PAREA program in accordance with Subsections 100.02.a. and c. of these rules and an additional two thousand (2,000) hours of non-residential appraisal experience.* ()

de. **Examination.** Successful completion of the Certified General Appraiser examination approved by the Board pursuant to the guidelines of the AQB. Appraisal Qualifications Board. ()

401. CONTINUING EDUCATION.

~~All certified/licensed appraisers must comply with the following continuing education requirements:()~~

08. Continuing Education.

~~**1. Purpose of Continuing Education.** The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his skill, knowledge and competency in real estate appraising.()~~

~~**a. 02. Hours Required.** The equivalent of thirty (30) **Twenty-eight (28)** classroom hours of instruction in courses or seminars during the twenty-four (24) months prior to renewal is required. If the licensee completes two (2) or more courses having substantially the same content during any one (1) continuing education cycle, the licensee only will receive continuing education credit for one (1) of the courses.()~~

~~**ia.** If the educational offering is taken on-line or in a virtual classroom, the course must include successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter. ()~~

~~**ii.b.** Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours.()~~

~~**iiie.** Credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the AQB and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board. Courses shall be approved for a period of four (4) years. ~~Appraisal Qualifications Board and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho.~~ All other courses must have approval of the Board, which shall require the continuing education provider to submit the educational course approval application and application fee as set forth in these rules along with the documentation including the instructors and their qualifications, course content, length of course, and its location. Courses shall be approved for a period of four (4) years.()~~

~~**ivd.** ~~Once e~~Every twenty-four (24) months, Idaho State Certified/Licensed Real Estate Appraisers and registered trainees will be required to attend an approved seven (7) hour USPAP Continuing Education course covering the most recent edition, or the AQB approved equivalent. ~~update course or the equivalent. The course must cover the most recent USPAP edition.~~()~~

~~**v03. Credit for Appraisal Educational Processes and Programs.** Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar~~

~~activities which are determined to be equivalent to obtaining continuing education. Credit for educational processes and programs.~~ Continuing education shall not exceed one-half (1/2) of the total continuing education credits required for a renewal period.()

~~vi. Credit may be awarded for a single state appraisal regulatory meeting per continuing education cycle. The must be open to the public and must be a minimum of two (2) hours in length. The total credit cannot exceed two (2) hours.()~~

PENDING TEXT 100.09.a.vi.

vi. Credit may be awarded for a single state appraisal regulatory meeting per continuing education cycle. The must be open to the public and must be a minimum of two (2) hours in length. The total credit cannot exceed ~~two~~ seven (27) hours.()

~~vii. Continuing education will be granted for successful completion of a course which meets the AQB content requirements of the Valuation Bias and Fair Housing Laws and Regulations Outline.~~

~~viii. For each year in which a license is inactive, fourteen (14) hours of continuing education must be completed prior to reinstatement. For a license inactive for less than two (2) years, the hours must include the most recent seven (7) hour USPAP Continuing Education course. For a license inactive more than two (2) years but less than five (5) years, the hours must include the most recent fifteen (15) hour National USPAP course.~~

~~09. Temporary License. An individual may receive a permit to temporarily practice on a per appraisal assignment basis for not more than six (6) months. The applicant must be listed on the National Registry, maintained by the Appraisal Subcommittee, as current and in good standing and comply with Section 54-4115(3), Idaho Code.()~~

~~04. Credit for Attending the Licensure Board Meetings. Continuing education credit may be granted for a maximum of two (2) hours each continuing education cycle for time spent attending one (1) Board meeting. Members of the board shall not be entitled to continuing education credit for board service.()~~

~~05. Requirement When a Certificate/License Is Canceled. For each year (less than five (5)) in which a license is lapsed, canceled, or otherwise non-renewed, fifteen (15) hours of continuing education must be documented, including a seven (7) hour USPAP update course, prior to reinstatement. The course must cover the most recent USPAP edition.()~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.31.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 24-3101-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2604, Idaho Code, and Sections 54-902, 54-902A, 54-903, 54-906, 54-906A, 54-912, 54-915, 54-916, 54-918, 54-920, 54-924, 54-936, 67-2614, 67-9406, and 67-9409, 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:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Board of Dentistry is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government.

Finding that the ADA guidelines for use of sedation, where not otherwise covered by the Board's existing rules, would impose greater restrictions on Idaho dentists, the Board eliminated those guidelines, including references throughout the chapter. Certain scrivener's errors were corrected, including eliminating a reference to "extended access" in the dental hygiene practice section and updating a reference in the dental therapy practice section from Rule 35 to Rule 200.04, as it had been redesignated in the proposed rules. In response to stakeholder feedback, the Board also amended "trained" to "educated and trained" and removed "at the supervision level set by the dentist" in the rules governing dental hygiene practice, and the Board eliminated gendered language throughout. Finally, Section 67-5229, Idaho Code, requires agencies to identify materials incorporated by reference with specificity, including the date when the material was published. To correct these errors and omissions from the proposed rule, 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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 341–364](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these rules are authorized in Section 54-916, Idaho Code. None of these fees are being changed as a result of this rulemaking or since they were previously reviewed by the Idaho Legislature.

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 not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

DOCKET NO. 24-3101-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 341 through 364.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3101-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

24.31.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

(BREAK IN CONTINUITY OF SECTIONS)

002. INCORPORATION BY REFERENCE.

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents available on the Board's website: ()

- 01. Professional Standards. ()**
- a. AAOMS, Office Anesthesia Evaluation Manual, 8th Edition, 2012. ()**
- b. CDC, Guidelines for Infection Control in Dental Health-Care Settings, 2003. ()**
- c. ADA, Principles of Ethics, Code of Professional Conduct and Advisory Opinions, January 2009. ()**

- d. ADHA Hygienists' Association, Standards for Clinical Dental Hygiene Practice, 2016. ()

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSURE

01. Requirements For Licensure. ()

a. Applicants for licensure must furnish proof of graduation from a program in dentistry, dental hygiene, or dental therapy accredited by CODA at the time of applicant's graduation. ()

b. Applicants for initial licensure will provide proof of current BLS certification. Practicing licensees must maintain current BLS certification. ()

02. Examinations For Licensure. ()

a. Written Examination. Applicants for dentistry and dental hygiene are required to pass the INBDE or NBDHE. Dental therapists must successfully complete a board-approved written examination. ()

b. Clinical Examination. Applicants for general dentistry, dental hygiene or dental therapy are required to pass a Board-approved clinical examination upon such subjects as specified by the Board. Applicants for dental hygiene and dental therapy must pass a board-approved clinical local anesthesia examination. Clinical examination results will be valid for licensure by examination for a period of (5) five years from the date of successful completion of the examination. ()

03. Dental Hygienists – License Endorsements. The Board may grant license endorsements to qualified dental hygienists as follows: ()

a. Restorative Endorsement. Notwithstanding any other provision of these rules, a qualified dental hygienist holding a restorative endorsement may perform specified restorative functions under the direct supervision of a dentist. Permissible restorative functions under this endorsement are limited to the placement of a direct restoration into a tooth prepared by a dentist and the carving, contouring and adjustment of the contacts and occlusion of the restoration. Upon application, the Board may grant a restorative endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that the following requirements are met: ()

i. The person has successfully completed a clinical restorative examination approved by the Board; and ()

ii. The person has not been disciplined by the Board or another licensing authority. ()

b. Renewal. A person meeting all other requirements for renewal of a license to practice dental hygiene is also entitled to renewal of a license endorsement for the effective period of the license. An endorsement immediately expires and is cancelled at such time as a person no longer holds an unrestricted active status dental hygienist's license issued by the Board. ()

04. Licensure Of Dental Specialists. ()

a. Requirements for Specialty Licensure. Each applicant for specialty licensure must have graduated from a CODA accredited dental school and successfully completed a CODA accredited postdoctoral advanced dental education program of at least two full-time academic years. ()

b. Examination. Examination requirements for applicants who have met the requirements for licensure as a specialist: ()

- i. Passed a general licensure examination acceptable to the Board or, ()
- ii. If passed a general licensure examination not acceptable to the Board, passed a specialty examination or, ()
- iii. Be certified by the American Board of that particular specialty as of the date of application for specialty licensure. ()

05. Moderate Sedation, General Anesthesia And Deep Sedation. Dentists licensed in the state of Idaho may administer moderate sedation, general anesthesia, or deep sedation once they have obtained a permit from the Board. A dentist may not administer moderate sedation to children under sixteen (16) years of age and one hundred (100) pounds unless they have qualified for and been issued a moderate parenteral sedation permit. A moderate enteral sedation permit authorizes dentists to administer sedation by either enteral or combination inhalation-ental routes of administration. A moderate parenteral, general anesthesia, or deep sedation permit authorizes a dentist to administer sedation by any route of administration. The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of moderate sedation, general anesthesia, or deep sedation and providing the equipment, drugs and protocol for patient rescue. ()

a. Training Requirements. For Moderate Sedation Permits, completion of training in the administration of moderate sedation to a level consistent with requirements established by the Board within the five (5) year period immediately prior to the date of application. For General Anesthesia and Deep Sedation Permits, completion of an advanced education program accredited by CODA that affords comprehensive training necessary to administer and manage deep sedation or general anesthesia within the five (5) year period immediately preceding the date of application. The five (5) year requirement is not applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the application date. Qualifying training courses must be sponsored by or affiliated with a dental school accredited by CODA, or be approved by the Board. ()

b. Permit Renewal. Before the expiration date of a permit, the board will provide notice of renewal to the licensee. Failure to timely submit a renewal application and permit fee shall result in expiration of the permit and termination of the licensee's right to administer sedation. Failure to submit a complete renewal application and permit fee within thirty (30) days of expiration of the permit shall result in cancellation of the permit. Renewal of the permit will be required every five (5) years. Proof of a minimum of twenty-five (25) continuing education credit hours in sedation which may include training in medical/office emergencies will be required to renew a permit. ()

c. Reinstatement. A dentist may apply for reinstatement of a canceled or surrendered permit issued by the Board within five (5) years of the date of the permit's cancellation or surrender. Applicants for reinstatement of a sedation permit must satisfy the facility and personnel requirements and verify they have obtained an average of five (5) continuing education credit hours in sedation for each year subsequent to the date upon which the permit was canceled or surrendered. A fee for reinstatement will be assessed. ()

06. Continuing Education Requirements. A licensee renewing an active status license shall report 30 oral health/health-related continuing education hour credits to the Board of verifiable CE or volunteer practice. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Dental Hygienists – Practice. Dental hygienists are authorized under the supervision of a licensed dentist to perform dental hygiene services for which they are educated and trained unless prohibited by these rules. ()

02. Dental Hygienists – Prohibited Practice. ()

- a. Diagnosis and Treatment. Definitive diagnosis and dental treatment planning. ()
 - b. Operative Preparation. The operative preparation of teeth for the placement of restorative materials. ()
 - c. Intraoral Placement or Carving. The intraoral placement or carving of restorative materials unless authorized by issuance of a restorative endorsement. ()
 - d. Anesthesia. Administration of any general anesthesia or moderate sedation. ()
 - e. Final Placement. Final placement of any fixed or removable appliances. ()
 - f. Final Removal. Final removal of any fixed appliance. ()
 - g. Cutting Procedures. Cutting procedures utilized in the preparation of the coronal or root portion of the tooth, or cutting procedures involving the supportive structures of the tooth. ()
 - h. Root Canal. Placement of the final root canal filling. ()
 - i. Occlusal Equilibration Procedures. Occlusal equilibration procedures for any prosthetic restoration, whether fixed or removable. ()
 - j. Other Final Placement. Final placement of prefabricated or cast restorations or crowns. ()
- 03. Dental Assistants – Practice.** Dental assistants are authorized to perform dental services for which they are trained unless prohibited by these rules. Dental assistants must be directly supervised by a dentist when performing intraoral procedures except when providing palliative care as directed by the supervising dentist. ()
- a. Prohibited Duties. A dental assistant is prohibited from performing the following duties: ()
 - i. The intraoral placement or carving of permanent restorative materials. ()
 - ii. Any irreversible procedure. ()
 - iii. The administration of any sedation or local injectable anesthetic. ()
 - iv. Removal of calculus. ()
 - v. Use of an air polisher. ()
 - vi. Any intra-oral procedure using a high-speed handpiece, except for the removal of orthodontic cement or resin. ()
 - vii. Any dental hygiene prohibited duty. ()
- 04. Dental Therapists – Practice.** Dental therapists are authorized to perform activities specified by the supervising dentist who practices in the same practice setting in conformity with a written collaborative practice agreement at the supervision levels set forth in the agreement. ()
- 05. Dental Therapists – Prohibited Practice.** ()
- a. Sedation. Administration of minimal, moderate or deep sedation or general anesthesia except as otherwise allowed by these rules; ()
 - b. Cutting Procedures. Cutting procedures involving the supportive structures of the tooth including both the soft and hard tissues. ()

- c. Periodontal Therapy. Periodontal scaling and root planing, including the removal of subgingival calculus. ()
- d. All Extractions with Exception. All extractions except: ()
 - i. Under direct supervision. ()
 - ii. Non-surgical extractions. ()
- e. Under general supervision or as specified in Subsection 200.04. ()
 - i. Removal of periodontally diseased teeth with class III mobility. ()
 - ii. Removal of coronal remnants of deciduous teeth. ()
- f. Root Canal Therapy. ()
- g. All Fixed and Removable Prosthodontics (except stainless steel crowns). ()
- h. Orthodontics. ()

06. Limitation of Practice. No dentist may announce or otherwise hold himself out to the public as a specialist unless he has been issued a specialty license. Any individual granted a specialty license must limit his practice to the specialty(s) in which he is licensed. ()

07. Specialty Advertising. The specialty advertising rules are intended to allow the public to be informed about dental specialties and to require appropriate disclosures to avoid misperceptions on the part of the public. An advertisement may not state that a licensee is a specialist unless the licensee has been granted a license in that specialty area of dental practice by the Board. A licensee who has not been granted a specialty license by the Board may advertise as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the licensee is “licensed as a general dentist”. A licensee may not advertise as being a specialist in or as specializing in any area of dental practice which is not a Board recognized and licensed specialty area unless the advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the advertised area of dental practice is not recognized as a specialty area of dental practice by the Idaho Board of Dentistry. Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area. ()

08. Patient Records. A record must be maintained for each person receiving dental services, regardless of whether any fee is charged. Records must be in the form of an acronym such as “PARQ” (Procedure, Alternatives, Risks and Questions) or “SOAP” (Subjective Objective Assessment Plan) or their equivalent. Patient records must be maintained for no less than seven (7) years from the date of last entry unless: the patient requests the records be transferred to another dentist who will maintain the records, the dentist gives the records to the patient, or the dentist transfers the dentist's practice to another dentist who will maintain the records. ()

09. Infection Control. Licensees and dental assistants must comply with current CDC infection control guidelines related to personal protective equipment, instrument sterilization, sterilizing device testing, disinfection of non-critical and clinical contact surfaces, and contaminated waste disposal. Heat sterilizing devices must be tested each calendar week in which patients are treated. Testing results must be retained by the licensee for the current calendar year and the two preceding calendar years. ()

10. Emergency Medications Or Drugs. The following emergency medications or drugs are required in all sites where anesthetic agents of any kind are administered: anti-anaphylactic agent, antihistaminic, aspirin, bronchodilator, coronary artery vasodilator, and glucose. ()

11. Local Anesthesia. Dental offices in which local anesthesia is administered to patients shall, at a minimum, have and maintain suction equipment capable of aspirating gastric contents from the mouth and pharynx, a portable oxygen delivery system including full face masks and a bag-valve mask combination capable of delivering

positive pressure, oxygen-enriched ventilation to the patient, a blood pressure cuff of appropriate size and a stethoscope. ()

12. Nitrous Oxide/Oxygen. Persons licensed to practice and dental assistants trained in accordance with these rules may administer nitrous oxide/oxygen to patients. Dental offices where nitrous oxide/oxygen is administered to patients must have the following: a fail-safe nitrous oxide delivery system that is maintained in working order; a scavenging system; and a positive-pressure oxygen delivery system suitable for the patient being treated. ()

13. Minimal Sedation. Persons licensed to practice dentistry may administer minimal sedation to patients of sixteen (16) years of age or older. When the intent is minimal sedation, the appropriate dosing of a single enteral drug is no more than the maximum FDA-recommended dose for unmonitored home use. In cases where the patient weighs less than one hundred (100) pounds, or is under the age of sixteen (16) years, minimal sedation may be administered without a permit by use of nitrous oxide, or with a single enteral dose of a sedative agent administered in the dental office. ()

14. Use Of Other Anesthesia Personnel. A dentist who does not hold a sedation permit may perform dental procedures in a dental office on a patient who receives sedation induced by an anesthesiologist, a certified registered nurse anesthetist, or another dentist with a sedation permit. The qualified sedation provider who induces sedation will monitor the patient's condition until the patient is discharged. The sedation record must be maintained in the patient's dental record and is the responsibility of the dentist who is performing the dental procedures. A dentist who intends to use the services of a qualified sedation provider must notify the Board in writing of his intent. Such notification need only be submitted once every licensing period. ()

15. Incident Reporting. Dentists must report to the Board, in writing, within seven (7) days after the death or transport to a hospital or emergency center for medical treatment for a period exceeding twenty-four (24) hours of any patient. ()

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. Suspension, Revocation Or Restriction Of Sedation Permit. The Board may, at any time and for just cause, institute proceedings to revoke, suspend, or otherwise restrict a sedation permit. If the Board determines that emergency action is necessary to protect the public, summary suspension may be ordered pending further proceedings. Proceedings to suspend, revoke or restrict a permit shall be subject to applicable statutes and rules governing administrative procedures before the Board. ()

02. Unprofessional Conduct. A licensee shall not engage in unprofessional conduct in the course of their practice. Unprofessional conduct by a person licensed under the provisions of Title 54, Chapter 9, Idaho Code, is defined as, but not limited to, any of the following: ()

a. Fraud. Obtaining fees by fraud or misrepresentation, or over-treatment either directly or through an insurance carrier. ()

b. Unlicensed Practice. Employing directly or indirectly any suspended or unlicensed individual as defined in Title 54, Chapter 9, Idaho Code. ()

c. Unlawful Practice. Aiding or abetting licensed persons to practice unlawfully. ()

d. Dividing Fees. A dentist shall not divide a fee for dental services with another party, who is not a partner or associate in their practice of dentistry, unless: ()

i. The patient consents to employment of the other party after a full disclosure that a division of fees will be made; ()

ii. The division is made in proportion to the services performed and responsibility assumed by each

dentist or party. ()

e. Prescription Drugs. Prescribing or administering prescription drugs not reasonably necessary for, or within the scope of, providing dental services for a patient. A dentist may not prescribe or administer prescription drugs to himself. A dentist shall not use controlled substances as an inducement to secure or maintain dental patronage or aid in the maintenance of any person's drug addiction by selling, giving or prescribing prescription drugs. ()

f. Harassment. The use of threats or harassment to delay or obstruct any person in providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of Title 54, Chapter 9, Idaho Code, or the Board's Rules, or to aid in such compliance. ()

g. Discipline in Other States. Conduct themselves in such manner as results in a suspension, revocation, or other disciplinary proceedings with respect to their license in another state. ()

h. Altering Records. Alter a patient's record with intent to deceive. ()

i. Office Conditions. Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental profession in the state of Idaho and CDC guidelines as incorporated by reference in these rules. ()

j. Abandonment of Patients. Abandonment of patients by licensees before the completion of a phase of treatment, as such phase of treatment is contemplated by the customary practice and standards of the dental profession in the state of Idaho, without first advising the patient of such abandonment and of further treatment that is necessary. ()

k. Use of Intoxicants. Practicing while under the influence of an intoxicant or controlled substance where the same impairs the licensee's ability to practice with reasonable and ordinary care. ()

l. Mental or Physical Condition. The inability to practice with reasonable skill and safety to patients by reason of age, illness, or as a result of any mental or physical condition. ()

m. Consent. Revealing personally identifiable facts, data or information obtained in a professional capacity without prior consent of the patient, except as authorized or required by law. ()

n. Scope of Practice. Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities that the licensee knows or has reason to know that he or she is not competent to perform. ()

o. Delegating Duties. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or with the exercise of reasonable care and control should know, that such a person is not qualified by training or by licensure to perform them. ()

p. Unauthorized Treatment. Performing professional services that have not been authorized by the patient or his legal representative. ()

q. Supervision. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed professional. ()

r. Legal Compliance. Failure to comply with any provisions of federal, state or local laws, statutes, rules, and regulations governing or affecting the practice of dentistry, dental hygiene, or dental therapy. ()

s. Exploiting Patients. Exercising undue influence on a patient in such manner as to exploit a patient for the financial or personal gain of a practitioner or of a third party. ()

t. Misrepresentation. Willful misrepresentation of the benefits or effectiveness of dental services.

()

u. Disclosure. Failure to advise patients or their representatives in understandable terms of the treatment to be rendered, alternatives, the name and professional designation of the provider rendering treatment, and disclosure of reasonably anticipated fees relative to the treatment proposed. ()

v. Sexual Misconduct. Making suggestive, sexual or improper advances toward any person or committing any lewd or lascivious act upon or with any person in the course of dental practice. ()

w. Patient Management. Use of unreasonable and/or damaging force to manage patients, including but not limited to hitting, slapping or physical restraints. ()

x. Compliance Professional Standards. Failure to comply with professional standards applicable to the practice of dentistry, dental hygiene, or dental therapy as incorporated by reference in this chapter. ()

y. Failure to Provide Records to a Patient or Patient's Legal Guardian. Refusal or failure to provide a patient or patient's legal guardian with records within five (5) business days. A patient or patient's legal guardian may not be denied a copy of his records for any reason, regardless of whether the person has paid for the dental services rendered. A person may be charged for the actual cost of providing the records but in no circumstances may a person be charged an additional processing or handling fee or any charge in addition to the actual cost. ()

z. Failure to Cooperate with Authorities. Failure to cooperate with authorities in the investigation of any alleged misconduct or interfering with a Board investigation by willful misrepresentation of facts, willful failure to provide information upon request of the Board, or the use of threats or harassment against any patient or witness to prevent them from providing evidence. ()

aa. Advertising. Advertise in a way that is false, deceptive, misleading or not readily subject to verification. ()

[Agency redlined courtesy copy]

24.31.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

PENDING TEXT 002

002. INCORPORATION BY REFERENCE.

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the ~~most recent and updated~~ following documents available on the Board's website: ()

01. Professional Standards. ()

a. AAOMS, Office Anesthesia Evaluation Manual, 8th Edition, 2012. ()

b. CDC, Guidelines for Infection Control in Dental Health-Care Settings, 2003. ()

~~**e.** ADA, Guidelines for Use of Sedation and General Anesthesia by Dentists.~~ ()

~~**d.c.** ADA, Principles of Ethics, Code of Professional Conduct and Advisory Opinions, January 2009.~~ ()

~~**e.d.** ADHA Hygienists' Association, Standards for Clinical Dental Hygiene Practice, 2016.~~ ()

012. EXAMINATIONS FOR LICENSURE.

01. Written Examination. ~~Successful completion of the NBDE may be required of all applicants for a license to practice dentistry or a dental specialty. Successful completion of the NBDHE may be required of all applicants for a license to practice dental hygiene. Applicants for dentistry and dental hygiene are required to pass the INBDE or NBDHE.~~ Dental therapists must successfully complete a board-approved written examination. ~~Any other written examination will be specified by the Board.~~()

02. Clinical Examination. ~~All~~ Applicants for ~~a license to practice~~ general dentistry, dental hygiene or dental therapy are required to pass a Board-approved clinical examination upon such subjects as specified by the Board. Applicants for dental hygiene and dental therapy ~~licensure~~ must pass a board-approved clinical local anesthesia examination. Clinical examination results will be valid for licensure by examination for a period of (5) five years from the date of successful completion of the examination.()

013. REQUIREMENTS FOR LICENSURE.

Applicants for licensure ~~to practice dentistry~~ must furnish proof of graduation from a school of dentistry program in dentistry, dental hygiene, or dental therapy accredited by CODA at the time of applicant's graduation. ~~Applicants for licensure to practice dental hygiene must furnish proof of graduation from a dental hygiene program accredited by CODA at the time of applicant's graduation. Applicants for licensure to practice dental therapy must furnish proof of graduation from a dental therapy program accredited by CODA at the time of applicant's graduation.~~(—)

014. REQUIREMENT FOR BLS.

Applicants for initial licensure will provide proof of current BLS certification. Practicing licensees must maintain current BLS certification.()

015. CONTINUING EDUCATION REQUIREMENTS.

A licensee renewing an active status license shall report 30 oral health/health-related continuing education hour credits to the Board of verifiable CE or volunteer practice.()

~~016.—020.(RESERVED)~~

~~021. PROVISIONAL LICENSURE.~~

~~This type of license may be granted at the Board's discretion to applicants with active practice within the previous (2) years, current license in good standing in another state, and evidence of not failing an exam given by the Board.~~
(—)

~~022. VOLUNTEER DENTAL HYGIENE SERVICES.~~

~~A person holding an unrestricted active status dental hygiene license issued by the Board may provide dental hygiene services in an extended access oral health care setting without being issued an extended access license endorsement. The dental hygiene services performed are limited to oral health screening and patient assessment, preventive and oral health education, preparation and review of health history, non-surgical periodontal treatment, oral prophylaxis, the application of caries preventive agents including fluoride, the application of pit and fissure sealants with recommendation that the patient will be examined by a dentist;~~(—)

023. DENTAL HYGIENISTS – LICENSE ENDORSEMENTS.

The Board may grant license endorsements to qualified dental hygienists as follows:()

01. Extended Access Endorsement. ~~Upon application, the Board may grant an extended access endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that all of the following requirements are met:~~(—)

a: The person has been licensed as a dental hygienist during the two (2) year period immediately prior to the date of application for an extended access endorsement:(—)

b: For a minimum of one thousand (1000) total hours within the previous two (2) years, the person has either been employed as a dental hygienist in supervised clinical practice or has been engaged as a clinical practice

~~educator in an approved dental hygiene school;()~~

~~e. The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under general supervision in an extended access oral health care setting; and()~~

~~d. Any person holding an unrestricted active status dental hygienist's license issued by the Board who is employed as a dental hygienist in an extended access oral health care setting in this state may be granted an extended access endorsement without being required to satisfy the experience requirements specified in this rule.
()~~

02. Extended Access Restorative Endorsement. Notwithstanding any other provision of these rules, a qualified dental hygienist holding an ~~extended access~~ restorative endorsement may perform specified restorative functions under the direct supervision of a dentist ~~in an extended access oral health care setting~~. Permissible restorative functions under this endorsement are limited to the placement of a direct restoration into a tooth prepared by a dentist and the carving, contouring and adjustment of the contacts and occlusion of the restoration. Upon application, the Board may grant an ~~extended access~~ restorative endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that the following requirements are met:()

a. The person has successfully completed ~~the Western Regional Examining Board's~~ a clinical restorative examination ~~or an equivalent restorative examination~~ approved by the Board; and()

b. The person has not been disciplined by the Board or another licensing authority ~~upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under in an extended access oral health care setting.~~()

03. Renewal. ~~Upon payment of the appropriate license fee and completion of required CE credits specified for a license endorsement, A~~ a person meeting all other requirements for renewal of a license to practice dental hygiene is also entitled to renewal of a license endorsement for the effective period of the license. An endorsement immediately expires and is cancelled at such time as a person no longer holds an unrestricted active status dental hygienist's license issued by the Board ~~or upon a person's failure to complete the required CE.~~()

024. LICENSURE OF DENTAL SPECIALISTS.

01. Requirements for Specialty Licensure. Each applicant for specialty licensure must have graduated from a CODA accredited dental school ~~and hold a license to practice general dentistry in the state of Idaho or another state. The Board may grant licensure in specialty areas of dentistry for which a dentist has~~ and successfully completed a CODA accredited postdoctoral advanced dental education program of at least two full-time academic years. ()

02. Examination. ~~Specialty licensure in those specialties recognized may be granted solely at the discretion of the Board. An examination covering the applicant's chosen field may be required and, if so, will be conducted by the Board or a testing agent. Examination requirements for a~~ Applicants who have met the requirements for licensure as a specialist ~~may be required to pass an examination as follows:~~()

a. ~~Applicants who have P~~ passed a general licensure examination acceptable to the Board ~~may be granted specialty licensure by Board approval.~~ or()

b. ~~Applicants who have I~~ passed a general licensure examination not acceptable to the Board, ~~may be required to pass~~ ed a specialty examination: or()

c. ~~Applicants who are B~~ certified by the American Board of that particular specialty as of the date of application for specialty licensure ~~may be granted specialty licensure by Board approval.~~()

03. Limitation of Practice. No dentist may announce or otherwise hold himself out to the public as a specialist unless he has ~~first complied with the requirements established by the Board for such specialty and has~~ been

issued a specialty license ~~authorizing him to do so~~. Any individual granted a specialty license must limit his practice to the specialty(s) in which he is licensed.()

025. SPECIALTY ADVERTISING.

The specialty advertising rules are intended to allow the public to be informed about dental specialties and to require appropriate disclosures to avoid misperceptions on the part of the public.(—)

~~01. **Recognized Specialty License.** An advertisement may not state that a licensee is a specialist unless the licensee has been granted a license in that specialty area of dental practice by the Board. Use of words or terms in advertisements such as “Specialist,” “Board Certified,” “Diplomate,” “Practice Limited To,” and “Limited To Specialty Of” shall be prima facie evidence that the licensee is holding himself out to the public as a licensed specialist in a specialty area of dental practice.(—)~~

~~02. **Disclaimer.** A licensee who has not been granted a specialty license by the Board may advertise as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the licensee is “licensed as a general dentist” or that the specialty services “will be provided by a general dentist.” Any disclaimer in a written advertisement must be in the same font style and size as that in the listing of the specialty area.(—)~~

~~03. **Unrecognized Specialty.** A licensee may not advertise as being a specialist in or as specializing in any area of dental practice which is not a Board recognized and licensed specialty area unless the advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the advertised area of dental practice is not recognized as a specialty area of dental practice by the Idaho Board of Dentistry. Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area.()~~

026. PATIENT RECORDS.

A record must be maintained for each person receiving dental services, regardless of whether any fee is charged. Records must be in the form of an acronym such as “PARQ” (Procedure, Alternatives, Risks and Questions) or “SOAP” (Subjective Objective Assessment Plan) or their equivalent. Patient records must be maintained for no less than seven (7) years from the date of last entry unless: the patient requests the records be transferred to another dentist who will maintain the records, the dentist gives the records to the patient, or the dentist transfers the dentist's practice to another dentist who will maintain the records.()

~~027. **030.(RESERVED)**~~

031. INFECTION CONTROL.

~~In determining what constitutes unacceptable patient care with respect to infection control, the Board may consider current infection control guidelines such as those of the CDC. Additionally, L~~ licensees and dental assistants must comply with the following requirements: current CDC infection control guidelines related to personal protective equipment, instrument sterilization, sterilizing device testing, disinfection of non-critical and clinical contact surfaces, and contaminated waste disposal. Heat sterilizing devices must be tested each calendar week in which patients are treated. Testing results must be retained by the licensee for the current calendar year and the two preceding calendar years.()

~~01. **Gloves, Masks, and Eyewear.** Disposable gloves must be worn whenever placing fingers into the mouth of a patient or when handling blood or saliva contaminated instruments or equipment. Appropriate hand hygiene must be performed prior to gloving. Masks and protective eyewear or chin length shields must be worn when spattering of blood or other body fluids is likely.(—)~~

~~02. **Instrument Sterilization.** Between each patient use, instruments and other equipment that come in contact with body fluids must be sterilized.(—)~~

~~03. **Sterilizing Devices Testing.** Heat sterilizing devices must be tested for proper function by means of a biological monitoring system that indicates micro-organisms kill. Devices must be tested each calendar week in which scheduled patients are treated. Testing results must be retained by the licensee for the current calendar year and the two (2) preceding calendar years.(—)~~

~~04. **Non-Critical Surfaces.** Environmental surfaces that are contaminated by blood or saliva must be disinfected with an EPA registered hospital disinfectant.(—)~~

~~05. **Clinical Contact Surfaces.** Impervious backed paper, aluminum foil, or plastic wrap should be used to cover surfaces that may be contaminated by blood or saliva. The cover must be replaced between patients. If barriers are not used, surfaces must be cleaned and disinfected between patients by using an EPA registered hospital disinfectant. (—)~~

~~06. **Disposal.** All contaminated wastes and sharps must be disposed of according to any governmental requirements. (—)~~

032. EMERGENCY MEDICATIONS OR DRUGS.

The following emergency medications or drugs are required in all sites where anesthetic agents of any kind are administered: anti-anaphylactic agent, antihistaminic, aspirin, bronchodilator, coronary artery vasodilator, and glucose. ()

033. DENTAL HYGIENISTS – PRACTICE.

Dental hygienists are ~~hereby authorized to perform the activities specified below:~~ under the supervision of a licensed dentist, at the supervision level set by the dentist, to perform dental hygiene services for which they are trained unless prohibited by these rules.()

~~01. **General Supervision.** A dental hygienist may perform specified duties under general supervision as follows: (—)~~

~~a. Oral prophylaxis (removal of stains and plaque biofilm and if present, supragingival and/or subgingival calculus);(—)~~

~~b. Medical history assessments and intra-oral and extra-oral assessments (including charting of the oral cavity and surrounding structures, taking case histories and periodontal assessment);(—)~~

~~c. Developing patient care plans for prophylaxis, non-surgical periodontal therapy and supportive and evaluative care in accordance with the treatment parameters set by supervising dentist;(—)~~

~~d. Root planing;(—)~~

~~e. Non-surgical periodontal therapy;(—)~~

~~f. Closed subgingival curettage;(—)~~

~~g. Administration of local anesthesia;(—)~~

~~h. Removal of marginal overhangs (use of high speed handpieces or surgical instruments is prohibited); (—)~~

~~i. Application of topical antibiotics or antimicrobials (used in non-surgical periodontal therapy); (—)~~

~~j. Provide patient education and instruction in oral health education and preventive techniques; (—)~~

~~k. Placement of antibiotic treated materials pursuant to dentist authorization;(—)~~

~~l. Administration and monitoring of nitrous oxide/oxygen; and(—)~~

~~m. All duties which may be performed by a dental assistant.(—)~~

~~02. **Direct Supervision.** A dental hygienist may perform specified duties under direct supervision as~~

follows:

()

- a. ~~Use of a laser restricted to gingival curettage and bleaching.~~()

PENDING TEXT 200.01

01. Dental Hygienists – Practice. Dental hygienists are authorized under the supervision of a licensed dentist, ~~at the supervision level set by the dentist,~~ to perform dental hygiene services for which they are educated and trained unless prohibited by these rules.()

034. DENTAL HYGIENISTS – PROHIBITED PRACTICE.

- 01. Diagnosis and Treatment.** Definitive diagnosis and dental treatment planning.()
- 02. Operative Preparation.** The operative preparation of teeth for the placement of restorative materials.()
- 03. Intraoral Placement or Carving.** The intraoral placement or carving of restorative materials unless authorized by issuance of an extended access restorative endorsement.()

PENDING TEXT 200.02.c.

- c. Intraoral Placement or Carving. The intraoral placement or carving of restorative materials unless authorized by issuance of an ~~extended access~~ restorative endorsement.()
- 04. Anesthesia.** Administration of any general anesthesia or moderate sedation.()
- 05. Final Placement.** Final placement of any fixed or removable appliances.()
- 06. Final Removal.** Final removal of any fixed appliance.()
- 07. Cutting Procedures.** Cutting procedures utilized in the preparation of the coronal or root portion of the tooth, or cutting procedures involving the supportive structures of the tooth.()
- 08. Root Canal.** Placement of the final root canal filling.()
- 09. Occlusal Equilibration Procedures.** Occlusal equilibration procedures for any prosthetic restoration, whether fixed or removable.()
- 10. Other Final Placement.** Final placement of prefabricated or cast restorations or crowns.()

035. DENTAL THERAPISTS – PRACTICE.

Dental therapists are authorized to perform activities specified by the supervising dentist who practices in the same practice setting in conformity with a written collaborative practice agreement at the supervision levels set forth in the agreement.()

036. DENTAL THERAPISTS – PROHIBITED PRACTICE.

- 01. Sedation.** Administration of minimal, moderate or deep sedation or general anesthesia except as otherwise allowed by these rules;()
- 02. Cutting Procedures.** Cutting procedures involving the supportive structures of the tooth including both the soft and hard tissues.()

03. **Periodontal Therapy.** Periodontal scaling and root planing, including the removal of subgingival calculus. ()
04. **All Extractions with Exception.** All extractions except:()
- a. Under direct supervision.()
 - i. Non-surgical extractions.()
 - b. Under general supervision or as specified in Section 035.()

PENDING TEXT 200.05.e.

- e. Under general supervision or as specified in Subsection ~~035~~ 200.04. ()
 - i. Removal of periodontally diseased teeth with class III mobility.()
 - ii. Removal of coronal remnants of deciduous teeth.()
05. **Root Canal Therapy.**()
06. **All Fixed and Removable Prosthodontics** (except stainless steel crowns).()
07. **Orthodontics.**()

037. DENTAL ASSISTANTS – PRACTICE.

Dental assistants are authorized to perform dental services for which they are trained unless prohibited by these rules. Dental assistants must be directly supervised by a dentist when performing intraoral procedures except when providing palliative care as directed by the supervising dentist.()

01. **Prohibited Duties.** A dental assistant is prohibited from performing the following duties:()
- a. The intraoral placement or carving of permanent restorative materials.()
 - b. Any irreversible procedure.()
 - c. The administration of any sedation or local injectable anesthetic.()
 - d. Removal of calculus.()
 - e. Use of an air polisher.()
 - f. Any intra-oral procedure using a high-speed handpiece, except for the removal of orthodontic cement or resin. ()
 - g. Any dental hygiene prohibited duty.()

~~038. 040.(RESERVED)~~

041. LOCAL ANESTHESIA.

Dental offices in which local anesthesia is administered to patients shall, at a minimum, have and maintain suction equipment capable of aspirating gastric contents from the mouth and pharynx, a portable oxygen delivery system including full face masks and a bag-valve mask combination capable of delivering positive pressure, oxygen-enriched ventilation to the patient, a blood pressure cuff of appropriate size and a stethoscope.()

042. NITROUS OXIDE/OXYGEN.

Persons licensed to practice and dental assistants trained in accordance with these rules may administer nitrous oxide/oxygen to patients.~~()~~

~~**01. Patient Safety.** A dentist must evaluate the patient to ensure the patient is an appropriate candidate for nitrous oxide/oxygen; ensure that any patient under nitrous oxide/oxygen is continually monitored; and ensure that a second person is in the practice setting who can immediately respond to any request from the person administering the nitrous oxide/oxygen.~~()~~~~

~~**02. Required Facilities and Equipment.** Dental offices where nitrous oxide/oxygen is administered to patients must have the following: a fail-safe nitrous oxide delivery system that is maintained in working order; a scavenging system; and a positive-pressure oxygen delivery system suitable for the patient being treated.~~()~~~~

~~**03. Personnel.** For nitrous oxide/oxygen administration, personnel shall include an operator and an assistant currently certified in BLS.~~()~~~~

043. MINIMAL SEDATION.

Persons licensed to practice dentistry may administer minimal sedation to patients of sixteen (16) years of age or older following the ADA guidelines as incorporated by reference pursuant to these rules. When the intent is minimal sedation, the appropriate dosing of a single enteral drug is no more than the maximum FDA-recommended dose for unmonitored home use. In cases where the patient weighs less than one hundred (100) pounds, or is under the age of sixteen (16) years, minimal sedation may be administered without a permit by use of nitrous oxide, or with a single enteral dose of a sedative agent administered in the dental office.~~()~~

PENDING TEXT 200.13

13. Minimal Sedation. Persons licensed to practice dentistry may administer minimal sedation to patients of sixteen (16) years of age or older ~~following the ADA guidelines as incorporated by reference pursuant to these rules~~. When the intent is minimal sedation, the appropriate dosing of a single enteral drug is no more than the maximum FDA-recommended dose for unmonitored home use. In cases where the patient weighs less than one hundred (100) pounds, or is under the age of sixteen (16) years, minimal sedation may be administered without a permit by use of nitrous oxide, or with a single enteral dose of a sedative agent administered in the dental office.~~()~~

~~**01. Patient Safety.** The administration of minimal sedation is permissible so long as it does not produce an alteration of the state of consciousness in a patient to the level of moderate sedation, general anesthesia, or deep sedation. A dentist must qualify for and obtain a permit from the Board to be authorized to sedate patients to the level of moderate sedation, general anesthesia, or deep sedation. Nitrous oxide/oxygen may be used in combination with a single enteral drug in minimal sedation, except as described in Section 043 of these rules. Notwithstanding any other provision in these rules, a dentist must initiate and regulate the administration of nitrous oxide/oxygen when used in combination with minimal sedation.~~()~~~~

~~**02. Personnel.** At least one (1) additional person currently certified in BLS must be present in addition to the dentist.~~()~~~~

044. MODERATE SEDATION, GENERAL ANESTHESIA AND DEEP SEDATION.

Dentists licensed in the state of Idaho ~~cannot may~~ administer moderate sedation, general anesthesia, or deep sedation ~~in the practice of dentistry unless~~ following the ADA guidelines incorporated by reference pursuant to these rules once they have obtained a permit from the Board. ~~A moderate sedation permit may be either enteral or parenteral.~~ A dentist may not administer moderate sedation to children under sixteen (16) years of age and one hundred (100) pounds unless they have qualified for and been issued a moderate parenteral sedation permit. A moderate enteral sedation permit authorizes dentists to administer sedation by either enteral or combination inhalation-enteral routes of administration. A moderate parenteral, general anesthesia, or deep sedation permit authorizes a dentist to administer sedation by any route of administration. ~~To qualify for a moderate, general anesthesia, or deep sedation permit, a~~

dentist must provide proof of the following:()

PENDING TEXT 100.05

05. Moderate Sedation, General Anesthesia And Deep Sedation. Dentists licensed in the state of Idaho may administer moderate sedation, general anesthesia, or deep sedation ~~following the ADA guidelines incorporated by reference pursuant to these rules~~ once they have obtained a permit from the Board. A dentist may not administer moderate sedation to children under sixteen (16) years of age and one hundred (100) pounds unless they have qualified for and been issued a moderate parenteral sedation permit. A moderate enteral sedation permit authorizes dentists to administer sedation by either enteral or combination inhalation-enteral routes of administration. A moderate parenteral, general anesthesia, or deep sedation permit authorizes a dentist to administer sedation by any route of administration. The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of moderate sedation, general anesthesia, or deep sedation and providing the equipment, drugs and protocol for patient rescue.()

01. Training Requirements. For Moderate Sedation Permits, completion of training in the administration of moderate sedation to a level consistent with requirements established by the Board within the five (5) year period immediately prior to the date of application. For General Anesthesia and Deep Sedation Permits, completion of an advanced education program accredited by CODA that affords comprehensive training necessary to administer and manage deep sedation or general anesthesia within the five (5) year period immediately preceding the date of application. The five (5) year requirement is not applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the application date. Qualifying training courses must be sponsored by or affiliated with a dental school accredited by CODA, or be approved by the Board.()

~~**02. ACLS.** Verification of current certification in ACLS or PALS, whichever is appropriate for the patient being sedated.()~~

~~**03. Office Inspection.** The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of moderate sedation, general anesthesia, or deep sedation and providing the equipment, drugs and protocol for patient rescue. Evaluators appointed by the Board will inspect the adequacy of the facility and competence of the sedation team prior to issuance of a moderate, general anesthesia, or deep sedation permit and at intervals not to exceed five (5) years. For general anesthesia and deep sedation, the Board adopts the standards incorporated by reference in these rules, as set forth by the AAOMS in their office anesthesia evaluation manual.()~~

~~**a. Facility, Equipment and Drug Requirements.** The following facilities, equipment and drugs must be available for immediate use during the sedation and recovery phase:()~~

~~i. An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two (2) individuals to freely move about the patient; ()~~

~~ii. An operating table or chair that permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;()~~

~~iii. A lighting system that permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure; ()~~

~~iv. Suction equipment that permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;()~~

- ~~v. An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;()~~
- ~~vi. A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room(——)~~
- ~~vii. A sphygmomanometer, pulse oximeter, oral and nasopharyngeal airways, supraglottic airway devices, and automated external defibrillator (AED); and(——)~~
- ~~viii. Emergency drugs including, but not limited to, pharmacologic antagonists appropriate to the drugs used, bronchodilators, and antihistamines.(——)~~
- ~~ix. Additional emergency equipment and drugs required for moderate parenteral sedation permits include precordial/pretracheal stethoscope or end-tidal carbon dioxide monitor, intravenous fluid administration equipment, vasopressors, and anticonvulsants.(——)~~
- ~~x. Additional emergency equipment and drugs required for general anesthesia and deep sedation permits include precordial/pretracheal stethoscope and end-tidal carbon dioxide monitor, intravenous fluid administration equipment, vasopressors, and anticonvulsants.(——)~~
- ~~**b.** Personnel(——)~~
- ~~i. For moderate sedation, the minimum number of personnel is two (2) including: the operator and one (1) additional individual currently certified in BLS.(——)~~
- ~~ii. For general anesthesia or deep sedation, the minimum number of personnel is three (3) including: the operator and two (2) additional individuals currently certified in BLS. When the same individual administering the general anesthesia or deep sedation is performing the dental procedure one (1) of the additional individuals must be designated for patient monitoring.(——)~~
- ~~iii. Auxiliary personnel must have documented training in BLS, will have specific assignments, and shall have current knowledge of the emergency cart inventory. The dentist and all office personnel must participate in documented periodic reviews of office emergency protocol, including simulated exercises, to assure proper equipment function and staff interaction.(——)~~
- ~~**e.** Pre-sedation Requirements. Before inducing moderate sedation, general anesthesia, or deep sedation a dentist must:(——)~~
- ~~i. Evaluate the patient's medical history and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for moderate sedation, general anesthesia, or deep sedation;(——)~~
- ~~ii. Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian;(——)~~
- ~~iii. Obtain written informed consent from the patient or patient's guardian for the sedation; and (——)~~
- ~~iv. Maintain a sedation record and enter the individual patient's sedation into a case/drug log.(——)~~
- ~~**d.** Patient Monitoring. Patients must be monitored as follows:(——)~~
- ~~i. For moderate sedation the patient must be continuously monitored using pulse oximetry. For general anesthesia or deep sedation, the patient must be continuously monitored using pulse oximetry and end-tidal carbon dioxide monitors.(——)~~

~~ii. The patient's blood pressure, heart rate, and respiration must be recorded every five (5) minutes during the sedation and then continued every fifteen (15) minutes until the patient meets the requirements for discharge. These recordings must be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons must be documented in the patient's record.~~

~~()~~

~~iii. During the recovery phase, the patient shall be monitored by an individual trained to monitor patients recovering from sedation;~~

~~iv. A dentist will not release a patient who has undergone sedation except to the care of a responsible third party;~~

~~()~~

~~v. The dentist will assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met: vital signs are stable, patient is alert and oriented, and the patient can ambulate with minimal assistance; and~~

~~vi. A discharge entry will be made by the dentist in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.~~

~~e. Sedation of Other Patients. The permit holder must not initiate sedation on another patient until the previous patient is in a stable monitored condition and in the recovery phase following discontinuation of their sedation.~~

~~()~~

045. SEDATION PERMIT RENEWAL.

01. Permit Renewal. Before the expiration date of a permit, the board will provide notice of renewal to the licensee. Failure to timely submit a renewal application and permit fee shall result in expiration of the permit and termination of the licensee's right to administer sedation. Failure to submit a complete renewal application and permit fee within thirty (30) days of expiration of the permit shall result in cancellation of the permit. Renewal of the permit will be required every five (5) years. Proof of a minimum of twenty-five (25) continuing education credit hours in sedation which may include training in medical/office emergencies will be required to renew a permit. ~~In addition to the continuing education credit hours, a dentist must:~~

~~a. For a moderate enteral sedation permit, maintain current certification in BLS or ACLS.~~

~~b. For a moderate parenteral, general anesthesia, or deep sedation permit, maintain current certification in ACLS.~~

02. Reinstatement. A dentist may apply for reinstatement of a canceled or surrendered permit issued by the Board within five (5) years of the date of the permit's cancellation or surrender. Applicants for reinstatement of a sedation permit must satisfy the facility and personnel requirements and verify they have obtained an average of five (5) continuing education credit hours in sedation for each year subsequent to the date upon which the permit was canceled or surrendered. A fee for reinstatement will be assessed.

046. SUSPENSION, REVOCATION OR RESTRICTION OF SEDATION PERMIT.

The Board may, at any time and for just cause, institute proceedings to revoke, suspend, or otherwise restrict a sedation permit ~~issued pursuant to Section 044 of these rules~~. If the Board determines that emergency action is necessary to protect the public, summary suspension may be ordered pending further proceedings. Proceedings to suspend, revoke or restrict a permit shall be subject to applicable statutes and rules governing administrative procedures before the Board.

047. DETERMINATION OF DEGREE OF SEDATION BY THE BOARD.

~~In any matter under review or in any proceeding being conducted in which the Board must determine the degree of central nervous system depression, the Board may base its findings or conclusions on, among other matters, the type, and dosages, and routes of administration of drugs administered to the patient and what result can reasonably be expected from those drugs in those dosages and routes administered in a patient of that physical and psychological~~

~~status-~~ ()

048. USE OF OTHER ANESTHESIA PERSONNEL.

A dentist who does not hold a sedation permit may perform dental procedures in a dental office on a patient who receives sedation induced by an anesthesiologist, a certified registered nurse anesthetist, or another dentist with a sedation permit ~~as follows:~~()

~~01. Facility, Equipment, Drugs, and Personnel Requirements. The dentist will have the same facility, equipment, drugs, and personnel available during the procedure and during recovery as required of a dentist who has a permit for the level of sedation being provided.()~~

~~02. Patient's Condition Monitored Until Discharge. The qualified sedation provider who induces sedation will monitor the patient's condition until the patient is discharged and record the patient's condition at discharge in the patient's dental record as required by the rules applicable to the level of sedation being induced. The sedation record must be maintained in the patient's dental record and is the responsibility of the dentist who is performing the dental procedures.()~~

~~03. Use of Services of a Qualified Sedation Provider. A dentist who intends to use the services of a qualified sedation provider must notify the Board in writing of his intent. Such notification need only be submitted once every licensing period.()~~

~~04. Advertising. A dentist who intends to use the services of a qualified sedation provider may advertise the service provided so long as each such advertisement contains a prominent disclaimer that the service "will be provided by a qualified sedation provider."()~~

049. INCIDENT REPORTING.

Dentists must report to the Board, in writing, within seven (7) days after the death or transport to a hospital or emergency center for medical treatment for a period exceeding twenty-four (24) hours of any patient ~~to whom sedation was administered.~~()

~~050.— 055.(RESERVED)~~

056. UNPROFESSIONAL CONDUCT.

A licensee shall not engage in unprofessional conduct in the course of his practice. Unprofessional conduct by a person licensed under the provisions of Title 54, Chapter 9, Idaho Code, is defined as, but not limited to, ~~one (1) any~~ of the following: ()

PENDING TEXT 300.02

02. Unprofessional Conduct. A licensee shall not engage in unprofessional conduct in the course of ~~his~~ *their* practice. Unprofessional conduct by a person licensed under the provisions of Title 54, Chapter 9, Idaho Code, is defined as, but not limited to, any of the following:()

01. Fraud. Obtaining fees by fraud or misrepresentation, or over-treatment either directly or through an insurance carrier.()

02. Unlicensed Practice. Employing directly or indirectly any suspended or unlicensed individual as defined in Title 54, Chapter 9, Idaho Code.()

03. Unlawful Practice. Aiding or abetting licensed persons to practice unlawfully.()

04. Dividing Fees. A dentist shall not divide a fee for dental services with another party, who is not a partner or associate with him in the practice of dentistry, unless:()

a. The patient consents to employment of the other party after a full disclosure that a division of fees

will be made; ()

b. The division is made in proportion to the services performed and responsibility assumed by each dentist or party. ()

05. Prescription Drugs. Prescribing or administering prescription drugs not reasonably necessary for, or within the scope of, providing dental services for a patient. A dentist may not prescribe or administer prescription drugs to himself. A dentist shall not use controlled substances as an inducement to secure or maintain dental patronage or aid in the maintenance of any person's drug addiction by selling, giving or prescribing prescription drugs. ()

PENDING TEXT 300.02.d. through e.

d. Dividing Fees. A dentist shall not divide a fee for dental services with another party, who is not a partner or associate ~~with him~~ in the ~~ir~~ practice of dentistry, unless:()

i. The patient consents to employment of the other party after a full disclosure that a division of fees will be made; ()

ii. The division is made in proportion to the services performed and responsibility assumed by each dentist or party. ()

e. Prescription Drugs. Prescribing or administering prescription drugs not reasonably necessary for, or within the scope of, providing dental services for a patient. A dentist may not prescribe or administer prescription drugs to ~~himself~~ ~~themselves~~. A dentist shall not use controlled substances as an inducement to secure or maintain dental patronage or aid in the maintenance of any person's drug addiction by selling, giving or prescribing prescription drugs. ()

06. Harassment. The use of threats or harassment to delay or obstruct any person in providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of Title 54, Chapter 9, Idaho Code, or the Board's Rules, or to aid in such compliance.()

07. Discipline in Other States. Conduct himself in such manner as results in a suspension, revocation or other disciplinary proceedings with respect to his license in another state.()

PENDING TEXT 300.02.d. through e.

g. Discipline in Other States. Conduct ~~himself~~ ~~themselves~~ in such manner as results in a suspension, revocation, or other disciplinary proceedings with respect to ~~his~~ ~~their~~ license in another state.()

08. Altering Records. Alter a patient's record with intent to deceive.()

09. Office Conditions. Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental profession in the state of Idaho and CDC guidelines as incorporated by reference in these rules. ()

10. Abandonment of Patients. Abandonment of patients by licensees before the completion of a phase of treatment, as such phase of treatment is contemplated by the customary practice and standards of the dental profession in the state of Idaho, without first advising the patient of such abandonment and of further treatment that is necessary. ()

11. **Use of Intoxicants.** Practicing while under the influence of an intoxicant or controlled substance where the same impairs the licensee's ability to practice with reasonable and ordinary care.()
12. **Mental or Physical Condition.** The inability to practice with reasonable skill and safety to patients by reason of age, illness, or as a result of any mental or physical condition.()
13. **Consent.** Revealing personally identifiable facts, data or information obtained in a professional capacity without prior consent of the patient, except as authorized or required by law.()
14. **Scope of Practice.** Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities that the licensee knows or has reason to know that he or she is not competent to perform.()
15. **Delegating Duties.** Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or with the exercise of reasonable care and control should know, that such a person is not qualified by training or by licensure to perform them.()
16. **Unauthorized Treatment.** Performing professional services that have not been authorized by the patient or his legal representative.()
17. **Supervision.** Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed professional.()
18. **Legal Compliance.** Failure to comply with any provisions of federal, state or local laws, statutes, rules, and regulations governing or affecting the practice of dentistry, ~~or dental hygiene,~~ or dental therapy.()
19. **Exploiting Patients.** Exercising undue influence on a patient in such manner as to exploit a patient for the financial or personal gain of a practitioner or of a third party.()
20. **Misrepresentation.** Willful misrepresentation of the benefits or effectiveness of dental services.
()
21. **Disclosure.** Failure to advise patients or their representatives in understandable terms of the treatment to be rendered, alternatives, the name and professional designation of the provider rendering treatment, and disclosure of reasonably anticipated fees relative to the treatment proposed.()
22. **Sexual Misconduct.** Making suggestive, sexual or improper advances toward any patient person or committing any lewd or lascivious act upon or with any patient person in the course of dental practice.()
23. **Patient Management.** Use of unreasonable and/or damaging force to manage patients, including but not limited to hitting, slapping or physical restraints.()
24. **Compliance ~~with Dentist~~ Professional Standards.** Failure ~~by a dentist~~ to comply with professional standards applicable to the practice of dentistry, dental hygiene, or dental therapy as incorporated by reference in this chapter.()
- ~~25. **Compliance with Dental Hygienist Professional Standards.** Failure by a dental hygienist to comply with professional standards applicable to the practice of dental hygiene, as incorporated by reference in this chapter.
()~~
26. **Failure to Provide Records to a Patient or Patient's Legal Guardian.** Refusal or failure to provide a patient or patient's legal guardian with records within five (5) business days. A patient or patient's legal guardian may not be denied a copy of his records for any reason, regardless of whether the person has paid for the dental services rendered. A person may be charged for the actual cost of providing the records but in no circumstances may a person be charged an additional processing or handling fee or any charge in addition to the actual cost. ()

27. Failure to Cooperate with Authorities. Failure to cooperate with authorities in the investigation of any alleged misconduct or interfering with a Board investigation by willful misrepresentation of facts, willful failure to provide information upon request of the Board, or the use of threats or harassment against any patient or witness to prevent them from providing evidence.()

28. Advertising. Advertise in a way that is false, deceptive, misleading or not readily subject to verification. ()

~~057. 999.(RESERVED)~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.33.01 – RULES OF THE BOARD OF MEDICINE FOR THE LICENSURE TO PRACTICE MEDICINE AND OSTEOPATHIC MEDICINE IN IDAHO

DOCKET NO. 24-3301-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2604, Idaho Code and Sections 6-1002, 54-1806, 54-1806A, 54-1807, 54-1812, 54-1813, 54-1814, 54-1841, 54-1867, 67-2614, 67-9406, and 67-9409, 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:

Legislation passed during the First Regular Session of the Sixty-seventh Idaho Legislature amended the Medical Practice Act by removing registration requirements for supervising physicians and by adding a temporary registration for certain experienced international medical graduates. This rulemaking is necessary to address those amendments.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 544–546](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The pending amendments to the rules do not impose any new or increased fees.

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 not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 24-3501-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2604, Idaho Code, and Sections 36-2107, 36-2110, 36-2113, 36-2119, 67-2614, 67-9406, and 67-9409, 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 pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed are as follows:

- 259.01 Clark Fork 1 and 2 language was updated to ensure the geographical areas match and the annual cutoff is consistent.

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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 365-379](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Katie Stuart at 208-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov
Website: <https://dopl.idaho.gov/>

DOCKET NO. 24-3501-2301 – ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-9, September 6, 2023, pages 365 through 379.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3501-2301

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

259. RIVER, LAKE, AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.

For the express purpose of safeguarding the health, safety and welfare of the public, for the conservation of wildlife and range resources, and to enable the outfitted and non-outfitted public to enjoy the recreational value of Idaho’s rivers, streams, lakes, reservoirs and other natural resources, the Board has discretion to limit the number of outfitters licensed on waters that lie totally or partially within the State of Idaho. Pursuant to Section 36-2107(e), Idaho Code, the Board may cooperate with federal and state government to evaluate relevant factors in decisions related to setting outfitter licensure limits on navigable waterways. The following rivers and streams or sections that lie totally or partially within the state of Idaho are open to commercial boating operations by outfitters and guides. (4-6-23)

01. Licensable Waters – River Sections (BL1) Blackfoot River through (PR1) Priest River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Blackfoot Reservoir/Government Dam to Trail Creek Bridge. For each license/permit issued, no more than two (2) boats per section/ per day may be used by any outfitter at any one time in each of the following river sections: a) Blackfoot Reservoir/Government Dam to Sage Hen Flats/Cutthroat Camp-ground b) Sage Hen Flats/Cutthroat Campground to Morgan Bridge c) Morgan Bridge to Trail Creek Bridge No outfitter may have more than six (6) boats on the BL1 in any one (1) day. OGLB licenses are for the entire BL1 segment; a section of BL1 cannot be separated from BL1 for the purposes of selling a portion of an outfitter’s business.	none	2

River/Section	Maximum No. Power	Maximum No. Float
(BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman. No overnight camping or walk-and-wade fishing allowed.	none	2
(BO1A) Boise River - Eckert Road Bridge to Main Street Bridge.	none	
(BO1B) Boise River - Main Street Bridge to West side of Garden City limits.	none	
(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. A maximum of two (2) outfitters may be licensed for fishing in addition to float boating. Each outfitter may use at any time a maximum of four (4) boats for boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	none	4
(CF1) Clark Fork River - Montana state line to Lake Pend Oreille (boating closing date September 30) <u>Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough). Each outfitter may use at any one time a maximum of two (2) boats prior to the Friday preceding Memorial Day of each year, there is no limit thereafter.</u>	42 outfitters for either power or float or combination thereof	
(CF2) Clark Fork River - <u>Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough) (boating limited to the Friday preceding Memorial Day through December 31)</u>	2 outfitters for either power or float or combination thereof	
(CL1) Clearwater River - Lowell to the Lower Bridge at Kooskia. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5
(CL2) Clearwater River - The Upper Bridge at Kooskia to the Orofino Bridge. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	6	10
(CL3) Clearwater River - The Orofino Bridge to the mouth of the Clearwater River with the Snake River at Lewiston. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	10	10
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4

River/Section	Maximum No. Power	Maximum No. Float
(CDNF) Headwaters of North Fork Coeur d'Alene - Including tributaries (Independence and Tee Pee Creeks) upstream from Devils Elbow Campground. Three (3) walk and wade only licenses. Up to four (4) clients on the river at one time per license.	none	none
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence. Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.	none	1
(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.	none	1
(CD3) Lateral (Coeur d'Alene chain) Lakes - Connected by the Coeur d'Alene River. Cataldo Mission Boat Ramp to Highway 97 Bridge. A limit of one (1) power boat per license with a maximum of two (2) clients at a time or a limit of one (1) guide per license and two (2) float tubes at a time or two (2) clients walking and wading. The walk and wade activities must be associated with the power boating.	3	none
* (JB1) Jarbidge/Bruneau Rivers	none	4
(KO1) Kootenai River - Montana state line to Canada boundary	5	5
(LCL1) Little North Fork Clearwater River - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.	none	2
* (LO1) Lochsa River	none	5
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5
* (OW1) Owyhee River - Nevada state line to Oregon state line or South Fork to confluence with Owyhee River and continuing on to a take-out point.	none	6
(PN1) Payette River, North Fork - Payette Lakes Outlet to Hartsell Bridge. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, 1/4 mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from 1/4 mile above to 1/4 mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks	none	5
(PA1) Payette River - Banks to Black Canyon Dam	none	5

River/Section	Maximum No. Power	Maximum No. Float
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City	none	52

(4-6-23)()

02. Licensable Waters – River Sections (MF1) Middle Fork Salmon River through (SE2) Selway River – Table:

River/Section	Maximum No. Power	Maximum No. Float
###(MF1) Salmon River, Middle Fork - Boundary Creek to Cache Bar on the Salmon River	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6
(SA2) Salmon River - Torrey's Bar to first Highway 93 bridge above Challis. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	5
(SA3) Salmon River - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	6
(SA4A) Salmon River - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	5	11
(SA4B) Salmon River - Kilpatrick River access to North Fork - License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.	2	8
(SA5) Salmon River - North Fork to Corn Creek	3	9
###(SA6) Salmon River - Corn Creek to Spring Bar Boat Ramp with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	14	31
* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.	10	26

River/Section	Maximum No. Power	Maximum No. Float
* (SA7B) Salmon River - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer; and each power boat outfitter may use at any one time a maximum of two (2) boats for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	6	12
* (SA7C) Salmon River - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.	none	3
* ##(SA8) Salmon River - Hammer Creek to Heller Bar or Lewiston on the Snake River	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls	none	4
(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5

(4-6-23)

03. Licensable Waters – River Sections (SH1) Henry’s Fork Snake River through (TE3) Teton River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	7
(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony. Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Stone Bridge, Stone Bridge to Ashton Dam, and Ashton Dam to Chester Dam, and Chester Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	8

River/Section	Maximum No. Power	Maximum No. Float
<p>(SH3) Snake River, Henry's Fork - No more than three (3) boats for fishing may be used by an outfitter at any one (1) time in each of the following river sections:</p> <ul style="list-style-type: none"> a) St. Anthony to Red Road Bridge Boat Access (i.e., Parker/Salem or Fort Henry) b) Red Road Bridge Boat Access to Warm Slough Boat Access c) Warm Slough Boat Access to Menan Boat Access <p>No outfitter may have more than six (6) boats on the SH3 in any one (1) day.</p> <p>When permitted by the BLM and with the notification to and concurrence of the Board Executive Officer, each outfitter may be allowed adjustments to the maximum boat limits in order to accommodate non-fishing boating activities (e.g., canoeing, paddle boards, and kayaks) and hazardous excursions that are part of an outfitter's operating plan. These adjustments must be reviewed and approved annually.</p> <p>OGLB licenses are for the entire SH3 segment; a section of SH3 cannot be separated from SH3 for the purposes of selling a portion of an outfitter's business.</p>	<p>none</p>	<p>4</p>

River/Section	Maximum No. Power	Maximum No. Float
<p>(SS1) Snake River - South Fork - No more than four (4) boats per section/per day may be used by an outfitter at any one (1) time in each of the following river sections:</p> <p>a) Palisades Dam Boat Access to the Spring Creek Boat Access (Swan Valley Bridge) or Conant Boat Access. Exception: Not more than eight boats would be permitted between Spring Creek Boat Access and Conant Boat Access to allow for the flexibility to launch/take-out boats.</p> <p>b) Spring Creek or Conant Boat Access to Fullmer Boat Access. Exception: Not more than eight (8) boats would be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m. due to overnight use at designated outfitter camps.</p> <p>c) Fullmer Boat Access to Byington Boat Access.</p> <p>d) Byington Boat Access to Lorenzo Boat Access.</p> <p>e) Lorenzo Boat Access to Menan Boat Access.</p> <p>Additionally, no outfitter may have more than twelve (12) boats on the SS1 in any one day.</p> <p>A one-time per year exception after July 15 may be granted from Conant Boat Access to Byington Boat Access that would allow two (2) additional boats per section to accommodate large client groups. During this one-time exception, if the two (2) additional boats do not accommodate the large client group, additional boats must come from slots allocated to other outfitters. The maximum daily boat limit for SS1 may not be exceeded. This would require written concurrence from the BLM/USFS and the Board Executive Officer.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SS1 segment; a section of SS1 cannot be separated from SS1 for the purposes of selling a portion of an outfitter's business.</p>	None*	8**

River/Section	Maximum No. Power	Maximum No. Float
<p>* Each licensed float boat outfitter may use one (1) supply boat (float or power) that does not carry clients. During periods of preparing overnight camps (i.e., setting up tents and portable toilet facilities, boating in grills and other cooking supplies) for the season, usually May or June of each year; and removing the same items listed above from overnight camps at the end of the season, usually October or November; multiple supply boats may be used.</p> <p>** One (1) license additional for waterfowl hunting covering both BLM and USFS managed lands and waters for the South Fork (Palisades Dam to Wolf Flats Boat Access may be issued. This license opportunity is in addition to the eight (8) float licenses and is limited to providing waterfowl hunting during waterfowl hunting season as defined by Idaho Fish and Game Rules and where no more than two (2) float or power boat boats per day per section a and b only can be used by the outfitter at any one time for that purpose. Fishing may not be provided or conducted unless the outfitter is also licensed and permitted as one (1) of the eight (8) outfitters addressed in this rule who may not provide hunting activities. This business opportunity may be sold separately.</p>		
<p>(SN1) Snake River - For each license/permit issued, no more than four (4) boats per section/per day may be used by an outfitter at any one time in each of the following river sections:</p> <p>a) Menan Boat Access to Mike Walker Boat Access (includes Federally managed lands).</p> <p>b) Mike Walker Boat Access to Gem State Power Plant (includes non-Federal lands).</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SN1 segment; a section of SN1 cannot be separated from SN1 for the purposes of selling a portion of an outfitter's business.</p>	<p>3 outfitters either float or power or combination thereof</p>	
<p>(SN2) Snake River - Gem State Power Plant. Idaho Falls, downstream to headwaters of American Falls Reservoir. For each license/permit issued, no more than four (4) boats per section/per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) Gem State Power Plant to Shelley/Firth</p> <p>b) Shelley/Firth to Porterville</p> <p>c) Porterville to Blackfoot (Boating limited, walk-wade if there is access)</p> <p>d) Blackfoot to Tilden Bridge</p> <p>e) Tilden Bridge to the headwaters of American Falls Reservoir</p> <p>No outfitter may have more than twelve (12) boats on the SN2 in any one day.</p> <p>OGLB licenses are for the entire SN2 segment; a section of SN2 cannot be separated from SN2 for the purposes of selling a portion of an outfitter's business.</p>	<p>3 outfitters either float or power or combination thereof</p>	

River/Section	Maximum No. Power	Maximum No. Float
<p>(SN3) Snake River - American Falls Dam to Massacre Rocks State Park. For each license/permit issued, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) American Falls Dam to Pipeline (includes federally and non- federally managed lands) b) Pipeline to Vista (includes federally and non- federally managed lands) c) Vista to Eagle Rock (includes non-federally managed lands) d) Eagle Rock to Massacre Rocks (includes non-federally managed lands)</p> <p>No outfitter may have more than ten (10) boats on the SN3 in any one day.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>Sturgeon Fishing: Pipeline to Massacre Rocks, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the river sections between Pipeline to Massacre Rocks.</p> <p>American Falls Dam to Pipeline, one (1) boat within this section/two (2) week-days per week/two (2) weekend days per month. Idaho Department of Fish and Game, Southeast Region (Pocatello) needs to be notified prior to Sturgeon Fishing.</p> <p>OGLB licenses are for the entire SN3 segment; a section of SN3 cannot be separated from SN3 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	
(SN4) Snake River - Massacre Rocks State Park to Milner Dam	3	3
* (SN5) Snake River - Milner Dam to Star Falls	none	3
* (SN6) Snake River - Star Falls to Twin Falls	none	5
(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam	3	3
(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam	3	5
(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir	5	5
(SN10) Snake River - C.J. Strike Dam to Walter's Ferry	5 outfitters for either power or float or combination thereof	
(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir	5	none
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only	none	2
(SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston	19	15

River/Section	Maximum No. Power	Maximum No. Float
(SN15) Snake River - Washington/Oregon stateline to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters.)	
(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.	none 2	none
(SJ2) St. Joe River - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.	none	1
(SJ3) St. Joe River - Avery to St. Joe City Bridge	none	2
(SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d'Alene	2	none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
<p>(TE3) Teton River - No more than two (2) boats per section/per day may be used by an outfitter at any one time in each of the following river sections: a), b), d), e) and f). No more than four (4) boats per section/per day may be used by an outfitter at any one time on river section c) and where two (2) boats from same outfitter must be spaced at three-hour (3) intervals:</p> <p>a) Harrop Bridge Boat Access to Felt Dam Boat Access. b) Felt Dam Boat Access to Spring Hollow Boat Access. c) Spring Hollow Boat Access to Teton Dam Site Boat Access. d) Teton Dam Site Boat Access to Hog Hollow Bridge Boat Access. e) Hog Hollow Bridge Boat Access to Teton Highway. f) Teton Highway to confluence with the Henrys Fork of the Snake River. Note: No boat access exists at the confluence with the Henrys Fork of the Snake River. Outfitters would utilize Hibbard Bridge or Warm Slough Access on SH3. No fishing on SH3.</p> <p>No outfitter may have more than eight (8) boats on the TE3 in any one day.</p> <p>Float boats may use motors not to exceed 10 hp in section a) (Harrop Bridge to Felt Dam Access) only. Float boats may use motors (5HP or less) for downstream steerage only in sections d), e) and f). Motors are not allowed in other sections. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire TE3 segment; a section of TE3 cannot be separated from TE3 for the purposes of selling a portion of an outfitter's business.</p>	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections are considered within their area of operations when hiking from the river or fishing in tributaries away from the river but does not include overnight activities. Conflicts with land-based outfitters will be handled on a case-by-case basis. (4-6-23)

04. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho are open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	1
Dworshak Reservoir	7	2
Hayden Lake	4	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Pend Oreille	11	1
Priest Lake	5	1
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

~~(4-6-23)~~()

05. Other Lakes and Reservoirs. All other Idaho lakes and reservoirs are limited to two (2) outfitters with a maximum of two (2) boats (float or power) per outfitter. (4-6-23)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 24-3601-2301

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 37-2702, 37-2715, 54-1717, 54-1753, and 54-1755, 67-2614, 67-9406 and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

Thursday, December 14, 2023, 10:00 a.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

This rulemaking is being done pursuant to Section 67-5230, Idaho Code. The Idaho State Board of Pharmacy recently granted a waiver of IDAPA 24.36.01.301.04. Pursuant to Section 67-5230, Idaho Code, the Board has initiated rulemaking proceedings to allow all similarly situated persons to derive the same benefits granted to the individual who petitioned for the waiver.

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

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is mandatory pursuant to Section 67-5230, Idaho Code.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Katie Stewart, Bureau Chief, at (208) 577-2489. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 27, 2023.

DATED this 14th Day of November, 2023.

Katie Stuart
Bureau Chief- Administration
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3601-2301
(Only Those Sections With Amendments Are Shown.)

011. DEFINITIONS AND ABBREVIATIONS (O – Z).

The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: (3-28-23)

01. Parenteral Admixture. The preparation and labeling of sterile products intended for administration by injection. (3-28-23)

02. Pharmaceutical Care Services. A broad range of services, activities and responsibilities intended to optimize drug-related therapeutic outcomes for patients consistent with Rule 100. Pharmaceutical care services may be performed independent of, or concurrently with, the dispensing or administration of a drug or device and also encompasses services provided by way of DTM under a collaborative practice agreement. Pharmaceutical care services are not limited to, but may include one (1) or more of the following: (3-28-23)

a. Performing or obtaining necessary assessments of the patient’s health status, including the performance of health screening activities or testing; (3-28-23)

b. Reviewing, analyzing, evaluating, formulating or providing a drug utilization plan; (3-28-23)

c. Monitoring and evaluating the patient’s response to drug therapy, including safety and effectiveness; (3-28-23)

d. Coordinating and integrating pharmaceutical care services within the broader health care management services being provided to the patient; (3-28-23)

e. Ordering and interpreting laboratory tests; (3-28-23)

f. Performing drug product selection, substitution, prescription adaptation, or refill authorization as provided in these rules; ~~and~~ ~~(3-28-23)~~()

g. Prescribing drugs and devices as provided in these rules; ~~and~~ ~~(3-28-23)~~()

h. Delegating services and duties to appropriate support personnel. ()

03. PDMP. Prescription Drug Monitoring Program. (3-28-23)

04. Prescriber. An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (3-28-23)

05. Purple Book. The list of licensed biological products with reference product exclusivity and

biosimilarity or interchangeability evaluations published by the FDA under the Public Health Service Act. (3-28-23)

06. Readily Retrievable. Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (3-28-23)

07. Reconstitution. The process of adding a diluent to a powdered medication to prepare a solution or suspension, according to the product's labeling or the manufacturer's instructions. (3-28-23)

08. Restricted Drug Storage Area. The area of a drug outlet where prescription drugs are prepared, compounded, distributed, dispensed, or stored. (3-28-23)

09. Therapeutic Equivalent Drugs. Products assigned an "A" code by the FDA in the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) and animal drug products published in the FDA Approved Animal Drug Products (Green Book). (3-28-23)

10. USP-NF. United State Pharmacopeia-National Formulary. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

301. DRUG OUTLETS THAT DISPENSE PRESCRIPTION DRUGS: MINIMUM PRESCRIPTION FILLING REQUIREMENTS.

Unless exempted by these rules, each drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements either at the drug outlet or through offsite pharmacy services: (3-28-23)

01. Valid Prescription Drug Order. Prescription drugs may only be dispensed pursuant to a valid prescription drug order as set forth in Subchapter E of these rules. (3-28-23)

02. Prospective Drug Review. Prospective drug review must be provided. (3-28-23)

03. Labeling. Each drug must bear a complete and accurate label as set forth in these rules. (3-28-23)

04. Verification of Dispensing Accuracy. Verification of dispensing accuracy must be performed to compare the drug stock selected to the drug prescribed. If not performed by a pharmacist or prescriber, an electronic verification system must be used that confirms the drug stock selected to fill the prescription is the same as indicated on the prescription label. ~~A compounded drug may only be verified by a pharmacist or prescriber.~~ (3-28-23)()

05. Patient Counseling. Counseling must be provided. (3-28-23)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 24-3801-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2604, Idaho Code, and Sections 54-2103, 54-2104, 54-2105, 54-2112, 54-2115, 54-2118, 67-2614, 67-9406, and 67-9409, 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:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Board of Veterinary Medicine is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government.

Section 67-5229, Idaho Code, requires agencies to identify materials incorporated by reference with specificity, including the date when the material was published. To correct this omission from the proposed rule, 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 September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 380-402](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these rules are authorized in Section 54-2105, Idaho Code. None of these fees are being changed as a result of this rulemaking or since they were previously reviewed by the Idaho Legislature.

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 not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

DOCKET NO. 24-3801-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 380 through 402.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3801-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

(BREAK IN CONTINUITY OF SECTIONS)

002. INCORPORATION BY REFERENCE.

The Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), as adopted and revised April 2016, is incorporated herein by reference in accordance with the provisions of Section 67-5229, Idaho Code. ()

[Agency redlined courtesy copy]

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

PENDING TEXT 002

002. INCORPORATION BY REFERENCE.

The ~~most current and updated~~ Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), as adopted and revised April 2016, is incorporated herein by reference in accordance with the provisions of Section 67-5229, Idaho Code.()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.10 – RULES OF THE IDAHO ELECTRICAL BOARD

DOCKET NO. 24-3910-2302

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Sections 54-1001, 54-1005, 54-1006, 54-1007, 54-1009, 54-1018, 67-2604, 67-2614, 67-9406, and 67-9409, 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:

- Rule 600.01.e. Under Rule 600, Idaho Electrical Code, an exception was added for Article 210.8.d of the 2023 Edition of the NEC for clothes dryers in laundry areas and dishwashers in dwelling units to align the wording with portions of the NEC elsewhere in Rule 600.

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 4, 2023, Edition of the Idaho Administrative Bulletin, [Vol. 23-10, pages 547-557](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The fees for permits and inspections as designated in Rule 500 of these pending rules are authorized in Section 54-1005, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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 not anticipated to have any impact to the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief- Administration, 208-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
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DOCKET NO. 24-3910-2302 – ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-10, October 4, 2023, pages 547 through 557.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3910-2302
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

100. LICENSURE AND REGISTRATION.

01. Journeyman. An applicant must pass an examination designated by the Board and either (a) submit evidence of a minimum of eight thousand (8,000) hours of work experience as an apprentice making electrical installations in accordance with the requirements of the jurisdiction in which the applicant obtained the experience and satisfactory completion of a four-year sequence of instruction approved by the Idaho Division of Career-Technical Education, or (b) submit proof of sixteen thousand (16,000) hours of electrical experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. (3-28-23)

a. Examination. An applicant may sit for the exam after showing proof of completion of either the approved 4-year sequence of instruction or 16,000 hours of electrical experience. (3-28-23)

b. Provisional Journeyman License. A provisional journeyman license can be issued to an applicant who has completed the 16,000 hours of electrical experience but has not yet passed the examination. (3-28-23)

c. Work experience in appliance repair, motor winding, or communications will not count towards the requirements to take the journeyman examination or obtain a provisional journeyman or journeyman license. (3-28-23)

d. No more than two thousand (2,000) hours of work experience gained while engaged in the practice of a limited electrical installer or trainee may be counted toward the satisfaction of the experience requirements for journeyman licensure. (3-28-23)

02. Master. A master electrician does not need to also hold a journeyman license. (3-28-23)

03. Limited Electrical Installer. An applicant must submit evidence of a minimum of four thousand (4,000) hours of work experience in the same limited category in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. (3-28-23)

04. Electrical Contractor and Limited Electrical Contractor. Applicant or its entity designee must pass an examination designated by the Board and submit an application signed by the applicant or an official representative of the entity making the application and countersigned by the supervising electrician. (3-28-23)

a. An entity applicant (such as, corporation, partnership, company, firm, or association) must designate in writing an individual to represent it for examination purposes. Any such designee shall be a supervisory

employee and may not represent any other applicant for a contractor's license. (3-28-23)

b. In the event the working relationship between a contractor and its designee terminates, the contractor will notify the Division in writing within ten (10) days of the date of termination. The contractor may not purchase permits or make electrical installations unless another duly qualified designee passes the contractor's examination on behalf of the contractor. (3-28-23)

05. Continuing Education. To renew, journeymen and master electricians must provide proof of completion, during the prior three-year license cycle, ~~of twenty four (24) hours of continuing education instruction~~ consisting of ~~eight sixteen (816)~~ hours of Idaho Electrical eCode update training covering changes included in the latest edition of the National Electrical Code and ~~sixteen eight (168)~~ hours of any combination of National Electrical Code code-update training, code-related training, ~~or industry-related training, or independent study.~~ (3-28-23)()

101. – 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Electrical Contracting Work. Contracting work includes electrical maintenance or repair work, in addition to new electrical installations, unless such work is expressly exempted by Section 54-1016, Idaho Code. (3-28-23)

02. Contractor Scope. A contractor's allowable scope of work is the same as the scope of its licensed employee. (3-28-23)

03. Supervision. (3-28-23)

a. The master, journeyman, residential electrician, or limited electrical installer shall be designated the supervising electrician; must be available during working hours to carry out the duties of supervising, as set forth herein; and will be responsible for supervision of electrical installations made by said contractor as provided by Section 54-1010, Idaho Code. (3-28-23)()

i. A master electrician, journeyman, residential electrician, or limited electrical installer is not qualified for one (1) year as the supervising electrician if his contractor license was revoked. (3-28-23)()

ii. An individual contractor may act as his own supervising master, journeyman, residential electrician, or limited electrical installer upon the condition that he holds an active master, journeyman, residential electrician, or limited electrical installer license. (3-28-23)()

b. The employing contractor or limited electrical contractor must ensure each apprentice, trainee, and provisional journeyman performs electrical work only under the constant on-the-job supervision and training of a master, journeyman, residential electrician, or installer. (3-28-23)()

c. A journeyman who is an employee of a company, corporation, firm, or association with a facility account may sign as supervising electrician for that facility account in addition to signing as supervising journeyman for his own contractor's license so long as the journeyman is listed as the owner. (3-28-23)

04. Connecting and Energizing Prior to Inspections. At the request of a licensed electrical contractor and upon receipt of a copy of an electrical permit, a power supply company may connect and energize an electrical service, to the line side of the service disconnect, prior to a passed inspection in the following situations: to preserve life or property or to provide temporary service for construction. Any contractor energizing an electrical installation prior to an inspection assumes full responsibility for the installation. (3-28-23)

05. Limited Electrical Installations. A limited electrical installer must be employed by an electrical contractor or limited electrical contractor in the same restricted category and may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within the same restricted category. Limited electrical installations must comply with the National Electrical Code, as amended herein. The following

categories of electrical installations constitute limited electrical installations, the practice of which shall require an electrical contractor or limited electrical contractor license and supervision by a journeyman, master electrician, or limited electrical installer: (3-28-23)

a. Elevator, Dumbwaiter, Escalator, or Moving-Walk Electrical. An elevator electrical limited licensee is only authorized to install, maintain, repair, and replace equipment, controls, and wiring beyond the disconnect switch in the machine room of the elevator and pertaining directly to the operation and control thereof when located in the elevator shaft and machine room. (3-28-23)

b. Sign Electrical. A sign electrical limited licensee is only authorized to install, maintain, repair, and replace equipment, controls, and wiring on the secondary side of sign disconnecting means; provided the disconnecting means is located on the sign or within sight therefrom. (3-28-23)

c. Manufacturing or Assembling Equipment. A licensed limited electrical manufacturing or assembling equipment installer is only authorized to install, maintain, repair, and replace equipment, controls, and accessory wiring, integral to the specific equipment, on the load side of the equipment disconnecting means. Electrical service and feeder are to be installed by others. The licensee may also install circuitry in modules or fabricated enclosures for the purpose of connecting the necessary components which individually bear a label from a nationally recognized testing laboratory when such equipment is designed and manufactured for a specific job installation. (3-28-23)

i. This subsection does not apply to a limited electrical manufacturing or assembling equipment installer installing electrical wiring, equipment, and apparatus in modular buildings as that phrase is defined in Section 39-4105, Idaho Code. Only journeyman electricians and electrical apprentices, employed by an electrical contractor, may perform such installations. (3-28-23)

d. Limited Energy Electrical. Limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy limited electrical license. (3-28-23)

i. Limited energy systems do not include, and no license of any type is required for, the installation of landscape sprinkler controls or communication circuits, wires and apparatus that include telephone systems, telegraph facilities, outside wiring for fire and security alarm systems which are used for communication purposes, and central station systems of a similar nature, PBX systems, audio-visual and sound systems, public address and intercom systems, data communication systems, radio and television systems, antenna systems and other similar systems. (3-28-23)

e. Irrigation Sprinkler Electrical. An irrigation system electrical limited licensee is only authorized to install, maintain, repair and replace equipment, controls and wiring beyond the disconnect switch supplying power to the electric irrigation machine. The irrigation machine is considered to include the hardware, motors and controls of the irrigation machine and underground conductors connecting the control centers on the irrigation machine to the load side of the disconnecting device. Disconnect device to be installed by others. (3-28-23)

f. Well Driller and Water Pump Installer. A license holder in this category is only authorized to perform the following types of installations: (3-28-23)

i. Single or three (3) phase water pumps: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-28-23)

ii. Domestic water pumps, one hundred twenty/two hundred forty (120/240) volt, single phase, sixty (60) amps or less: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device. (3-28-23)

iii. Temporarily connect into a power source to test the installations, provided that all test wiring is removed before the installer leaves the site. (3-28-23)

iv. Individual residential wastewater pumping units. Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device for systems that serve one-family, two-family, or three-family residential installations. (3-28-23)

g. Refrigeration, Heating, and Air-Conditioning Electrical Installer. A license holder in this category is only authorized to perform the following types of installations, which installations shall be limited to factory-assembled, packaged units: (3-28-23)

i. Heating Units (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-28-23)

ii. Refrigeration, Air-Conditioning Equipment and Heat Pumps (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-28-23)

iii. Refrigeration, Air-Conditioning and Heating Systems (three (3) phase): install, maintain, and repair all electrical equipment and accessories up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-28-23)

h. Outside Wireman. Applicants for this license category shall provide documentation of having completed an electrical lineman apprenticeship program or similar program approved by the U.S. Department of Labor, Office of Apprenticeship. Any person currently licensed in this category is only authorized to perform the following types of installation (3-28-23)

i. Overhead distribution and transmission lines in excess of six hundred (600) volts (3-28-23)

ii. Underground distribution and transmission lines in excess of six hundred (600) volts. (3-28-23)

iii. Substation and switchyard construction in excess of six hundred (600) volts. (3-28-23)

i. Solar Photovoltaic. Applicants for this license category shall provide proof of photovoltaic installer certification by the North American Board of Certified Energy Practitioners (NABCEP) or equivalent. Any person licensed in this category is only authorized to perform the following types of installations: (3-28-23)

i. Solar Photovoltaic DC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the inverter. (3-28-23)

ii. Solar Photovoltaic micro-inverter/AC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the AC combiner box. (3-28-23)

06. Certification and Approval of Electrical Products and Materials. All materials, devices, fittings, equipment, apparatus, luminaires, and appliances installed or to be used in installations that are supplied with electric energy must be approved as provided in one (1) of the following methods: (3-28-23)

a. Testing Laboratory. Be tested, examined, and certified (Listed) by a Nationally Recognized Testing Laboratory (NRTL). (3-28-23)

b. Field Evaluation. Non-listed electrical equipment may be approved for use through a field evaluation process performed in accordance with recognized practices and procedures such as those contained in the 2012 edition of NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA). Such evaluations shall be conducted by: (3-28-23)

i. A field evaluation body approved by the authority having jurisdiction. The field evaluation body

shall meet minimum recognized standards for competency, such as NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies, 2012 edition, published by the National Fire Protection Association (NFPA); or (3-28-23)

ii. In the case of industrial machinery only, as defined by NFPA 79 - Electrical Standard for Industrial Machinery, 2012 edition, a field evaluation may be performed by a professional engineer currently licensed to practice electrical engineering by the state of Idaho and who is not involved in the design of the equipment being evaluated or the facility in which the equipment is to be installed. (3-28-23)

c. Availability of NFPA Standards. The most recent edition of NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies and NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA) are available at the Division. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

600. IDAHO ELECTRICAL CODE.

01. Documents. Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2017~~23~~ Edition, (herein NEC) is hereby adopted ~~and incorporated by reference for the state of Idaho and are in full force and effect on and after July 1, 2017,~~ with the following amendments: (3-28-23)T()

~~a. Article 110.3(A) and 110.3(B) shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. (3-28-23)T~~

~~b. Article 210.8(A)(7) Sinks. Delete article 210.8(A)(7) and replace with the following: Sinks—located in areas other than kitchens where receptacles are installed within one and eight tenths (1.8) meters (six (6) feet) of the outside edge of the sink. (3-28-23)T~~

~~c. Article 210.8(A)(10). Delete article 210.8(A)(10). (3-28-23)T~~

~~d. Article 210.8(D). Delete article 210.8(D). (3-28-23)T~~

~~e. Article 210.52(E)(3). Delete article 210.52(E)(3) and replace with the following: Balconies, Decks, and Porches. Balconies, decks, and porches having an overall area of twenty (20) square feet or more that are accessible from inside the dwelling unit shall have at least one (1) receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than two (2.0) meters (six and one half (6½) feet) above the balcony, deck, or porch surface. (3-28-23)T~~

~~f. Add a new Article 225.30(F)—One (1) or Two (2) Family Dwelling Unit(s). For a one (1) or two (2) family dwelling unit(s) with multiple feeders with conductors one aught (1/0) or larger, it shall be permissible to install not more than six (6) disconnects grouped at one (1) location where the feeders enter the building, provided that the feeder conductors originate at the same switchboard, panelboard, or overcurrent protective device location. (3-28-23)T~~

~~g. Where the height of a crawl space does not exceed one and four tenths (1.4) meters or four and one half (4.5) feet it shall be permissible to secure NM cables, that run at angles with joist, to the bottom edge of joist. NM cables that run within two and one tenth (2.1) meters or seven (7) feet of crawl space access shall comply with Article 320.23. (3-28-23)T~~

~~h. Article 334.10(3). Delete Article 334.10(3) and replace with the following: Other structures permitted to be of Types III, IV, and V construction. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a fifteen (15) minute finish rating as identified in listings of fire-rated assemblies. For the purpose of this section, cables located in attics and underfloor areas that are not designed to~~

~~be occupied shall be considered concealed. (3-28-23)T~~

~~i. Article 675.8(B). Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. (3-28-23)T~~

~~j. Article 682.10 shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. (3-28-23)T~~

~~k. Article 682.11. Add the following exception to Article 682.11: This article shall not apply to service equipment that is located on or at the dwelling unit and which is not susceptible to flooding. (3-28-23)T~~

~~l. Article 682.13. Add the following exceptions to Article 682.13: (3-28-23)T~~

~~i. Exception No. 1. Wiring methods such as HDPE schedule eighty (80) electrical conduit or its equivalent or greater, and clearly marked at a minimum "Caution Electrical" to indicate that it contains electrical conductors shall be approved. It shall be buried whenever practical, and in accordance with the requirements of the authority having jurisdiction. The use of gray HDPE water pipe rated at two hundred (200) PSI (e.g. SDR 7 or DR-9) is suitable for use as a chase only when the following conditions are met: (3-28-23)T~~

~~(1) When internal conductors are jacketed submersible pump cable. (3-28-23)T~~

~~(2) When used in continuous lengths, directly buried, or secured on a shoreline above and below the water line. (3-28-23)T~~

~~(3) When submersible pump wiring terminations in the body of water according to 682.13 Exception No. 2 are met. (3-28-23)T~~

~~ii. Exception No. 2. Any listed and approved splices required to be made at the submersible well pump itself, outside of a recognized submersed pump sleeve or housing, when wires are too large to be housed inside such sleeve, shall be covered with a non metallic, impact resistant material, no less than one quarter (.25) inches thick, such as heavy duty heat shrink or other equivalent method approved by the authority having jurisdiction. (E.g. install a heat shrink over the sleeve or housing that the submersible well pump is installed in, and then recover (apply heat) the heat shrink over both the HDPE and the water line). At least six (6) inches shall be over the sleeve and at least twelve (12) inches over the HDPE and water line. (3-28-23)T~~

~~iii. Exception No. 3. Pipe, conduit, PVC well casing, or other electrically unlisted tubing may be used as a chase, but not as a raceway, to protect conductors or cables from physical damage. Conductors or cables within a chase shall be rated for the location. (3-28-23)T~~

~~m. Article 682.14. Add the following additional exception to Article 682.14: For installations of submersible well pumps installed in public swimming and marine areas, submersible well pumps shall be considered directly connected and shall be anchored in place. Ballast is an acceptable form of anchoring. (3-28-23)T~~

~~n. Article 682.14(A). Add the following exception to Article 682.14(A): For installations of submersible well pumps installed in public swimming and marine areas, motor controller circuits such as remotely located stop pushbutton/s, disconnect/s, relay/s or switches shall be permitted as a required disconnecting means. Such circuits shall be identified at a minimum as "Emergency Pump Stop", or "Emergency Stop" with other obvious indications on the visible side of the enclosure, that it controls a submersible pump in the body of water. (3-28-23)T~~

~~o. Article 682.15. Add the following exceptions to Article 682.15: (3-28-23)T~~

~~i. Exception No. 1. Submersible pumps, and their motor leads, located in bodies of water, and that are rated sixty (60) amperes maximum, two hundred fifty (250) volts maximum of any phase, shall have GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, protected by means selected by a licensed installer, meeting listing or labeling requirements, and inspected by the AHJ prior to~~

~~submersion in bodies of water. (3-28-23)T~~

~~ii. Exception No. 2. Installations or repair and replacement of submersible pumps located in bodies of water, that are rated over sixty (60) amperes, and rated at any voltage, shall be evaluated by a qualified designer or experienced licensed contractor, or involve engineering or be engineered, for each specific application, with the goal of public safety. Whenever possible, GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, meeting listing or labeling requirements, shall be installed, and inspected by the AHJ prior to submersion in bodies of water. (3-28-23)T~~

~~p. Article 550.32(B). Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to those homes manufactured after January 1, 1992. (3-28-23)T~~

~~q. Poles used as lighting standards that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC). The disconnecting means shall not be mounted to the pole. The disconnecting means may be permitted elsewhere in accordance with NEC, Article 225.32, exception 3. SEC special purpose fuseable connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230-Services. Overcurrent protection shall be provided by a (fast acting — minimum — 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device (time delay — minimum — 10K RMS Amps 600 VAC) in break-a-way fuse holder accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, shall be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire-supporting poles shall be appropriately grounded and bonded per the NEC. (3-28-23)T~~

~~r. Article 210.12(A). Delete. (3-28-23)T~~

a. Article 110.3(A) and 110.3(B). Shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. ()

b. Article 210.8 (A). Delete reference to 250-volt receptacles. ()

c. Article 210.8(A)(7) Sinks. Delete article 210.8(A)(7) and replace with the following: Sinks - located in areas other than kitchens where receptacles are installed within one and eight tenths (1.8) meters (six (6) feet) of the outside edge of the sink. ()

d. Article 210.8(A)(11). Delete article 210.8(A)(11) Laundry Areas. ()

e. Article 210.8(D). Shall apply in full. Exception: In one- and two-family dwelling units, GFCI protection is not required for dishwashers or clothes dryers. ()

f. Article 210.12(B). Shall apply in full. Exception: In one- and two-family dwelling units, Arc-Fault Circuit-Interrupter Protection shall only apply to all branch circuits and outlets supplying bedrooms. All other locations in such units are exempt from the requirements of Article 210.12(B). ()

g. Article 210.52(E)(3). Delete and replace with the following: Balconies, Decks, and Porches. Balconies, decks, and porches having an overall area of twenty (20) square feet or more that are accessible from inside the dwelling unit shall have at least one (1) receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than two (2.0) meters (six and one half (6½) feet) above the balcony, deck, or porch surface. ()

h. Article 230.67 Surge Protection. Delete NEC Article 230.67. ()

i. Article 230.85 Emergency Disconnects. Delete Article 230.85. ()

- j.** Article 314.27(C) Boxes at Ceiling-Suspended (Paddle) Fan Outlets. Delete second paragraph. ()
- k.** Article 334.10(3). Delete and replace with the following: Other structures permitted to be of Types III, IV, and V construction. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a fifteen (15)-minute finish rating as identified in listings of fire-rated assemblies. For the purpose of this section, cables located in attics and underfloor areas that are not designed to be occupied shall be considered concealed. ()
- l.** Article 334.15(C). Where the height of a crawl space does not exceed one and four tenths (1.4) meters or four and one half (4.5) feet, it shall be permissible to secure NM cables, that run at angles with joist, to the bottom edge of joist. NM cables that run within two and one tenth (2.1) meters or seven (7) feet of crawl space access shall comply with Article 320.23. ()
- m.** Pole Lighting. Poles used as lighting standards along roadways only (parking areas are not roadways) that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less to ground, shall not be considered a structure as it is defined as equipment by the NEC. The disconnecting means may be mounted to the pole or elsewhere in accordance with NEC, Article 225.32, exception 3. Special purpose fuseable connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230- Services. Overcurrent protection shall be provided by a (fast-acting – minimum - 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device (time-delay – minimum - 10K RMS Amps 600 VAC) in break-a-away fuse holder accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, may be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire- supporting poles shall be appropriately grounded and bonded per the NEC. A service may not need a Watt Hour Meter. ()
- n.** Article 422.5 (A)(7). Delete Article 422.5 (A)(7) GFCI protection for dwelling unit dishwashers. ()
- o.** Article 480.7(B) Battery Emergency Disconnect. Delete. ()
- p.** Article 675.8(B). Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. ()
- q.** Article 682.10. Shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. ()
- r.** Article 682.11. Add the following exception: This article shall not apply to service equipment that is located on or at the dwelling unit and which is not susceptible to flooding. ()
- s.** Article 682.13. Add the following exceptions: ()
- t.** Exception No 1. Wiring methods such as HDPE schedule eighty (80) electrical conduit or its equivalent or greater and clearly marked at a minimum “Caution Electrical” to indicate that it contains electrical conductors shall be approved. It shall be buried whenever practical, and in accordance with the requirements of the authority having jurisdiction. The use of gray HDPE water pipe rated at two hundred (200) PSI (e.g. SIDR-7 or DR-9) is suitable for use as a chase only when the following conditions are met: when internal conductors are jacketed submersible pump cable; when used in continuous lengths, directly buried, or secured on a shoreline above and below the water line; when submersible pump wiring terminations in the body of water according to 682.13 Exception No. 2 are met. ()
- i.** Exception No 2. Any listed and approved splices required to be made at the submersible well pump

itself, outside of a recognized submersed pump sleeve or housing, when wires are too large to be housed inside such sleeve, shall be covered with a non-metallic, impact resistant material, no less than one quarter (.25) inches thick, such as heavy-duty heat shrink or other equivalent method approved by the authority having jurisdiction. (e.g. install a heat shrink over the sleeve or housing that the submersible well pump is installed in, and then recover (apply heat) the heat shrink over both the HDPE and the water line). At least six (6) inches shall be over the sleeve and at least twelve (12) inches over the HDPE and water line. ()

ii. Exception No. 3. Pipe, conduit, PVC well casing, or other electrically unlisted tubing may be used as a chase, but not as a raceway, to protect conductors or cables from physical damage. Conductors or cables within a chase shall be rated for the location. ()

u. Article 682.14. Add the following additional exception: For installations of submersible well pumps installed in public swimming and marine areas, submersible well pumps shall be considered directly connected and shall be anchored in place. Ballast is an acceptable form of anchoring. ()

v. Article 682.14(A). Add the following exception: For installations of submersible well pumps installed in public swimming and marine areas, motor controller circuits such as remotely located stop pushbutton/s, disconnect/s, relay/s or switches shall be permitted as a required disconnecting means. Such circuits shall be identified at a minimum as “Emergency Pump Stop”, or “Emergency Stop” with other obvious indications on the visible side of the enclosure, that it controls a submersible pump in the body of water. ()

w. Article 682.15. Add the following exceptions: ()

i. Exception No. 1. Submersible pumps, and their motor leads, located in bodies of water, and that are rated sixty (60) amperes maximum, two hundred fifty (250) volts maximum of any phase, shall have GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, protected by means selected by a licensed installer, meeting listing or labeling requirements, and inspected by the AHJ prior to submersion in bodies of water. ()

ii. Exception No. 2. Installations or repair and replacement of submersible pumps located in bodies of water, that are rated over sixty (60) amperes, and rated at any voltage, shall be evaluated by a qualified designer or experienced licensed contractor, or involve engineering or be engineered, for each specific application, with the goal of public safety. Whenever possible, GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, meeting listing or labeling requirements, shall be installed, and inspected by the AHJ prior to submersion in bodies of water. ()

x. Article 690.12 Rapid Shut Down. Add following Exemptions: ()

i. Detached structures whose sole purpose is to house PV system equipment shall not be considered buildings and thus may have roof mounted PV systems without rapid shutdown equipment according to this exception. ()

ii. PV system circuits installed on or in buildings without the presence of a utility supplied power source shall not be required to comply with Article 690.12 where all of the following apply: the minimum distance to bring electric utility power lines or service conductors to the building is 1000 feet or greater; the building has a minimum setback distance of 100 feet from any building or structure located on adjacent properties; A lockable service entrance rated AC disconnect is installed outside at a readily accessible location; and the AC disconnect has a permanent placard or label with the following words or equivalent: ()

WARNING
SOLAR PV SYSTEM IS NOT EQUIPPED WITH RAPID SHUTDOWN

The warning placard or label shall comply with Article 110.21(B). ()

y. Article 690.12(A) Exception. PV system circuits originating within or from arrays not attached to buildings that terminate on the exterior of buildings or inside nearest the point of entrance, and PV system circuits installed in accordance with Article 230.6 shall not be considered controlled conductors for the purposes of this

section. ()

z. Article 706.5: Listing. Energy storage systems shall be listed. This shall not apply to lead-acid batteries. ()

aa. Article 706.15(B) Off Grid Systems. Add the following Exception: For one-family and two-family dwellings, a disconnecting means or its remote control shall be located at a readily accessible location. ()

02. Availability. A copy of the 2023 National Electrical Code is available at the offices of the Division. (~~3-28-23~~) ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

DOCKET NO. 24-3930-2302 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 67-2604, Idaho Code, and Sections 33-356, 39-4107, 39-4109, 39-4112, 39-4113, 39-9701, 67-2614, 67-9406, and 67-9409, 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 pending rule chapter was reviewed and agreed to be consistent with the substance and purpose of the rulemaking. 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 6, 2023, Edition of the Idaho Administrative Bulletin, [Vol. 23-9, pages 403-429](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The fees for applications, licenses, and reinstatement as designated in Rule 400 of these pending rules are authorized in Section 39-4017, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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 not anticipated to have any impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief- Administration, 208-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief- Administration
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.31 – RULES FOR FACTORY BUILT STRUCTURES

DOCKET NO. 24-3931-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 39-4003, 39-4302, 44-2102, 44-2104, 44-2201, 44-2202, 67-2614, 67-9406, and 67-9409, 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 proposed rule chapter was reviewed and agreed to be consistent with the substance and purpose of the rulemaking. 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 6, 2023, Idaho Administrative Bulletin, [Volume 23-9 pages 430-450](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The fees for applications, licenses, and renewal as designated in Rule 400 of these pending rules and the fee for permits, plan reviews, and inspections in Rule 500 are authorized in Sections 44-2104 and 67-2604, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

As authorized in Sections 44-2104 and 67-2604, Idaho Code, the fees in this rulemaking are for applications, licenses, and renewal and permitting, plan review and inspections.

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 not anticipated to have any negative impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief – Administration, (208)-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief – Administration
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 24-3950-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-1907, 67-2614, 67-9406, and 67-9409, 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:

- Rule 100.03.e. Allows for a Type IV self-declaration of specialty construction. This language was added in collaboration with stakeholders during the public comment period.
- Rule 100.03.d. Edited to correct a clerical error and correctly identify that the working capital requirements for an unlimited licensure type are \$1,200,000. Please see table in rule.

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 September 6, 2023, Edition of the Idaho Administrative Bulletin, [Vol. 23-9, pages 451-474](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The fees for applications, licenses, certificates, and reinstatement as designated in Rule 400 of these pending rules are authorized in Section 54-4106, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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 not anticipated to have any impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief- Administration, 208-577-2489.

DATED this 6th day of December, 2023.

Katie Stuart
Bureau Chief- Administration
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
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Email: katie.stuart@dopl.idaho.gov

DOCKET NO. 24-3950-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 451 through 474.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3950-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSURE.

01. Renewal. ()

a. Filing Deadline. Applications for renewal of a license must be filed by the last working day of the month in which the license expires. ()

b. Extension of Time. A petition for an extension of time in which to renew must be filed by the last working day of the month in which the license expires and may be extended once for a period not to exceed sixty (60) days. Approval of a petition for extension of time authorizes operation as a contractor. ()

c. Failure to File. If the licensee fails to file a timely application for renewal or petition for extension, the license lapses and expires on the last day of the license period. Licenses not renewed in a timely manner are considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. ()

d. Expedited Licensure. Upon an applicant's request and payment of a fee of one hundred dollars (\$100), the Division will expedite its review and determination of a license application. ()

02. Petition to change or add types of construction. A petition to change or add types of construction must be supported by evidence, satisfactory to the administrator, of work history, job performance, experience, equipment, and financial responsibility. ()

03. Application. The applicant must submit to the administrator, on such forms and in a format as the administrator prescribes. ()

a. For Class A, AA, AAA, and Unlimited license applications, financial statements must be accompanied by an independent auditor's report, or be reviewed. For Class B and CC license applications, financial statements must be accompanied by an independent audit report or be reviewed or compiled by a certified public accountant. For Class C and Class D license applications, financial statements must be accompanied by an independent audit report or be reviewed, compiled, or on the form provided by the administrator. ()

b. Applicants requesting a higher licensing class must provide documentation of having performed projects similar in scope and character to those for which license is requested. Licenses granted under this rule are valid for twelve (12) months from the date of issuance. ()

c. Extension of Time to File Financial Statement. The administrator may grant an extension of time to file the annual financial statement if the licensee provides an interim compiled balance sheet and income statement for the applicant's fiscal year-to-date. A renewal application must be filed prior to the first day of the licensing period, and is valid for a period of twelve (12) months from the date of the issuance. ()

d. Financial Requirements:

LICENSE CLASS	NET WORTH	WORKING CAPITAL
Unlimited	\$2,000,000	\$1,200,000
AAA	\$1,200,000	\$400,000
AA	\$900,000	\$300,000
A	\$600,000	\$200,000
B	\$300,000	\$100,000
CC	\$150,000	\$50,000
C	\$50,000	\$15,000
D	\$20,000	\$6,000

()

e. Type IV Self Declaration. Upon initial licensure for Type IV licensure or anytime thereafter, an applicant or licensee may voluntarily self-declare a specialty trade of craft. Any self-declaration shall not guarantee competency or otherwise construed as an endorsement to practice the scope of work by the Division of Occupational and Professional Licenses. ()

04. Examination. The Board approves all subject areas and topics to be included in the public works contractor license examination. Applicants for licensure must pass an examination as approved by the Board. ()

a. Professional Testing Services. The administrator may contract with a professional testing service to administer the examination. ()

b. Individual Qualified By Examination. Written notice that the Qualified Individual of a public works contractor has ceased to be connected with the contractor must be provided to the Administrator. ()

05. Limitations. ()

a. One License. A licensee will be permitted to hold only one (1) class of license at any given time. ()

b. Previous License Null and Void. When a licensee of one class has been issued a license of another

class, the previous license is null and void. ()

c. Total Bid Cost. The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class Unlimited, may not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids must include all bids of the subcontractors. Subcontractor bids are not considered a separate bid for the purposes of computing the bid on a given public works project. ()

d. Two or More Licensees. Two (2) or more licensees of the same class or of different classes are not permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. ()

06. Construction Manager Examinations. ()

a. If the applicant fails an examination, the applicant may take the examination a second time. If the applicant fails to achieve a passing grade, the applicant must wait for a period set by the Administrator before taking the examination again. The applicant must then take and pass all sections of the examination. ()

[Agency redlined courtesy copy]

24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

~~**105.100. LICENSURE RENEWAL— FILING DEADLINES; PETITIONS FOR EXTENSION OF TIME TO FILE; LAPSED LICENSES.**~~

01. Renewal

a. Filing Deadline. Applications for renewal of a license must be filed by the last working day of the month in which the license expires.()

~~**02b.** Extension of Time. A petition for an extension of time in which to renew must be filed by the last working day of the month in which the license expires and may be extended once for a period not to exceed sixty (60) days. Approval of a petition for extension of time authorizes operation as a contractor. The petition must be accompanied by a fee in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of at least fifty dollars (\$50). The fee for this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and paid to the Division at the time of application for licensure. Petitions not accompanied by the required fees or filed after the license has expired will not be honored.()~~

~~**a:** The petition must specify the number of days for which the extension is being requested; however under no circumstances may an extension exceed sixty (60) days.()~~

~~**03.** Approval of Petition. Approval of a petition for an extension of time authorizes operation as a contractor until the administrator completes action on the renewal application, provided the application for renewal is filed with the Administrator within the extended time specified.()~~

~~**04.c.** Failure to File. If the licensee fails to file a timely application for renewal or petition for extension, the license lapses and expires on the last day of the license period. Licenses not renewed in a timely manner are considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. Licenses delinquent for more than a period of one (1) year must be reinstated and the applicant for reinstatement must apply as if for a new license.()~~

~~**05d.** Expedited Licensure. Upon an applicant's request and payment of a fee of one hundred dollars (\$100), the Division will expedite its review and determination of a license application. The fee for this service is~~

~~required in addition to the licensing and renewal fees provided for in Section 201 of these rules and must be paid to the Division at the time of application for licensure.()~~

~~**106. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.**~~

~~**02. Petition to change or add types of construction.** A petition to change or add types of construction must be supported by evidence, satisfactory to the administrator, of work history, job performance, experience, equipment, and financial responsibility, and a minimum of three (3) letters of reference. The evidence of work history, job performance, experience, and financial responsibility must comply with the requirements of Subsections 110.01 and 110.02 of these rules. All of the evidence must specifically pertain to work that is similar in scope and value to that for which the change or addition is being requested.()~~

~~**107. 108.(RESERVED)**~~

~~**109. NOTICE.**~~

~~In any contested case or other matter of Board business, written notification, mailed to the licensee or the applicant at the most current address on record with the Board, constitutes sufficient notification for all purposes within Title 54, Chapter 19, Idaho Code, and these rules.()~~

~~**110. APPLICATION FOR LICENSURE DOCUMENTATION; APPRAISALS; REFERENCES; BONDING; AND FINANCIAL STATEMENTS.**~~

~~**031. Application Documentation.** To obtain a license, Ithe applicant must submit to the administrator, on such forms and in a format as the administrator prescribes, including electronically, accompanied by the required fee for the class of license applied for, a complete written application for such license. All of the information submitted by the applicant must specifically pertain to work that is similar in scope and value to that for which licensure is being requested or that is being requested in a petition to change or add types of construction. The information contained in such application forms must include:()~~

~~**a.** A complete statement of the general nature of applicant's contracting business, including a concise description of the applicant's experience and qualifications as a contractor and a list of clients for whom work has been performed; ()~~

~~**b.** A description of the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application;()~~

~~**c.** A general description of applicant's machinery and equipment; and()~~

~~**d.** An annual financial statement, as herein defined, that covers a period of time ending no more than twelve (12) months prior to the date of submission of the application, indicating compliance with such financial requirements as the Board may prescribe by rule. The applicant's financial statement may be supplemented with:
()~~

~~**i.** Bonding. As authorized by Section 54 1910(e), Idaho Code, a letter from applicant's bonding company, not an insurance agent, stating the amount of the applicant's bonding capability per project and in the aggregate, including supporting documentation;()~~

~~**ii.** Guaranty. Documentation, satisfactory to the administrator, of the existence of a written guaranty agreement between the applicant and a third party in which the third party guarantor agrees to assume financial responsibility for payment of any obligations of the applicant for any particular project as may be determined by a court of competent jurisdiction. The guaranty agreement, along with financial statements meeting the requirements of Paragraph 110.01.c. of this rule, must be submitted with the license application.()~~

~~**ea.** For Class A, AA, AAA, and Unlimited license applications, financial statements must be accompanied by an independent auditor's report, or be reviewed. For Class B and CC license applications, financial statements must be accompanied by an independent audit report or be reviewed or compiled by a certified public accountant. For Class C and Class D license applications, financial statements must be accompanied by an~~

independent audit report or be reviewed, compiled, or on the form provided by the administrator, ~~and include such additional information as may be required by the administrator to determine the applicant's fitness for a license.~~
 ()

~~f.~~ The name, social security number, and business address of an individual applicant or, if the applicant is a partnership, its tax identification number, business address, and the names and addresses of all general partners; and if the applicant is a corporation, association, limited liability company, limited liability partnership, or other organization, its tax identification number, business address, and the names and addresses of the president, vice president, secretary, treasurer, and chief construction managing officers, or responsible managing employee.
 ()

~~g.b.~~ Applicants requesting a **higher** licensing class ~~higher than that for which the applicant is currently licensed~~ must provide documentation, ~~satisfactory to the administrator,~~ of having performed projects; similar in scope and character to those for which license is requested. **Licenses granted under this rule are valid for twelve (12) months from the date of issuance.** The monetary value of those jobs must fall within a range not less than thirty percent (30%) below that for which the applicant is currently licensed.()

~~02.~~ **Application for Change in Licensing Class.** Requests for a licensing class higher than that for which the applicant is currently licensed must be accompanied by the information in Subsection 110.01 of these rules, and the applicable fee. Licenses granted under Subsection 110.02 of these rules are valid for a period of twelve (12) months from the date of issuance.()

~~03.c.~~ **Extension of Time to File Financial Statement.** The administrator may grant an extension of time to file the annual financial statement if the licensee provides an interim compiled balance sheet and income statement for the applicant's fiscal year-to-date, ~~duly certified as true by the applicant, and if a partnership, limited liability company, or limited liability partnership by a member thereof, and if a corporation, by its executive or financial officer. Such r~~A renewal application must be filed prior to the first day of ~~the such renewal~~ licensing period, ~~and.~~ **In the event an extension is granted, the renewal license** is valid for a period of twelve (12) months from the date of the issuance, ~~of the renewal license.~~()

~~04.~~ **Appraisals.** ~~The administrator may require submission of an independent appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals must be conducted by a disinterested person or firm established and qualified to perform such services.~~()

~~05.~~ **References.** ~~The administrator may require an applicant for an original or renewal license to furnish such personal, business, character, financial, or other written references as deemed necessary and advisable in determining the applicant's qualifications.~~()

111. FINANCIAL REQUIREMENTS.

~~The financial requirements for obtaining and maintaining a heavy, highway, building, and specialty construction license under this act must be as described in this section for each respective class. An applicant requesting a license for each class identified in this section must have a minimum net worth and possess an amount of working capital as provided in Table 111.01:~~

d. Financial Requirements:

TABLE 111.01— FINANCIAL REQUIREMENTS		
LICENSE CLASS	NET WORTH	WORKING CAPITAL
Unlimited	\$1,000,000 2,000,000	\$1,000,000 2,000,000
AAA	\$600,000 1,200,000	\$200,000 400,000
AA	\$450,000 900,000	\$150,000 300,000
A	\$300,000 600,000	\$100,000 200,000

B	\$ 150,000 <u>300,000</u>	\$ 50,000 <u>100,000</u>
CC	\$ 75,000 <u>150,000</u>	\$ 25,000 <u>50,000</u>
C	\$ 25,000 <u>50,000</u>	\$ 7,500 <u>15,000</u>
D	\$ 10,000 <u>20,000</u>	\$ 3,000 <u>6,000</u>

PENDING TEXT 100.03.d.

LICENSE CLASS	NET WORTH	WORKING CAPITAL
Unlimited	\$2,000,000	\$2,000,000 <u>\$1,200,000</u>
AAA	\$1,200,000	\$400,000
AA	\$900,000	\$300,000
A	\$600,000	\$200,000
B	\$300,000	\$100,000
CC	\$150,000	\$50,000
C	\$50,000	\$15,000
D	\$20,000	\$6,000

()

PENDING [NEW] TEXT 100.03.e.

e. Type IV Self Declaration. Upon initial licensure for Type IV licensure or anytime thereafter, an applicant or licensee may voluntarily self-declare a specialty trade of craft. Any self-declaration shall not guarantee competency or otherwise construed as an endorsement to practice the scope of work by the Division of Occupational and Professional Licenses. ()

112. EXAMINATION:

04. Examination. The Board approves all subject areas and topics to be included in the public works contractor license examination. Applicants for licensure must pass an examination as approved by the Board.
 ()

01. Frequency of Conducting of Examinations.(~~—~~)

a: Examinations for all classes of licenses under the Public Contractors laws and rules will be given a minimum of four (4) times each year in the Division's three (3) office locations.(~~—~~)

b: The applicant will be notified in writing of the date, time, and location at which the examinations will be given, following approval of the application.()

02.a. Professional Testing Services. ~~In lieu of the administration by the administrator of the~~

~~examination for licenses. The administrator may contract with a professional testing service to administer the examination, and require all license applicants, with the exception of Class D applicants, to pay to the testing service the fee that they have set for the examination, to take such examination at the time set by such service, and provide the Division acceptable verification of the test score. In such instances, the Division may charge and retain the application fee provided for by Section 54-1911, Idaho Code, to cover the cost of reviewing the applicant's application.~~ ()

~~a. Class D applicants will utilize the existing in house, open book examination.~~()

~~b. Class D licensees pursuing an upgrade must reapply and pass the examination administered by the professional testing service.~~()

~~03. **Required Score.** The applicant must receive a final grade of seventy percent (70%) or higher prior to issuance of the appropriate license.~~()

~~04. **Failed Examinations.**~~()

~~a. An applicant receiving less than a passing score on a first or second examination may be reexamined without reapplication.~~()

~~b. Before being reexamined after failing an examination the third time, an applicant must resubmit the application and fee.~~()

~~e. Before being reexamined after any further failures, an applicant for reexamination must wait until the expiration of sixty (60) days from the date of the failed examination and resubmit the application and fee for each subsequent examination.~~()

~~113. **INDIVIDUAL QUALIFIED BY EXAMINATION.**~~

~~01.b. **Written Notice. Individual Qualified By Examination.** Written notice, required by Section 54-1910(a), Idaho Code, that the Qualified Individual of a public works contractor has ceased to be connected with the contractor must be provided to the Administrator, on forms prescribed by the Administrator indicating the date the Qualified Individual ceased to be connected with the contractor.~~()

~~02. **Reasonable Length of Time.** If a public works contractor notifies the Administrator that the contractor's Qualified Individual has ceased to be connected with the contractor, the contractor's license will remain in force for ninety (90) days from the date of the notice.~~()

~~114.—198.(RESERVED)~~

~~199. **LIMITATIONS.**~~

~~01.05. **Limitations**~~

~~a. **One License.** A licensee will be permitted to hold only one (1) class of license at any given time.~~ ()

~~02.b. **Previous License Null and Void.** When a licensee of one class has been issued a license of another class, the previous license is null and void.~~()

~~03.c. **Total Bid Cost.** The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class Unlimited, may not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids must include all bids of the subcontractors. Subcontractor bids are not considered a separate bid for the purposes of computing the bid on a given public works project.~~ ()

04.d. **Two or More Licensees.** Two (2) or more licensees of the same class or of different classes are not permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee.()

06. **CONSTRUCTION MANAGER EXAMINATIONS.**

a. If the applicant fails an examination, the applicant may take the examination a second time. ~~A grade of at least seventy five percent (75%) is required to pass each section of the examination. If the applicant fails to score a passing grade, the applicant must pass all failed sections within one (1) year of the initial test date. If the applicant fails to achieve a passing grade in each individual section on the second examination, the applicant must wait one (1) full year for a period set by the Administrator before taking the examination again. The applicant must then take and pass all sections of the examination, (receiving no credit for sections successfully completed during the previous year).~~()

~~601.— 999.(RESERVED)~~

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.10 – RULES GOVERNING THE ADMINISTRATION OF TEMPORARY PERMITS ON LANDS OWNED BY THE IDAHO DEPARTMENT OF PARKS AND RECREATION

DOCKET NO. 26-0110-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

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 67-4223 and 4249, 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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10 pages 558-564](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

1. Raises the Processing Fees for Issuance or Modification.
2. Raises the Compensation for Cost per Acre to be set by official board action and vote.

The Park and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for the proper administration of Title 67, Chapter 42, 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov.

DATED this 7th day of November, 2023.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-2301 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

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 67-4223 and 4249, 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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10 pages 565-579](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

1. Adds fees and fee caps for: admission for day, month, season; and modification of special use campsites and facilities.
2. Raises fee caps for: fee collection surcharge; daily MVEF; annual MVEF; commercial motor vehicle entrance; campsites; use of campground showers by non-campers; cleaning; reservation service charge for group campsites and facilities; vessel launching; overnight moorage; and cancellation of special use campsites and facilities.

The Park and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for the proper administration of Title 67, Chapter 42, 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov.

DATED this 7th day of November, 2023.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.34 – IDAHO PROTECTION AGAINST INVASIVE SPECIES STICKER RULES

DOCKET NO. 26-0134-2201 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

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 67-4223 and 4249, 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 August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8 pages 331-332](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 the pending rule, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov.

DATED this 7th day of November, 2023.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 29 – IDAHO POTATO COMMISSION
29.01.01 – RULES OF THE IDAHO POTATO COMMISSION
DOCKET NO. 29-0101-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 22-1207(1), 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 pending rule is being adopted pursuant to [Executive Order 2020-01; Zero-Based Regulation](#) resulting in the removal of unnecessary and redundant language. 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 6th, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 478-491](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sam Eaton, sam.eaton@potato.idaho.gov.

DATED this 9th day of November, 2023.

Sam Eaton, VP Legal Affairs
Idaho Potato Commission
661 S. Rivershore Ln. Ste. 230
Eagle, Idaho 83616
(208) 334-2350

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.12.01 – SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1201-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the specific legal authority of Section 61-524, 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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 580-582](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Stephen Goodson at (208) 334-0323.

DATED this 6th day of November, 2023.

Jan Noriyuki, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.21.01 – CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC, AND WATER PUBLIC UTILITIES (THE UTILITY CUSTOMER RELATIONS RULES)

DOCKET NO. 31-2101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the specific legal authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, 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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 583-601](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Stephen Goodson at (208) 334-0323.

DATED this 6th day of November, 2023.

Jan Noriyuki, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION
31.26.01 – MASTER-METERING RULES FOR ELECTRIC UTILITIES
DOCKET NO. 31-2601-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 the general legal authority of the Public Utilities Law, chapters 1 through 7, Title 61, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code, with regard to service.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10 pages 602-604](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Stephen Goodson at (208) 334-0323.

DATED this 6th day of November, 2023.

Jan Noriyuki, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.31.01 – GAS SERVICE RULES

DOCKET NO. 31-3101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 the general legal authority of the Public Utilities Law, chapters 1 through 7, Title 61, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-515, and 61-520, Idaho Code, with regard to safety and service.

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 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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 605-609](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Stephen Goodson at (208) 334-0323.

DATED this 6th day of November, 2023.

Jan Noriyuki, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

DOCKET NO. 31-3101-2301 – ADOPTION OF PENDING RULE

(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-10, October 4, 2023, pages 605 through 609.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 31-3101-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

31.31.01 – GAS SERVICE RULES

(BREAK IN CONTINUITY OF SECTIONS)

152. PERIODIC TESTS OF CUSTOMER METERS (RULE 152).

01. **Testing of Smaller Capacity Meters.** ~~All meters~~ with capacities up to and including ~~four hundred (400)~~ one thousand (1000) cubic feet per hour (cfh) that have been in service ten (10) or more years as established by last set date shall be tested within a prescribed sample size as determined in accordance with ANSI/ASQ Z1.4 and Z1.9 2003 (R2018), which are incorporated by reference ~~into these rules, which can be found at <https://webstore.ansi.org/Standards/ASQ/ANSIASQZ1SamplingProcedures>.~~ (3-31-22)()

02. **Testing of Larger Capacity Meters.** ~~All meters~~ with capacities greater than ~~from~~ four hundred one (401) ~~one thousand (1000) to three thousand (3,000)~~ cfh that have been in service ten (10) years as established by last set date shall be replaced or field tested. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

155. CUSTOMER METER TEST LOADS (RULE 155).

01. **Testing of Meters.** All tests to determine the accuracy of registrations of gas service meters shall be made with a suitable meter prover or testing equipment. Unless exempted by order of the Commission, at least two (2) test runs shall be made on each bellows type displacement meter, the results of which shall agree with each other within ~~one half of one percent (.5%)~~ one percent (1%). (3-31-22)()

02. **Gas Flows During Testing.** The rate of flow to be used in testing all capacity ~~having capacities up to and including three thousand (3,000) cubic feet per hour~~ shall be twenty percent (20%) (Check) and eighty percent (80%) to one hundred percent (100%) (Open) of the rated capacity. ~~The one hundred percent (100%) capacity or open run test shall not be taken into consideration in arriving at the accuracy of these meters. Meters having capacities of above three thousand (3,000) cubic feet per hour, except orifice meters, shall be tested both at twenty percent (20%) and one hundred percent (100%) of their capacity. For the purpose of determining the accuracy of these meters, the average of twenty percent (20%) and one hundred percent (100%) tests shall be used.~~ (3-31-22)()

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.01 – INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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, 23-1051, and 23-1319, 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.

RULE 700: This is to relieve the confusion surrounding the credit for taxes paid in relation to an affected business entity.

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 August 2, 2023, Idaho Administrative Bulletin, [Volume 23-8, pages 335-336](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Cynthia Adrian at (208) 334-6691.

DATED this 6th day of December, 2023.

Cynthia Adrian, Income Tax Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36, Boise ID 83722-0036
cynthia.adrian@tax.idaho.gov
(208) 334-6691

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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, 23-1051, and 23-1319, 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.

Under [Executive Order 2020-01, Zero-Based Regulation](#), the State Tax Commission is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter, and use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01: Zero-Based Regulation.

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 September 6, 2023, Idaho Administrative Bulletin, [Volume 23-9, pages 492-625](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Alan Dornfest at (208) 334-7742.

DATED this 6th day of December, 2023.

Alan Dornfest, Property Tax Policy Bureau Chief
Idaho State Tax Commission
11321 W. Chinden Blvd., Boise ID 83714
PO Box 36. Boise ID 83722-0036
Alan.Dornfest@tax.idaho.gov
(208) 334-7742

DOCKET NO. 35-0103-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 492 through 625.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 35-0103-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

(BREAK IN CONTINUITY OF SECTIONS)

217. RULES PERTAINING TO MARKET VALUE DUTY OF COUNTY ASSESSORS ~~(RULE 217)~~.
Section 63-208 Idaho Code

01. **Market Value** ~~Definition.~~ Market value is the most probable amount of United States dollars or equivalent for which a property would exchange hands between a knowledgeable and willing seller, under no compulsion to sell, and an informed, capable buyer, under no compulsion to buy, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment. (3-31-22)()

a. The assessor will value the ~~full market value of the~~ entire fee simple interest of property ~~for taxation. Statutory exemptions will be subtracted.~~ (3-31-22)()

b. Personal property ~~will be~~ is valued at retail level. (3-31-22)()

02. **Appraisal Approaches.** Three (3) approaches to value ~~will be~~ are considered ~~on~~ for all property ~~and are the sales comparison approach, the cost approach and the income approach. The three (3) approaches to market value are:~~ (3-31-22)()

~~a.~~ The sales comparison approach; (3-31-22)

~~b.~~ The cost approach; and (3-31-22)

~~c.~~ The income approach. (3-31-22)

03. **Appraisal Procedures.** ~~Market value for assessment purposes will be determined through procedures, methods, and techniques recommended by nationally recognized appraisal and valuation associations, institutes, and societies and according to guidelines and publications approved by the Tax Commission. The appraisal procedures, methods, and techniques using the income approach to determine the market value for assessment~~

~~purposes of income-producing properties must use market rent, not contract rent. Assessors will use guidelines and publications of nationally recognized appraisal and valuation associations, institutes, and societies including those referenced in Rule 003 of these rules, to determine market value for assessment purposes.~~ (3-31-22)()

04. **Determining Value.** The income approach to value, used in appraisal procedures, methods, and techniques, to determine market value for assessment purposes of income-producing properties, must use market rent, not contract rent. ()

(BREAK IN CONTINUITY OF SECTIONS)

407. HEARING TO REVIEW OPERATING PROPERTY APPRAISALS ~~(RULE 407).~~
Section 63-407, Idaho Code

01. Procedure Governed. This rule will govern all practice and procedure before the Tax Commission sitting as a State Board of Equalization in hearings under Section 63-407, Idaho Code. Hearings are not contested cases under the Idaho Administrative Procedures Act. Hearings are open meetings under the Idaho open meetings law and all written materials are subject to Idaho public records law. The taxpayer may request that the ~~b~~Board of ~~e~~Equalization go into executive session to discuss confidential materials. (3-31-22)()

02. Liberal Construction. These rules will be liberally construed to secure just, speedy and economical determination of all issues presented to the Tax Commission. For good cause the Tax Commission may permit deviation from these rules and the taxpayer may request a stipulated finding that would result in an appealable decision in lieu of a hearing before the ~~s~~State ~~b~~Board of ~~e~~Equalization. (3-31-22)()

03. Communication. All notices and petitions required to be filed with the Tax Commission must be in writing. Each notice must identify the filing party, be signed by the filing party, be dated and give the filing party's mailing address and telephone number. The provisions of Section 63-217, Idaho Code, apply to the filing of documents with the Tax Commission. ()

04. Service by Tax Commission. All notices and orders required to be served by the Tax Commission may be served by mail. Service will be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail. ()

05. Notice to County Assessors. When the calendar of hearings under Section 63-407, Idaho Code, is final, the Tax Commission will send a copy of this calendar to the assessor of each county. ()

06. Parties. The following are parties to a hearing of the Tax Commission meeting as State Board of Equalization. (3-31-22)()

a. Petitioner. A person petitioning for a hearing will be called the petitioner. ()

b. Staff. The Tax Commission staff may appear as a party at the hearing and may be represented by one (1) or more Deputy Attorneys General assigned to the Tax Commission. ()

c. Legal advisor to the Tax Commission. When sitting as a State Board of Equalization, the Tax Commission may obtain legal advice from a Deputy Attorney General who is not representing the Tax Commission staff. (3-31-22)()

07. Appearances and Practice. The following apply for appearances and practice in a hearing. ()

a. Rights of parties. At any hearing, both parties may appear, introduce evidence, ask questions through the presiding officer, make arguments, and generally participate in the conduct of the proceeding. ()

b. Taking of appearances. The presiding officer conducting the hearing will require appearances to be

stated and will see that both parties present are identified on the record. ()

c. Representation of taxpayers. An individual may represent himself or herself or be represented by an attorney. A partnership may be represented by a partner, authorized employee or by an attorney. A corporation may be represented by an officer, authorized employee or by an attorney. ()

08. Pre-Hearing Conferences. ()

a. The Tax Commission may, upon notice to both parties, hold a pre-hearing conference for the following purposes: ()

- i. Formulating or simplifying the issues; ()
- ii. Obtaining admissions of fact and of documents which will avoid unnecessary proof; ()
- iii. Arranging for the exchange of proposed exhibits or prepared expert testimony; ()
- iv. Limiting the number of witnesses; ()
- v. Setting the hearing procedure, and including allocation of an amount of time for the hearing; and ()
- vi. Reviewing other matters to expedite the orderly conduct and disposition of the proceedings. ()
- vii. Allowing any continuance. ()

b. Action taken. Any action taken at the conference and any agreement made by the parties concerned may be recorded and the Tax Commission may issue a pre-hearing order which will control the course of subsequent proceedings unless modified. ()

c. Compromise and offers to compromise. Evidence of an offer or agreement to compromise the dispute and the conduct and statements made in compromise negotiations are not admissible at the hearing. ()

09. Hearings. The following apply to the hearings. ()

a. Request for hearing. A request for a hearing will be in writing and filed with the Tax Commission on or before ~~August 1~~ July 22 of the current year. The request will state the factual and legal basis on which the request is based. (3-31-22)()

i. Tax Commission staff will provide preliminary appraisals to operating property owners by June 8 of the current year unless the parties agree to a later date. ()

b. Notice of hearing. The Tax Commission will notify both parties and all counties of the place, date and time of the hearing. ()

c. Submission of documents and other evidence. ~~The taxpayer's operating statement, applicable yield studies, the staff's appraisal and the taxpayer's notice of appeal and request for hearing are deemed a part of the record of the hearing. Other written appraisals, exhibits, statements, arguments and other documents appealing party may submit all relevant briefs and documents for the Commissioners to consider will be submitted by both parties at least three (3) no later than seven (7) days in advance of the before the hearing date. Tax Commission staff will submit their proposed findings of fact and conclusions of law, response brief, written materials, exhibits, and other documents no later than five (5) days before the hearing date. The appealing party may then submit any other relevant documents no later than three (3) days before the hearing date.~~ Additional information may be presented by either party at the time of their oral presentations, ~~but upon agreement between the Tax Commissioners and the appealing party. Agreement must not be unreasonably withheld by either party.~~ Such additional information should be is

limited to subject matter and evidence provided at least ~~three~~ seven (7) days prior to the hearing. Parties will submit ~~ten one (10) electronic copies~~ of all materials; physical copies of the materials are not required to be submitted. (3-31-22)()

d. Presiding officer. The Chairman of the Tax Commission will appoint an individual who is not a member of the Tax Commission's staff to conduct the hearing. In the absence of a conflict of interest or other good cause, this person will normally be the Commissioner overseeing the centrally assessed property section of the Tax Commission or the designee thereof. A Tax Commissioner will not vote on any matters where he has oversight. (3-31-22)()

e. The proceeding. In a non-adversarial proceeding witnesses will present evidence and arguments directly to the Tax Commissioners. The presentation may include written materials including a transcript of the witnesses' oral statements. Copies of written materials (including copies of visual presentations) will be provided to each Tax Commissioner, the Tax Commission's ~~secretary~~ Assistant to the State Tax Commission/Board, and the Staff. At the conclusion of a witness' testimony, Tax Commissioners may pose questions. The party with the burden of proof on the matter to be considered will present first and may make a closing presentation. This closing presentation should be limited to the subject matter and evidence presented during the proceeding. (3-31-22)()

f. Testimony under oath. All testimony to questions of fact to be considered by the Tax Commission in hearings, except matters noticed officially or entered by stipulation, will be under oath. Before testimony is presented each person will swear, or affirm, that the testimony he is about to give will be the truth. Attorneys may present oral and written legal argument on behalf of clients as part of the presentation by the party they represent. ()

g. Rules of evidence. No informality in any proceeding or in the manner of taking testimony will invalidate any order or decision made by the Tax Commission. Unless otherwise provided in these rules the Idaho Rules of Evidence will be generally followed but may be modified at the discretion of the Tax Commission to aid in ascertaining the facts. When objection is made to the admissibility of evidence, the evidence may be received subject to later ruling by the Tax Commission. The Tax Commission, at its discretion either with or without objection may limit or exclude inadmissible, incompetent, cumulative or irrelevant evidence. Parties objecting to the introduction of evidence will briefly state the grounds of objection at the time such evidence is offered. ()

h. Recessing hearing for conference. In any proceeding the presiding officer may, ~~in~~ at his discretion, call both parties together for a conference prior to the taking of testimony, or may recess the hearing for a conference. The presiding officer will state on the record the results of the conference. (3-31-22)()

i. Transcript. An official electronically recorded transcript of the hearing may be taken at the discretion of the Tax Commission when requested by a party. A petitioner desiring the taking of stenographic notes by a qualified court reporter may notify the Tax Commission in writing and will arrange for the hiring of a reporter and bear the expense of the reporter's fees. If the reporter's transcript is deemed by the Tax Commission or presiding officer as the official transcript of the hearing, the petitioner will furnish the Tax Commission a transcript free of charge. (3-31-22)()

j. Transcript copies. A request for a copy of a transcript of proceedings at any hearing must be in writing or on the record. Upon completion of the transcript, the Tax Commission will notify the person requesting a copy of the fee for producing the transcript. Upon receipt of the fee, the Tax Commission will send a copy of the transcript. ()

(BREAK IN CONTINUITY OF SECTIONS)

510. SECONDARY CATEGORIES FOR LAND - LISTING AND REPORTING ~~(RULE 510)~~.

Section 63-509, Idaho Code

County assessors will use the following secondary categories ~~described in the following subsections, indicated by numbers,~~ to list land values on the valuation assessment notices under Sections 63-301 and 63-308, Idaho Code. ~~County assessors will use these secondary categories described in the following subsections, indicated by numbers,~~

~~and the secondary categories described in the following paragraphs, indicated by letters, and to report land values to the Tax Commission on the abstracts under Section 63-509, Idaho Code, and Rule 509 of these rules. For all of the above listed functions, assign all appropriate secondary land categories to parcels of property put to multiple uses.~~

~~(3-31-22)()~~

01. Secondary Category 1 - Irrigated Agricultural Land. ~~Irrigated land and only such irrigated land eligible for and granted the partial exemption for the current year's assessment roll as actively devoted to agriculture. (See Sections 63-604 and 63-602K, Idaho Code, and Rule 645 of these rules.) Only place Irrigated land meeting the definition of "land actively devoted to agriculture" under Section 63-604, Idaho Code, or the requirements for "wildlife habitat" or "conservation agreement" under Section 63-605, Idaho Code, for the current assessment year in this secondary category. This irrigated land must be capable of and normally producing harvestable crops and may be located inside or outside the boundaries of a subdivision without restrictions on such use or the boundaries of an incorporated city.~~

~~(3-31-22)()~~

02. Secondary Category 2 - Irrigated Grazing Land. ~~Irrigated land and only such irrigated land eligible for and granted the partial exemption for the current year's assessment roll as actively devoted to agriculture. (See Sections 63-604 and 63-602K, Idaho Code, and Rule 645 of these rules.) Only place Iland meeting the definition of "land actively devoted to agriculture" under Section 63-604, Idaho Code, or the requirements for "wildlife habitat" or "conservation agreement" under Section 63-605, Idaho Code, for the current assessment year in this secondary category. This irrigated land must be as defined in Secondary Category 1, but primarily used for grazing livestock and not normally capable of producing harvestable crops and may be located inside or outside the boundaries of a subdivision without restrictions on such use or the boundaries of an incorporated city.~~

~~(3-31-22)()~~

03. Secondary Category 3 - Non-Irrigated Agricultural Land. ~~Land and only such land eligible for and granted the partial exemption for the current year's assessment roll as actively devoted to agriculture. (See Sections 63-604 and 63-602K, Idaho Code, and Rule 645 of these rules.) Only place land meeting the definition of "land actively devoted to agriculture" under Section 63-604, Idaho Code, or the requirements for "wildlife habitat" or "conservation agreement" under Section 63-605, Idaho Code, for the current assessment year in this secondary category. This as defined in Secondary Category 1, but non-irrigated land must and be capable of and normally producing harvestable crops ~~without man-made irrigation~~ and may be located inside or outside the boundaries of a subdivision without restrictions on such use or the boundaries of an incorporated city.~~

~~(3-31-22)()~~

04. Secondary Category 4 - Meadow Land. ~~Land and only such land eligible for and granted the partial exemption for the current year's assessment roll as actively devoted to agriculture. (See Sections 63-604 and 63-602K, Idaho Code, and Rule 645 of these rules.) Only place land meeting the definition of "land actively devoted to agriculture" under Section 63-604, Idaho Code, or the requirements for "wildlife habitat" or "conservation agreement" under Section 63-605, Idaho Code, for the current assessment year in this secondary category. This meadow land must be as defined in Secondary Category 1, capable of lush production of grass and may be located inside or outside the boundaries of a subdivision without restrictions on such use or the boundaries of an incorporated city but is not irrigated, except through subsurface water table control, known as subirrigation, and is used for grazing livestock or producing grass hay.~~

~~(3-31-22)()~~

05. Secondary Category 5 - Dry Grazing Land. ~~Land and only such land eligible for and granted the partial exemption for the current year's assessment roll as actively devoted to agriculture. (See Sections 63-604 and 63-602K, Idaho Code, and Rule 645 of these rules.) Only place land meeting the definition of "land actively devoted to agriculture" under Section 63-604, Idaho Code, or the requirements for "wildlife habitat" or "conservation agreement" under Section 63-605, Idaho Code, for the current assessment year in this secondary category. This land must be as defined in Secondary Category 1, capable of supporting grasses and but non-irrigated, is not normally capable of supporting crops on regular rotation and may be located inside or outside the boundaries of a subdivision without restrictions on such use or the boundaries of an incorporated city and is used primarily for grazing livestock.~~

~~(3-31-22)()~~

06. Secondary Category 6 - Productivity Forestland. ~~All Iland and only such land designated by the owner for assessment, appraisal, and taxation under Section 63-1703(a), Idaho Code, ~~for the current year's assessment roll.~~ This land must be assessed as forest land under the productivity option and may be located inside or outside the boundaries of an incorporated city. Also included is all land assessed under Section 63-1704, Idaho Code.~~

(3-31-22)()

07. Secondary Category 7 - Bare Forestland. All land ~~and only such land~~ designated by the owner for assessment, appraisal, and taxation under Section 63-1703(b), Idaho Code, ~~for the current year's assessment roll.~~ This land must be assessed as bare land with the yield tax option ~~and may be located inside or outside the boundaries of an incorporated city.~~ (3-31-22)()

~~08. Secondary Category 8 - Not presently used. (3-31-22)~~

09. Secondary Category 9 - Patented Mineral Land. All land used solely for mines and mining claims ~~and only the part of such land not used for other than mining purposes for the current year's assessment roll.~~ This land ~~may be located inside or outside the boundaries of an incorporated city.~~ See Section 63-2801, Idaho Code. (3-31-22)()

10. Secondary Category 10 - Homesite Land. Rural non-subdivided land being utilized for homesites with secondary categories 1 through 9. ~~Note: This land is always land with improvements located on it since land with no improvements should be in one (1) or more of categories 1 through 9.~~ (3-31-22)()

11. Secondary Category 11 - Recreational Land. Rural land used in conjunction with recreation but not individual homesites. ()

~~a. Secondary Category 11 - Vacant Recreational Land. Vacant rural land used for recreational purposes but not individual homesites or in a properly recorded subdivision. (3-31-22)~~

~~b. Secondary Category 11 - Improved Recreational Land. Rural land with improvements, including exempt improvements, used for recreational purposes on that land but not individual homesites or in a properly recorded subdivision. (3-31-22)~~

12. Secondary Category 12 - Rural Residential Tracts. Rural residential land not in a properly recorded subdivision. ()

~~a. Secondary Category 12 - Vacant Rural Residential Tracts. Vacant rural land used for residential purposes but not in a properly recorded subdivision. (3-31-22)~~

~~b. Secondary Category 12 - Improved Rural Residential Tracts. Rural land with improvements, including exempt improvements, used for residential purposes on that land but not in a properly recorded subdivision. (3-31-22)~~

13. Secondary Category 13 - Rural Commercial Tracts. Rural commercial land not in a properly recorded subdivision. ()

~~a. Secondary Category 13 - Vacant Rural Commercial Tracts. Vacant rural land used for commercial purposes but not in a properly recorded subdivision. (3-31-22)~~

~~b. Secondary Category 13 - Improved Rural Commercial Tracts. Rural land with improvements, including exempt improvements, used for commercial purposes on that land but not in a properly recorded subdivision. (3-31-22)~~

14. Secondary Category 14 - Rural Industrial Tracts. Rural industrial land not in a properly recorded subdivision. ()

~~a. Secondary Category 14 - Vacant Rural Industrial Tracts. Vacant rural land used for industrial purposes but not in a properly recorded subdivision. (3-31-22)~~

~~b. Secondary Category 14 - Improved Rural Industrial Tracts. Rural land with improvements, including exempt improvements, used for industrial purposes on that land but not in a properly recorded subdivision. (3-31-22)~~

~~154.~~ **Secondary Category 15 - Rural Residential Subdivisions.** Rural residential land in a properly recorded subdivision. ()

~~a. Secondary Category 15—Vacant Rural Residential Subdivisions. Vacant rural land used for residential purposes and in a properly recorded subdivision. (3-31-22)~~

~~b. Secondary Category 15—Improved Rural Residential Subdivisions. Rural land with improvements, including exempt improvements, used for residential purposes on that land and in a properly recorded subdivision. Also use this category for rural homesites within subdivisions when the remaining acreage qualifies as actively devoted to agriculture under Section 63-604, Idaho Code, or has been designated forestland under Chapter 17, Title 63, Idaho Code. (3-31-22)~~

~~165.~~ **Secondary Category 16 - Rural Commercial Subdivisions.** Rural commercial land in a properly recorded subdivision. ()

~~a. Secondary Category 16—Vacant Rural Commercial Subdivisions. Vacant rural land used for commercial purposes and in a properly recorded subdivision. (3-31-22)~~

~~b. Secondary Category 16—Improved Rural Commercial Subdivisions. Rural land with improvements, including exempt improvements, used for commercial purposes on that land and in a properly recorded subdivision. (3-31-22)~~

~~176.~~ **Secondary Category 17 - Rural Industrial Subdivisions.** Rural industrial land in a properly recorded subdivision. ()

~~a. Secondary Category 17—Vacant Rural Industrial Subdivisions. Vacant rural land used for industrial purposes and in a properly recorded subdivision. (3-31-22)~~

~~b. Secondary Category 17—Improved Rural Industrial Subdivisions. Rural land with improvements, including exempt improvements, used for industrial purposes on that land and in a properly recorded subdivision. (3-31-22)~~

~~187.~~ **Secondary Category 18 - Other Land.** Land not compatible with other secondary categories. (3-31-22)()

~~a. Secondary Category 18—Vacant Other Land. Vacant land not compatible with other secondary categories. (3-31-22)~~

~~b. Secondary Category 18—Improved Other Land. Land with improvements, including exempt improvements, on that land but not compatible with other secondary categories. (3-31-22)~~

~~198.~~ **Secondary Category 19 - Waste.** Public Rights-of-Way includes esing roads, ditches, and canals. Use this secondary category to account for Record total acres of land ownership. Only list acres, not value, in this secondary category on the abstract. No assessed value should be assigned. (3-31-22)()

~~2019.~~ **Secondary Category 20 - Residential Lots or Acreages.** Land used for residential purposes and inside city limits. (3-31-22)

~~a. Secondary Category 20—Vacant Residential Lots Or Acreages. Vacant land used for residential purposes and inside city limits. (3-31-22)~~

~~b. Secondary Category 20—Improved Residential Lots Or Acreages. Land with improvements, including exempt improvements, used for residential purposes on that land and inside city limits. Also use this category for urban homesites when the remaining acreage qualifies as actively devoted to agriculture under Section 63-604, Idaho Code, or has been designated forestland under Chapter 17, Title 63, Idaho Code. (3-31-22)()~~

~~240.~~ **Secondary Category 21 - Commercial Lots or Acreages.** Land used for commercial purposes and inside city limits. ()

~~a. Secondary Category 21 - Vacant Commercial Lots Or Acreages.~~ Vacant land used for commercial purposes and inside city limits. (3-31-22)

~~b. Secondary Category 21 - Improved Commercial Lots Or Acreages.~~ Land with improvements, including exempt improvements, used for commercial purposes on that land and inside city limits. (3-31-22)

~~221.~~ **Secondary Category 22 - Industrial Lots or Acreages.** Land used for industrial purposes and inside city limits. ()

~~a. Secondary Category 22 - Vacant Industrial Lots Or Acreages.~~ Vacant land used for industrial purposes and inside city limits. (3-31-22)

~~b. Secondary Category 22 - Improved Industrial Lots Or Acreages.~~ Land with improvements, including exempt improvements, used for industrial purposes on that land and inside city limits. (3-31-22)

~~232.~~ **Secondary Category 25 - Common Area Vacant Land.** Common area vacant land not included in individual property assessments. ()

~~24. Secondary Category 45 - Utility System Vacant Land.~~ Vacant land used for locally assessed utility systems not under the jurisdiction of the Tax Commission for appraisal. (3-31-22)

~~25. Secondary Category 57 - Equities In Vacant Land Purchased From the State.~~ For identification purposes under Section 63-211, Idaho Code, vacant land purchased from the state under contract. (3-31-22)

~~26. Secondary Category 81 - Exempt Land.~~ Category 81 is for county use to keep an inventory, including acreage, of exempt land. (3-31-22)

~~273.~~ **Cross Reference.** For descriptions of secondary categories used to list values for improvements, see Rules 130.511 of these rules, or used to list property values other than that for land or improvements, see Rule and 512 of these rules. For the descriptions of primary categories and the assignment of secondary categories therein, see Subsections 130.02 through 130.06 of these rules. (3-31-22)()

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.08 – MINE LICENSE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0108-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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, 23-1051, and 23-1319, 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.

Under [Executive Order 2020-01, Zero-Based Regulation](#), the State Tax Commission is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter, and use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01: Zero-Based Regulation.

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 August 2, 2023, Idaho Administrative Bulletin, [Volume 23-8, pages 337-340](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Elena Gonzalez at (208) 334-7855.

DATED this 6th day of December, 2023.

Elena Gonzalez, Product Taxes Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36. Boise ID 83722-0036
elena.gonzalez@tax.idaho.gov
(208) 334-7855

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.04 – RULES GOVERNING MANUFACTURER AND NEW VEHICLE DEALER HEARING FEES

DOCKET NO. 39-0204-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 department is seeking to repeal this rule due to the passage of House Bill 128 in 2023. This rule prescribes the fees and refunds for department hearings concerning disputes between vehicle dealers and manufacturers. House Bill 128 changes the hearing process, rendering this Rule obsolete.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 642](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.22 – RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION AND TEMPORARY VEHICLE CLEARANCE FOR CARRIERS

DOCKET NO. 39-0222-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 only purpose for opening this rule, which was reviewed under the ZBR schedule in 2022, is to remove sections 100 and 101 to include them in the more relevant special permit combination rule, where the department is seeking to combine the following into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 643 through 645](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.02.42 – RULES GOVERNING CONDITIONAL VEHICLE REGISTRATION
WHEN PROOF OF OWNERSHIP IS INSUFFICIENT
DOCKET NO. 39-0242-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

39.02.42 addresses allowances for the department to issue temporary registration when ownership of a vehicle is unclear. The intent is to remove unnecessary language and combine the rule with conceptual similar rule - 39.02.46.

39.02.46 clarifies conditions when county offices and vehicle dealers may issue a temporary registration. The intent is to remove unnecessary language and combine the rule with a conceptually similar rule - 39.02.42.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 646 through 649](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.46 – RULES GOVERNING TEMPORARY MOTOR VEHICLE REGISTRATION PERMIT

DOCKET NO. 39-0246-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

39.02.46 clarifies conditions when county offices and vehicle dealers may issue a temporary registration. The intent is to remove unnecessary language and combine the rule with a conceptually similar rule, 39.02.42, thereby repealing 39.02.46.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 650](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS
DOCKET NO. 39-0260-2301 (ZBR CHAPTER REWRITE, FEE RULE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 addresses details concerning various license plate allowances, special plate program provisions, and plate numbering structures that are not explicitly expressed through statute but are nonetheless necessary for managing the department's license plate programs.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 651 through 663](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 49-201(1), Idaho Code, the department imposes the following fees in this rulemaking, all of which remain unchanged from the current rule.

1. Dealer loaner plate fees (to match plate fees prescribed in 49-402, Idaho Code)
2. Transporter plate fees (\$15)
3. Custom vehicle plate fees (\$25 initial and \$15 annually)

Additionally, the rule requires that a plate and mailing fee be applied for the renewal of personalized plates when a customer requests new plates and establishes the requirement for state and federal agencies to reimburse that department "at cost" for exempt and undercover plates.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.76 – RULES GOVERNING DRIVER'S LICENSE AND IDENTIFICATION CARD RENEWAL-BY-MAIL AND ELECTRONIC RENEWAL AND REPLACEMENT PROCESSES

DOCKET NO. 39-0276-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 prescribes the allowances for online driver's licenses renewals. Due to the passage of House Bill 9 during the 2023 legislative session, CDL holders are now allowed to renew their driver's licenses online. This has prompted the need to modify this rule to reflect the new allowance.

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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 100-103](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.01 – RULES GOVERNING DEFINITIONS REGARDING SPECIAL PERMITS
DOCKET NO. 39-0301-2301 (ZBR CHAPTER REWRITE, FEE RULE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

In line with the governor’s [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is “39.03.01 - Rules Governing Special Permits.” The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.01 provides definitions regarding special vehicle permits.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 664 through 694](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 49-201(1), Idaho Code, the department imposes the following fees in this rulemaking, all of which remain unchanged from the current rule.

Of these combined rules, only 39.03.03 – Rules Governing Special Permits, is a fee rule. This rule provides that certain permits will impose a road use fee, as set forth through Section 49-1004(2), Idaho Code, and includes a schedule of permit fees through current section 39.03.03.910.04.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.02 – RULES GOVERNING MOVEMENT OF DISABLED VEHICLES
DOCKET NO. 39-0302-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

In line with the governor’s [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is “39.03.01 - Rules Governing Special Permits.” The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.02 prescribes eligibility and conditions for wrecker-type vehicles to obtain special permits allowing for the removal of disabled vehicles.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 695 through 696](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.03 – RULES GOVERNING SPECIAL PERMITS – GENERAL CONDITIONS AND REQUIREMENTS

DOCKET NO. 39-0303-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

In line with the governor’s [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is “39.03.01 - Rules Governing Special Permits.” The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.03 sets forth vehicle lighting and flagging requirements, issuance authority, permittee responsibilities, and various other permit conditions and requirements in addition to the permit fee schedule describe below.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 697 through 698](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.04 – RULES GOVERNING SPECIAL PERMITS – OVERWEIGHT NON-REDUCIBLE

DOCKET NO. 39-0304-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

In line with the governor's [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is "39.03.01 - Rules Governing Special Permits." The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.04 sets forth conditions and requirements for vehicles or loads which are in excess of the sizes or weights allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 699 through 700](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.05 – RULES GOVERNING SPECIAL PERMITS – OVERSIZE NON-REDUCIBLE

DOCKET NO. 39-0305-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

In line with the governor's [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is "39.03.01 - Rules Governing Special Permits." The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.05 sets forth conditions and requirements for vehicles or loads that exceed sizes allowed by Sections 49-940, 49-1001, 49-1002, 49-1004, or 49-1010, Idaho Code.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 701 through 702](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.06 – RULES GOVERNING SPECIAL PERMITS FOR EXTRA-LENGTH/EXCESS WEIGHT, UP TO 129,000 POUND VEHICLE COMBINATIONS

DOCKET NO. 39-0306-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

In line with the governor's [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is "39.03.01 - Rules Governing Special Permits." The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.06 sets forth conditions and requirements for the movement of vehicles which are in excess of eighty thousand (80,000) pounds and the sizes allowed by 49-1004, 49-1004A, and 49-1010, Idaho Code.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 703 through 704](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.07 – RULES GOVERNING SPECIAL PERMITS FOR REDUCIBLE LOADS

DOCKET NO. 39-0307-2301 (ZBR 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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

In line with the governor’s [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is “39.03.01 - Rules Governing Special Permits.” The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.07 sets forth conditions and requirements the movement of vehicles and/or loads that are in excess of the sizes allowed by Sections 49- 1004 and 49-1010, Idaho Code.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 705 through 706](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.08 – RULES GOVERNING SELF-PROPELLED SNOWPLOWS
DOCKET NO. 39-0308-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 establishes visibility requirements for department-operated snowplows.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 707 through 709](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.40 – RULES GOVERNING JUNKYARDS AND DUMPS

DOCKET NO. 39-0340-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 provides guidelines for the control of junkyards and dumps within one-thousand (1,000) feet of the nearest edge of the right-of-way for interstate, primary freeways, and primary highways of the state of Idaho pursuant to Chapters 1 and 19, Title 40, Idaho Code.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 710 through 715](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
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Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.42 – RULES GOVERNING HIGHWAY RIGHT-OF-WAY ENCROACHMENTS ON STATE RIGHTS-OF-WAY

DOCKET NO. 39-0342-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 establishes standards and guidelines for encroachments on state highway rights-of-way. Statutes covering these provisions only set forth broad requirements for the department, which necessitates the establishment of specific provisions in Administrative Rule.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 716 through 739](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
Policy Specialist
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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.48 – RULES GOVERNING ROUTES EXEMPT FROM LOCAL PLANS AND ORDINANCES

DOCKET NO. 39-0348-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 purpose of this rule is to expound upon a provision contained within Idaho's Local Planning Act concerning the designation of transportation systems of statewide importance which are exempt from local plans and ordinances. It clarifies provisions concerning the prevention of local control over improvements to transportation systems of statewide importance.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 740 through 741](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
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Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.50 – RULES GOVERNING SAFETY REST AREAS

DOCKET NO. 39-0350-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 purpose of this rule is to establish standards for use of developed rest areas that are not explicitly addressed in statute.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 742 through 745](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
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208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.04.01 – RULES GOVERNING AERONAUTICS AND AVIATION

DOCKET NO. 39-0401-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 establishes provisions related to aeronautics and aviation, including rules governing aircraft registration, marking of hazards to air flight, restriction of flight in designated emergency areas, commercial and through-the-fence operations, aerial search and rescue, operations at state airports, Federal Aviation Regulations and the Idaho Airport Aid Program. This rule generally serves to clarify conditions that are not explicitly established in statute.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 746 through 761](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 52 – IDAHO STATE LOTTERY

52.01.03 – RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-2301

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-7408(1), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, December 12, 2023 at 2:00 p.m. (MT)
Idaho State Lottery Commission 1199 Shoreline Lane, Suite 100 Boise, ID 83702
To attend by Zoom: https://us02web.zoom.us/j/88267085743?pwd=ZlZ2cDRtdVQyZ0p5N3BENWFpTEhqdz09 Meeting ID: 882 6708 5743 Passcode: 688350

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

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

Statute requires Lottery retailers to pay winning ticket prizes up to \$599. However, staffing challenges and increasing threats of robbery create concerns over employee safety. Retailers are often unable to pay prizes under \$600 when presented winning tickets because safety concerns necessitate keeping no more than \$100 in the cash drawer. The retail industry has offered solutions. They have requested the ability to pay lottery prizes up to \$599 with no-fee prepaid prize payment cards, electronic fund transfer and other modern methods of payment. Lottery Administrative Rules allow only for prize payment by cash, money order, or check. Retailers will not pay by check and money orders are obsolete. The problem cannot be solved by non-regulatory measures.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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

No fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the October 4, 2023, Idaho Administrative Bulletin, [23-10 page 762](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jeffrey R. Anderson, 208.780.2500.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 27, 2023.

DATED this 30th day of October, 2023.

Jeffrey R. Anderson, Director
Idaho State Lottery Commission
1199 Shoreline Lane, Suite 100
Boise, ID 83702
Ph. 208.780.2500

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 52-0103-2301
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

~~These rules are adopted under the general legal authority of Title 67, Chapter 74, Idaho Code, and the specific legal authority of Sections 67-7401, 67-7404, 67-7406, 67-7408, and 67-7411, Idaho Code.~~ (3-25-22)()

001. TITLE AND SCOPE.

~~The title of these rules is IDAPA 52.01.03, "Rules Governing Operations of the Idaho State Lottery."~~ The rules govern operations of the Idaho State Lottery. The rules also set forth which bingo games and raffles are legal in the state of Idaho and to bring all legal bingo games and raffles in the state of Idaho under the control of the Lottery. (3-25-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used throughout these rules these terms have the following definitions: (3-25-22)

~~**01. Commission.** The Idaho State Lottery Commission established and appointed according to Sections 67-7402, 67-7404(2) and 67-7405, Idaho Code. See Section 67-7702(4), Idaho Code.~~ (3-25-22)

021. Commissioner. A member of the Idaho State Lottery Commission. (3-25-22)

~~**032. Director.** The Director of the State Lottery appointed and confirmed according to Section 67-7407, Idaho Code.~~ (3-25-22)

~~**043. Lottery.** The Idaho State Lottery created by Section 67-7402, Idaho Code, and, as context requires, the Lottery Commission and the Lottery's officers and employees.~~ (3-25-22)

~~**05. Person.** See definition in Section 67-7702, Idaho Code.~~ (3-25-22)

011. -- 099. (RESERVED)

SUBCHAPTER B – OPERATIONS OF THE IDAHO STATE LOTTERY

100. DEFINITIONS.

These rules apply to Subchapter B only: (3-25-22)

~~**01. Administrative Costs.** See definition in Section 67-7404, Idaho Code.~~ (3-25-22)

- 021. Benefit.** Any thing, property or money, favorable consideration or advantage, profit, privileges, gain or interest to which a person is not otherwise entitled. (3-25-22)
- 032. Certificate.** The signed document issued by the Director authorizing a retailer to sell Lottery products. (3-25-22)
- 043. Control Person.** A person in a position of authority that is primarily defined according to organizational type. The following are control persons: (3-25-22)
- a.** In a privately-owned corporation, the officers, directors, and stockholders of the parent company who own five percent (5%) or more of the company's stock and, if applicable, any of its subsidiaries. (3-25-22)
 - b.** In a publicly-owned corporation, the officers and directors of the parent company and each of its subsidiaries. Additionally, stockholders who own five percent (5%) or more of the corporation's stock are control persons. (3-25-22)
 - c.** In a trust, the trustee and all persons entitled to receive income or benefit from the trust. (3-25-22)
 - d.** In an association, the members, officers, and directors. (3-25-22)
 - e.** In a partnership or joint venture, the general partners, limited partners, or joint venturers. (3-25-22)
 - f.** A member of the immediate family of any of who is a control person under Paragraphs 010.06.a. through 06.e. of this definition. (3-25-22)
 - g.** A subcontractor of a vendor if the subcontractor performs more than half of the vendor's contract with the Lottery. (3-25-22)
- 054. Executive Staff.** The director of Lottery Security Division and the deputy directors appointed by the Director. (3-25-22)
- 065. Expenses.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 076. Fiscal Year.** The Lottery's fiscal year of twelve (12) months beginning on July 1 and ending on June 30. (3-25-22)
- 087. Gift.** A transfer, exchange or delivery of anything, property or money, of any value whatsoever, with or without an expectation by the giver to receive anything, tangible or intangible, in return. (3-25-22)
- 098. Immediate Family.** A natural person's spouse, children, brother, sister, or parent by blood, marriage, or adoption who resides as a member of the same household in the principal place of residence of any contractor, vendor, retailer, member, or employee of the State Lottery. (3-25-22)
- 109. Instant Game.** A game in which a ticket is purchased and upon removal of a latex or similar secure covering on the front of the ticket, the ticket bearer determines his or her winnings, if any. (3-25-22)
- 110. Invitation to Bid.** The solicitation of competitive offers in which specifications, price, and delivery (or project completion) will be the predominant award criteria. (3-25-22)
- 121. Lottery Contract or Contract.** Any contract entered into either by the Lottery or for the Lottery by another public agency, for the purchase, lease, or sale of goods or services. (3-25-22)
- 132. Lottery Contractor or Contractor.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 143. Lottery Employee or Employee.** Any person who works full- or part-time for the Lottery. (3-25-22)

- 154. Lottery Game or Game.** Any procedure authorized by the Commission whereby prizes are distributed among persons who have paid, or unconditionally agreed to pay, for tickets or shares which provide the opportunity to win such prizes. Lottery game themes must be approved by the Commission, be consonant with the dignity of the state. (3-25-22)
- 165. Lottery Game Retailer or Retailer.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 176. Lottery Revenue.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 187. Lottery Vendor or Vendor.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 198. Low, Medium and High Tier Claims.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 2019. Major Procurement.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 240. Net Income.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 221. On-Line System.** The Lottery’s on-line computer wagering system consisting of ticket issuing terminals, central processing equipment, and a communications network. (3-25-22)
- 232. Play Symbols.** The numbers or symbols appearing in the designated area under the removable covering on the front of the ticket. (3-25-22)
- 243. Prize.** Any award, financial or otherwise, awarded by the Director for successfully playing a Lottery game. (3-25-22)
- 254. Redemption Value.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 265. Request for Proposal.** The solicitation of competitive proposals, or offers, to be used in part as a basis for making an acquisition, or entering into a contract, when specification and price will not necessarily be the predominant award criteria. (3-25-22)
- 276. Retailer Validation Code.** The symbols found under the removable rub-off covering over the play symbols on the front of each ticket. (3-25-22)
- 287. Sensitive Procurement.** Those procurement actions or contracts, other than “major procurements,” that may either directly or indirectly affect the integrity, security, honesty, and fairness of the operation and administration of the Lottery. A typical example of this class of procurement is the acquisition of security systems that protect the security and integrity of the Lottery. (3-25-22)
- 298. Share.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 3029. State Lottery Act of 1988 or Act.** The Act approved by the legislature creating the Lottery, which became effective November 23, 1988, as amended, which is codified at Title 67, Chapter 74, Idaho Code. (3-25-22)
- 340. Subcontractor.** Any third party not in the employment of a contractor, who is performing all or part of the work in the contractor’s agreement with the Lottery under a separate contract with the contractor. The term “subcontractor” means subcontractor of any tier. (3-25-22)
- 321. Temporary Retailer.** A retailer under contract with the Lottery for a temporary or seasonal period. A temporary contract may be subject to special conditions or limitations that the Director deems prudent. These limitations or conditions may include, but are not limited to: (3-25-22)
- a.** Length of ticket sale period; (3-25-22)
 - b.** Hours or days of sale; (3-25-22)

- c. Location of sale; (3-25-22)
 - d. Specific persons who may sell Lottery tickets; (3-25-22)
 - e. Specific sporting, charitable, social, or other special events where Lottery tickets may be sold. (3-25-22)
- 332. Provisional Retailer.** A retailer granted a provisional certificate in accordance with these rules. A provisional certificate may contain some or all of the restrictions of a temporary retailer and additional restrictions deemed necessary by the Director. (3-25-22)
- 343. Ticket.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 354. Ticket Bearer.** The person who has signed the ticket or has possession of the unsigned ticket. (3-25-22)
- 365. Ticket Validation Number or Validation Number.** The multidigit number found on the front of the ticket. It is either uncovered or found underneath the “Do Not Remove” area on the ticket or any stub. (3-25-22)
- 376. Total Annual Revenue or Annual Revenue.** The sum of all of the Lottery’s proceeds and accrued income that is characterized as a reduction or recovery of expenses. (3-25-22)
- 387. Unclaimed Prize.** Any award, financial or otherwise, of more than twenty-five dollars (\$25) for which there is physical, tangible evidence of eligibility but for which the prize has not been paid within one (1) year. (3-25-22)
- 398. Value.** See definition in Section 67-7404, Idaho Code. (3-25-22)

(BREAK IN CONTINUITY OF SECTIONS)

202. GENERAL INSTANT TICKET GAME OPERATING RULES.

- 01. Instant Games -- Authorized -- Director’s Authority.** The Commission hereby authorizes instant games that meet the criteria set forth in these rules. The Director is hereby authorized to select, operate, and contract relating to and for the operation of instant games that meet the criteria set forth in these rules. (3-25-22)
- 02. Definitions.** As used in Section 202 of these rules, these terms have the following definitions: (3-25-22)
- a. Instant Ticket Validation Bar Code. The bar code that enables retailers to validate instant tickets. (3-25-22)
 - b. ITA System. The Instant Ticket Automation system that validates winning instant tickets. (3-25-22)
 - c. Pack. A package of instant game tickets with a designated number of tickets that may be (but do not have to be) fanfolded and attached to each other by perforations, which perforations the retailer tears when selling a ticket, and that are packaged in plastic shrink-wrapping, foil or some similar outer wrapping material. (3-25-22)
 - d. Pack-Ticket Number. The number printed on the ticket. A game identification number must be included in the book-ticket number. (3-25-22)
 - e. Play Symbol Caption. The small printed material appearing below each play symbol which repeats or explains the play symbol. One (1) and only one (1) play symbol captions appears under each play symbol. (3-25-22)

f. Play Symbols. Figures printed in approved ink that appear under each of the rub-off spots on the front of the ticket. (3-25-22)

g. Retailer Validation Code. The small letters found under the removable rub-off covering over the play symbols on the front of the ticket, which the ticket retailer uses to verify winners of twenty-five dollars (\$25) or less. The letters appear in varying locations beneath the removable rub-off covering and among the play symbols. (3-25-22)

h. Ticket. An Idaho instant game ticket. (3-25-22)

i. Ticket Validation Number. The unique number on the front of the ticket. (3-25-22)

03. Sale of Tickets. (3-25-22)

a. No person other than a retailer under a contract for the sale of tickets with the Lottery may sell Lottery tickets, except that nothing in this section prevents a person who may lawfully purchase tickets from making a gift of Lottery tickets to another. (3-25-22)

b. Unless authorized by the Lottery, tickets may not be sold at a location other than the address listed on the retailer's contract with the Lottery. (3-25-22)

c. Nothing in this section prohibits the Commission from designating certain of its agents and employees to sell Lottery tickets directly to the public. (3-25-22)

04. Instant Games Ticket Price. The price of an instant game ticket will be set by the Director. No person may sell a ticket at a price other than that established in accordance with these rules. (3-25-22)

05. Prize Structures. The Director will provide to all Lottery game retailers a detailed tabulation of the estimated number of prizes of each particular prize denomination that are expected to be awarded in each Lottery game and a close approximation of the odds of winning the prizes. (3-25-22)

06. Number and Value of Instant Ticket Prizes. Lottery game prize structures, odds of winning, number of tickets, number and value of prizes, play symbol and captions used for validation will not be adopted by administrative rules. Rather, the Director will submit proposed games to the Commission, who must approve each game's general format before the initiation of each game. All instant games must be conducted in accordance with the rules of the Commission. (3-25-22)

07. Official Start of Game. (3-25-22)

a. Games with a prize structure adopted by the Commission pursuant to Subsection 202.07 of this rule may be started at a time selected by the Director. The Director will publicly announce the starting date of a new game by use of a press release or any other appropriate means. The Director may also issue game information that includes a description of the game, odds of winning a prize, the number and value of prizes, and the play symbols and captions used for prize validation. (3-25-22)

b. Games using a prize structure other than a prize structure previously approved by the Commission must be approved by the Commission before game tickets can be sold to the public. (3-25-22)

08. Determination of Winners. (3-25-22)

a. Winners of an instant game are determined by the matching or specified alignment of the play symbols on the tickets. The play symbols are revealed by scratching or rubbing off the latex or similar secure material that covers spots on the ticket. The ticket bearer must notify the retailer or the Lottery of the win and submit the winning ticket to the retailer or the Lottery as provided in these rules. The winning ticket must be validated by the Lottery through use of the validation number or by any other means specified by the Director. (3-25-22)

b. Unless otherwise provided by game rules, only the highest instant prize amount will be paid on a given ticket. (3-25-22)

c. No portion of the play symbol captions, retailer validation codes, display printing nor any extraneous matter whatever will be usable or playable as a part of the instant game. (3-25-22)

d. The ticket validation number or any portion thereof is not a play spot and is not usable or playable as such. (3-25-22)

e. In all Lottery games, the determination of prize winners is subject to the general ticket validation requirements set forth in Subsection 200.14, et seq., and Subsection 202.11 of this rule, and the requirements set out on the back of each instant game ticket. (3-25-22)

f. The length of operation of an instant game will be determined by the Director. The start date and closing date of the instant game will be publicly announced. (3-25-22)

09. Payment of Prizes. The procedures for claiming instant ticket prizes are as follows: (3-25-22)

a. Instant ticket prizes of less than six hundred dollars (\$600) may be claimed by one (1) of the following methods: (3-25-22)

i. The claimant may present the winning ticket to any Lottery retailer. The retailer must verify the claim and, if acceptable, make payment of the amount due the claimant. A retailer may pay prizes in cash or by business check, ~~or~~ money order, electronic fund transfer, no fee prize payment card, or any combination thereof. A retailer that pays a prize with a check that is dishonored may be subject to suspension or termination of the retailer's contract. (3-25-22)()

ii. If the retailer cannot verify the claim, the claimant must fill out a claim form and the retailer must present the completed form and the disputed ticket to the Director. If the claim is validated, ~~a check will be forwarded to the claimant in~~ payment ~~of~~ will be made to the claimant in cash, or by check, money order, or by electronic fund transfer in the amount due. If the claim is not validated, the claim will be denied and the claimant will be promptly notified. (3-25-22)()

iii. The claimant may bring present the ticket to the Lottery office or complete a claim form and mail it with the ticket to the Idaho State Lottery (registered mail recommended). Claim forms may be obtained from any Lottery game retailer or from the Lottery. (3-25-22)()

b. To claim an instant prize of six hundred dollars (\$600) or more, the claimant must either bring present the winning ticket to the Lottery office or complete a claim form and mail the completed form together with the winning ticket to the Idaho State Lottery (registered mail recommended). (3-25-22)()

c. Prizes of six hundred dollars (\$600) or more can be paid only from the Boise Lottery office. Upon validation by the Director, ~~a check will be forwarded to the claimant in~~ payment ~~of~~ will be made by check, money order, or by electronic fund transfer in the amount due, less any applicable federal income tax withholding. (3-25-22)()

d. Any ticket not passing all the validation checks is void and ineligible for any prize and will not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket (or ticket of equivalent sales price from any other current game). If a defective ticket is purchased, the only responsibility or liability of the Lottery is the replacement of the defective ticket with another unplayed ticket (or ticket of equivalent sale price from any other current game). (3-25-22)

e. All prizes will be paid within a reasonable time after they are awarded and after the claims are verified by the Director. For each prize requiring annual payments, all payments after the first payment will be made on the anniversary date of the first payment in accordance with the type of prize awarded. The Director may, at any time, delay any payment in order to review a change of circumstances concerning the prize awarded, the payee, the claim, or any other matter that may have come to his attention. All delayed payments will be brought up to date

immediately upon the Director's confirmation and continue to be paid on each original anniversary date thereafter. (3-25-22)

10. Ticket Validation Requirements. In addition to meeting all of the other requirements in these rules or as may be printed on the back of each instant game ticket, the following validation requirements apply with regard to instant game tickets: (3-25-22)

- a. To be a valid instant game ticket, the ticket must: (3-25-22)
 - i. Have been issued by the Director in an authorized manner. (3-25-22)
 - ii. Not be altered, unreadable, or tampered with in any manner. (3-25-22)
 - iii. Not be counterfeit in whole or in part. (3-25-22)
 - iv. Not be stolen nor appear on any list of omitted tickets on file with the Lottery. (3-25-22)
 - v. Be complete and not blank (or partially blank), miscut, misregistered, defective, or printed or produced in error. (3-25-22)

- vi. Under the opaque covered play area, have play symbols and the correct corresponding captions, exactly one (1) pack-ticket number, exactly one (1) agent verification code, and exactly one (1) validation number as required by each approved set of game rules, all of which must be present in their entirety, legible, right-side up, and not reversed in any manner. (3-25-22)

- vii. The validation number of an apparent winning ticket must appear on the Lottery's official list of validation numbers of winning tickets; and a ticket with that validation number cannot have been previously paid. (3-25-22)

- viii. Pass all additional confidential validation requirements established by the Director. (3-25-22)

- ix. Be signed if the prize is for six hundred dollars (\$600) or more. (3-25-22)

b. Any ticket not passing all the validation checks in Paragraph 202.11.a. of this rule is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price) from any other current Lottery game. If a defective ticket is purchased, the only responsibility or liability of the Lottery will be the replacement of the defective ticket with another unplayed ticket (or ticket of equivalent sales price from any other current Lottery game). (3-25-22)

c. The Director may authorize reconstruction of an alleged winning ticket that was not received or cannot be located by the Lottery, provided, the person requesting reconstruction must submit to the Lottery sufficient evidence to enable reconstruction and submit a claim for the prize, if any, for that ticket. If the reconstructed ticket is a winning ticket and meets the validation requirements of Paragraph 202.11.a. of this rule and any specific validation requirements contained in the rules for its specific game, the Director may authorize payment of the prize. Provided, the ticket will not be validated nor the prize paid before the one hundred eighty-first (181) day following the official end of that instant game. A ticket(s) validated pursuant to this Subsection will not entitle the claimant to be entered into the grand prize drawing, if any, for that or any subsequent instant game. (3-25-22)

11. Prize Rights Unassignable. No person's right to a prize already drawn is assignable, except that payment of any prize already drawn may be paid to the estate of a deceased prize winner, and a person other than the prize winner may be paid the prize to which the winner is entitled as provided by court order. The Director will be discharged of all liability upon payment of a prize pursuant to this rule. (3-25-22)

12. Payment of Prizes to Persons Under Eighteen Years of Age. If a person entitled to a prize for a winning ticket is under the age of eighteen (18) years, the Director may direct payment of the prize to an adult member of the minor's family or to the minor's guardian by a check or draft payable to the adult member of the

minor's family or the minor's guardian. The adult member of the minor's family or the minor's guardian will have the same duties and powers as a person designated as a custodian in accordance with Idaho law. For purposes of this Subsection, the terms "adult member of a minor's family" and "guardian of a minor" have the same meaning as in the Idaho Gifts to Minors Law. The Director will be discharged of all liability upon payment of a prize to a minor pursuant to this rule. (3-25-22)

13. Prizes Payable After Death or Disability of Owner. (3-25-22)

a. All prizes, and portions of prizes that remain unpaid at the time of the prize winner's death will be payable to the personal representative of the prize winner's estate once satisfactory evidence of the personal representative's appointment has been provided, and the Director is satisfied that payment to the personal representative is lawful and proper. The Director may rely on a certified copy of a court order appointing a personal representative (or similar person responsible for the prize winner's estate, whether denominated an administrator, executor, executrix, or other representative of the prize winner's estate) or may petition the court to determine the proper payee. Payment to the personal representative of the estate of the deceased owner of any prize winnings will absolve the Director and the Lottery's employees of any further liability for payment of prize winnings. (3-25-22)

b. The Lottery may petition any court of competent jurisdiction for a determination of the rightful payee for the payment of any prize winnings that are or may become due to a person under a disability including, but not limited to, mental deficiency, or physical or mental incapacity. (3-25-22)

14. Governing Law. In purchasing a ticket, the customer agrees to comply with, and abide by, Idaho law, and all rules and final decisions of the Lottery, and all procedures and instructions established by the Lottery or the Director for the conduct of the game. (3-25-22)

15. Discharge of All Liability Upon Payment. The state of Idaho, its agents, officers, employees, and representatives, the Lottery, its Director, agents, officers, employees and representatives, will be discharged of all liability upon payment of a prize or any one (1) installment thereof to the holder of any winning Lottery ticket or in accordance with the information set forth on the claim form supplied by the Director. If there is a conflict between the information on a winning Lottery ticket and the information on the claim form, the Lottery may rely on the claim form after the ticket for which it has been filed has been validated as a winning ticket and, in so doing, it will be relieved of all responsibility and liability in the payment of a prize in accordance with the information set forth therein. The Lottery's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes are final and binding upon all participants in the Lottery unless otherwise provided by law or these rules. If a question arises concerning the winning ticket, a claim form, the payment, or the awarding of any prize, the Lottery may deposit the prize winnings into an escrow fund until it determines the controversy and reaches a decision, or it may petition a court of competent jurisdiction for instructions and a resolution of the controversy. (3-25-22)

16. Unclaimed Prize Money. Any prize not claimed within the specified period will be forfeited and placed into the State Lottery Account. (3-25-22)

17. Disclosure. The Lottery may use the names, addresses, and photographs of winners in any Lottery promotional or publicity campaign. The address used will not contain the winner's street or house number without the winner's consent. The Lottery may condition payment of the prize upon agreement to these terms and conditions. (3-25-22)

18. Confidentiality of Tickets. All retailers and their employees and agents are prohibited from attempting to ascertain the numbers or symbols appearing in the designated areas under the removable latex or similar secure coverings or otherwise attempting to identify winning tickets. (3-25-22)

19. Official End of Game. (3-25-22)

a. The official end of an instant game will be announced by the Lottery. Prizes may be claimed up to one hundred eighty (180) days after the official end of the game. If the final day of the claim period falls on a Saturday, Sunday or a state holiday, the claim period will be extended to the end of the next business day. A player may submit a winning ticket claim for prize payment up to one hundred eighty (180) days after the official end of the

game. Depending on the prize amount, the ticket should be submitted to the location specified in Subsection 202.10 of this rule, "Payment of Prizes." To participate in one (1) of the Lottery's special drawings, if any, a player must redeem a ticket that qualifies for entry into that special drawing within the time limits specified by the Director.

(3-25-22)

b. A retailer must return to the Lottery all unsold Lottery tickets for each game within ninety (90) days of the official end of that game in order to receive credit from the Lottery as provided in retailer's contract. The Lottery has no obligation to grant credit for tickets returned after the time limit specified in the contract. (3-25-22)

203. (RESERVED)

204. ON-LINE COMPUTER GAMES.

01. On-Line Games -- Authorized -- Director's Authority. The Commission hereby authorizes the Director to select and operate on-line games which meet the criteria set forth in these rules. (3-25-22)

02. Definitions. As used in Rule 204 these terms have the following definitions: (3-25-22)

a. "Drawing." The procedure determined by the Director by which the Lottery selects the winning combination in accordance with the rules of the game. Drawings are open to the public. (3-25-22)

b. "On-line Game." (3-25-22)

i. A Lottery game in which a player selects a combination of numbers or symbols, the type of game and amount of play, and the drawing date by use of a computer. In return for paying the appropriate price, the player receives a computer-generated ticket with the player's selection printed on it. Each ticket bearer whose valid ticket includes a winning combination will be entitled to a prize if claim is submitted within the specified time period. (3-25-22)

ii. On-line terminal (OLT) instant ticket game having characteristics as defined in Paragraphs 202.02.a., 202.02.b., 202.02.d. and 202.02.i. of these rules. (3-25-22)

c. "On-line Retailer." A person or business authorized by the Lottery to sell on-line tickets. (3-25-22)

d. "On-line Terminal (OLT)." The computer hardware by which an on-line retailer or player enters the combination selected by the player and by which on-line tickets are generated and claims are validated. (3-25-22)

e. "On-line Ticket." A computer-generated ticket issued by an on-line terminal to a player as a receipt for the combination a player has selected. That ticket is the only acceptable evidence of the combination of numbers or symbols selected. (3-25-22)

f. "Ticket Bearer." The person who has signed the on-line ticket or who has possession of an unsigned ticket. (3-25-22)

g. "Validation." The process of determining whether an on-line ticket presented for payment is a winning ticket. (3-25-22)

h. "Winning Combination." One (1) or more numbers or symbols randomly selected by the State Lottery or its designee in a public drawing. (3-25-22)

03. Distribution of Tickets. (3-25-22)

a. Tickets will be sold by retailers selected by the Director. (3-25-22)

b. The Director is authorized to arrange for the distribution of OLTs, player-activated terminals (PATs), ticket stock, and supplies to certificated retailers. (3-25-22)

- 04. Sale of Tickets.** (3-25-22)
- a.** No person other than a retailer under a contract for the sale of tickets with the Lottery may sell on-line Lottery tickets, except that nothing in this section will be construed to prevent a person who may lawfully purchase tickets from making a gift of Lottery tickets to another. (3-25-22)
- b.** Tickets may not be sold at a location other than the address listed on the retailer's contract with the Lottery. (3-25-22)
- c.** Nothing in this section prohibits the Director from designating certain of its agents and employees to sell Lottery tickets directly to the public. (3-25-22)
- 05. On-Line Games Criteria.** (3-25-22)
- a.** The base price of an on-line ticket will not be less than fifty cents (\$.50), except to the extent of discounts authorized by the Commission. (3-25-22)
- b.** The price for a ticket in any particular on-line game will be set out in the game rules adopted by the Commission for that game. No person may sell a ticket at a price other than that established in accordance with these rules. On the average, the total of all prizes available to be won in an on-line game will not be less than forty-five percent (45%) of the on-line game's projected revenue. (3-25-22)
- c.** The manner and frequency of drawings may vary with the type of on-line game as defined in Subparagraph 204.02.b.i. of these rules. (3-25-22)
- d.** The times, locations, and drawing procedures will be determined by the Director. (3-25-22)
- e.** OLT instant ticket game as defined in Subparagraph 204.02.b.ii. of these rules will operate with a finite number of tickets per game and a predetermined and guaranteed prize structure approved by the Director. (3-25-22)
- f.** A ticket bearer entitled to a prize must submit the winning ticket as specified by the Director. The winning ticket must be validated by the Lottery or an on-line retailer through use of the validation number and any other means specified by the Director. (3-25-22)
- 06. Payment of Prizes.** (3-25-22)
- a.** To claim an on-line game prize of less than six hundred dollars (\$600) the claimant may present the winning on-line ticket to any on-line retailer, or to the Lottery office: (3-25-22)
- i.** If the claim is presented to an on-line retailer, the on-line retailer must validate the claim and, if determined to be a winning ticket, pay the amount due the claimant as set forth in Rule 204.10.b. If the on-line retailer cannot validate the claim, the claimant may obtain and complete a claim form and submit it with the disputed ticket to the Lottery by mail or in person. Upon determination that the ticket is a winning ticket, the Lottery will present or mail a check to the claimant in make payment of the amount due in cash, by check, money order, or electronic fund transfer. If the ticket is determined to be a non winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-25-22)()
- ii.** If the claim is presented to the Lottery office, the claimant will be required to complete a claim form and submit it with the winning ticket, either by mail or in person. Upon determination that the ticket is a winning ticket, the Lottery will present or mail a check to the claimant in make payment of the amount due in cash, by check, money order, or electronic fund transfer, less any withholding required by the Internal Revenue Code. If the ticket is determined to be a non-winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-25-22)()
- b.** To claim an on-line prize of six hundred dollars (\$600) or more, the claimant must obtain and complete a claim form and submit it with the winning ticket to the Lottery office by mail or in person. Prizes of six

hundred dollars (\$600) or more can be paid only from the Lottery office. Upon determination that the ticket is a winning ticket, the Lottery will ~~present or mail a check to the claimant in~~ make payment of the amount due by check, money order, or electronic fund transfer, less any withholding required by the Internal Revenue Code and the state of Idaho. The amount due will be calculated according to the rules adopted for the particular on-line game. If the ticket is determined to be a non-winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-25-22)(_____)

c. All prizes must be claimed within one hundred eighty (180) days from the drawing in which the prize was won. If the final day of the one hundred eighty (180) day period falls on a Saturday, Sunday or a state holiday, the claim period will be extended to the end of the next business day. Any prize not claimed within the specified period will be forfeited and placed into the State Lottery account. (3-25-22)

07. Drawings and End of Sales Prior to Drawings. (3-25-22)

a. Drawings will be conducted in a location and at days and times designated by the Director. (3-25-22)

b. For each type of on-line game, the Director will establish a time before the drawing for the end of sales. (3-25-22)

c. The Director will designate the type of equipment to be used and will establish procedures to randomly select the winning combination for each type of on-line game. Drawing procedures will include provisions for the substitution of backup drawing equipment if the primary drawing equipment malfunctions or fails for any reason. (3-25-22)

d. The equipment used to determine the winning combination will not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The drawing results, including sales, number of winners and numbers drawn, will be audited and reviewed after each drawing to assure proper operation and lack of tampering or fraud. (3-25-22)

e. All drawings may be broadcast live on television, provided the facilities for such broadcasts are available and operational and can be done at a reasonable cost. (3-25-22)

f. The Director will establish procedures governing the conduct of drawings for each type of on-line game. The procedures must include provisions for deviations that include but are not limited to: (3-25-22)

i. Malfunction of the drawing equipment before determination of the winning combination; (3-25-22)

ii. Fouled drawing; (3-25-22)

iii. Delayed drawing; and (3-25-22)

iv. Other equipment, facility or personnel difficulties. (3-25-22)

g. If a deviation occurs, the drawing will be completed under the supervision of the Lottery or its designee. The winning combination will be provided to the public. (3-25-22)

h. If, during any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all numbers or symbols, a “foul” will be called by Lottery security or the Lottery’s designee. Any number drawn before a “foul” is called will stand and be deemed official after passing inspection and certification by Lottery security or the Lottery’s designee. (3-25-22)

i. The Director will delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment will be made after an investigation is completed and the drawing approved by Lottery security or the Lottery’s designee. If the drawing is not approved, it will be void and another drawing will be conducted to determine the actual winner. (3-25-22)

- 08. Validation Requirements.** (3-25-22)
- a.** To be a valid winning on-line ticket, the ticket must: (3-25-22)
- i.** Have all printing on the ticket in its entirety, be legible, and correspond, using the computer validation file, to the combination and the date printed on the ticket. (3-25-22)
- ii.** Be intact, not be mutilated, altered, or tampered with in any manner. (3-25-22)
- iii.** Not be counterfeit or an exact duplicate of another winning ticket. (3-25-22)
- iv.** Have been issued by an authorized on-line retailer or dispensed by a player-activated terminal in an authorized manner. (3-25-22)
- v.** Not have been stolen or cancelled. (3-25-22)
- vi.** Not have been previously paid. (3-25-22)
- vii.** Pass all other confidential security checks of the Lottery. (3-25-22)
- viii.** Be signed if the prize is for six hundred dollars (\$600) or more. (3-25-22)
- b.** A ticket failing any of the validation requirements listed in Paragraph 204.08.a. of this rule is invalid and ineligible for a prize. The final decision on whether a prize is paid will be made by the Director. (3-25-22)
- c.** If there is a dispute between the Director and a claimant whether a ticket is a winning ticket, and if the Director determines that the ticket is not valid and a prize is not paid, the Director may replace the disputed ticket with a ticket of equivalent sales price for a future drawing of the same type of game. This will be the sole and exclusive remedy of the claimant. (3-25-22)
- d.** If a defective on-line ticket is purchased, the only responsibility or liability of the Lottery or of the on-line retailer is the replacement of the defective on-line ticket with another on-line ticket of equivalent value for a future drawing of the same type of game. (3-25-22)
- 09. Retailer Duties.** Retailers with an on-line terminal (OLT) must perform the following duties: (3-25-22)
- a.** Pay costs associated with providing a telephone line or internet or similar connection that must be located as specified by the Lottery. Payment of the telephone line or internet or similar connection is nonrefundable after installation, except if the Lottery denies, through no fault of retailer, the installation of the on-line terminal. (3-25-22)
- b.** Pay the Lottery for the local monthly telephone or internet or similar charges per OLT as specified by the Lottery. The Lottery will pay for the mileage charges (if any) between the retailer's location and the Lottery's central site. (3-25-22)
- c.** Hold funds generated from the sale of on-line tickets in trust for the Lottery. At a time specified by the Lottery, the retailer must pay these funds to the Lottery plus the monthly communications charge specified above in Paragraph 204.09.b. of this rule, less: (3-25-22)
- i.** Prizes paid; (3-25-22)
- ii.** Any credit; and (3-25-22)
- iii.** The retailer discount. (3-25-22)

d. Locate the OLT within the retailer's premises at a point-of-sale location approved by the Lottery. The retailer is prohibited from moving an OLT unless the retailer follows the procedures established by the Director, including reimbursing the State Lottery for any telephone or internet or similar charges associated with the change of OLT location if the retailer requested the change. (3-25-22)

e. Provide dedicated AC power to within approximately five (5) feet of the terminal. Dedicated AC power means that there is no other equipment on the line that is to be used for the on-line terminal. The retailer is responsible for all costs associated with providing dedicated AC power. The Lottery will provide a schematic of outlet requirements to the retailer's electrical contractor. (3-25-22)

f. Sell all Lottery games, including but not limited to instant game tickets offered by the Lottery. The retailer agrees to continue the sale of instant tickets from all cash registers or other points of purchase. (3-25-22)

g. Conduct the sale of on-line tickets during all hours and days that the retailer's business is open and the on-line system is functioning. The retailer must post the hours that redemption of winning tickets may take place if these hours are different from the retailer's normal business hours. The retailer must monitor ticket supply levels and give timely notice when any item is in short supply. (3-25-22)

h. Post winning numbers prominently where tickets are sold as soon as possible following the drawing. (3-25-22)

i. Provide secure storage for OLT supplies and a secure area for the OLT. (3-25-22)

j. Exercise due diligence in the operation of the OLT and immediately notify the Lottery and the central computer facility of any telephone line, internet, radio, or OLT malfunction, such as the issuance of invalid on-line Lottery ticket, inability to sell or redeem an on-line ticket, and non-issuance of an on-line ticket. The retailer is prohibited from performing mechanical or electrical maintenance on the OLT. (3-25-22)

k. Replace ribbons and on-line or instant ticket stock and clear paper jams as required for the OLT per the instructions provided by the Lottery. (3-25-22)

l. Pay, without reimbursement, all electricity charges in connection with the operation of OLT. (3-25-22)

10. Payment of Prizes by On-Line Retailers. (3-25-22)

a. An on-line retailer must pay to the ticket bearer on-line games prizes of less than six hundred dollars (\$600) for any validated claims presented to that on-line retailer. These prizes must be paid during all normal business hours of the on-line retailer, unless redemption hours differ from normal business hours that have been posted pursuant to Paragraph 204.09.g. of this rule, provided, that the on-line system is operational and claims can be validated. (3-25-22)

b. An on-line retailer may pay prizes in cash or by business check, certified check, money order, or any combination thereof. An on-line retailer that pays a prize with a check that is dishonored may be subject to suspension or termination of its contract. (3-25-22)

11. Retailer Settlement. (3-25-22)

a. On-line retailers must establish an account for deposit of monies derived from on-line games with a financial institution that has the capability of electronic funds transfer (EFT). (3-25-22)

b. The amount deposited must be sufficient to cover monies due the Lottery. The Lottery will withdraw by EFT the amount due the Lottery on the day specified by the Director. If the day specified for withdrawal falls on a state holiday, withdrawal may be delayed until the next business day. (3-25-22)

12. Prize Rights Unassignable. No right of any person to a prize drawn is assignable, except that

payment of any prize drawn may be paid to the estate of a deceased prize winner, and that any person may be paid the prize to which the winner is entitled pursuant to an appropriate judicial order. The Director will be discharged of all liability upon payment of a prize pursuant to this rule. (3-25-22)

13. Payment of Prizes to Persons Under Eighteen Years of Age. If a person entitled to a prize for a winning ticket is under the age of eighteen (18) years, the Director may direct payment of the prize to an adult member of the minor's family or to the minor's guardian by a check or draft payable to the adult member of the minor's family or to the minor's guardian. The adult member of the minor's family or the minor's guardian will have the same duties and powers as a person designated as a custodian in accordance with Idaho Law. For purposes of this Subsection the terms "adult member of a minor's family" and "guardian of a minor" have the same meaning as in the Idaho Gifts to Minors Law. The Director will be discharged of all liability upon payment of a prize to a minor pursuant to this rule. (3-25-22)

14. Prizes Payable After Death or Disability of Owner. (3-25-22)

a. All prizes, and portions of prizes, that remain unpaid at the time of the prize winner's death will be payable to the personal representative of the prize winner's estate once satisfactory evidence of the personal representative's appointment has been provided, and the Director is satisfied that payment to the personal representative is lawful and proper. The Director may rely on a certified copy of a court order appointing of a personal representative (or similar person responsible for the prize winner's estate, whether denominated an administrator, executor, executrix, or other representative of the prize winner's estate) or may petition the court to determine the proper payee. Payment to the personal representative of the estate of the deceased owner of any prize winnings will absolve the Director and the Lottery's employees of any further liability for payment of prize winnings. (3-25-22)

b. The Lottery may petition any court of competent jurisdiction for a determination of the rightful payee of any prize winnings that are or may be due to a person under a disability including, but not limited to, minority, mental deficiency, physical or mental incapacity. (3-25-22)

15. Discharge of State Lottery Upon Payment. The state of Idaho, its agents, officers, employees and representatives, the Lottery, its Director, agents, officers, employees and representatives are discharged of all liability upon payment of a prize or any one (1) installment thereof to the holder of any winning Lottery ticket or in accordance with the information set forth on the claim form supplied by the Director. If there is a conflict between the information on a winning Lottery ticket and the information on the claim form, the Lottery may rely on the claim form after the ticket for which it has been filed has been validated as a winning ticket and, in so doing, it will be relieved of all responsibility and liability in the payment of a prize in accordance with the information set forth therein. The Lottery's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes will be final and binding upon all participants in the Lottery unless otherwise provided by law or these rules. If a question arises concerning the winning ticket, a claim form, the payment, or the awarding of any prize, the Lottery may deposit the prize winnings into an escrow fund until it determines the controversy and reaches a decision, or it may petition a court of competent jurisdiction for instructions and a resolution of the controversy. (3-25-22)

16. Disclosure. The Lottery may use the names, addresses, and photographs of winners in any Lottery promotional or publicity campaign. The address used will not contain the winner's street or house number without the winner's consent. The Lottery may condition payment of the prize upon agreement to these terms and conditions. (3-25-22)

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 33-101, 33-105, 33-107, 33-1002G, 33-1629, and 33-2202 through 33-2212, 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 pending rule is being adopted in accordance with [Executive Order 2020-01](#), Zero-based rulemaking to remove any unnecessary language that duplicates language or provisions in Idaho Code; remove any unnecessary language and to make technical corrections and clarifications impacted by SB1070 (2023).

Two non-substantive amendments are being made to the pending rule to provide further clarification regarding charter school attendance areas and, to remove unnecessary language.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 763-766](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education 650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)488-7586, fax: (208)334-2632

DOCKET NO. 55-0103-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 763 through 766.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 55-0103-2301

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

55.01.03 – RULES OF CAREER TECHNICAL ~~SCHOOLS~~ CENTERS

(BREAK IN CONTINUITY OF SECTIONS)

104. CAREER TECHNICAL ~~SCHOOL~~ CENTER ADDED COST UNIT FUNDING AND ELIGIBILITY. ~~Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is distributed based on the number of students enrolled in a capstone course during the previous academic year, the aggregate total of the students who completed the technical skills assessment for the program the student was enrolled in, and the total earned credit hours reported by each school for intermediate, capstone, and work-based learning courses. If any approved program within a career technical school does not enroll students from more than one (1) high school during the previous academic year, the program will not be included in the current year funding calculation. If the overall school enrollment exceeds more than eighty-five percent (85%) of students from any single high school during the previous school year, the Division of Career Technical Education may withhold all or part of the career technical school's funding. Eligibility requirements based on student enrollment numbers are determined at the program level. Charter schools who have an established attendance area that overlaps with more than one school district high school boundary may report students as coming from the high school whose attendance zone they reside in for establishing the enrollment eligibility criteria. (3-31-22)(____)~~

(BREAK IN CONTINUITY OF SECTIONS)

108. ACCOUNTABILITY.

01. **Assessment Process.** The Division ~~of Career Technical Education~~ shall develop an assessment process that includes measures and standards for career technical ~~school~~ center programs. (3-31-22)(____)

~~02. **Reporting.** No later than October 15 of each year, career technical schools will submit a report to the Division of Career Technical Education, detailing their enrollment at the program level by high school. (3-31-22)~~

03. **Administrator Responsibility.** The administrator of each career technical ~~school~~ center shall be responsible to provide onsite administration of the career technical ~~school~~ center. The administrator ~~will submit all required career technical school reports requested by the~~ is responsible for all career technical center reports

~~submitted to the~~ Division of Career Technical Education.

~~(3-31-22)~~()

~~04. Accreditation. Each career technical school shall be accredited following Board of Education requirements. This accreditation shall be appropriate for the individual type of career technical school that is developed.~~ (3-31-22)

~~05. School Improvement Plan. The administration, faculty and staff at each career technical school is responsible to develop and implement a local school improvement plan based on the assessment process developed by the Division of Career Technical Education.~~ (3-31-22)

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

55.01.04 – RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS

DOCKET NO. 55-0104-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 33-1629, 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 pending rule is being adopted in accordance with [Executive Order 2020-01](#), Zero-based rulemaking to remove any unnecessary language that duplicates language or provisions in Idaho Code; and remove any unnecessary language.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 767-772](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2024 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection.

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 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, September 6, 2023, [Vol. 23-9, pages 628 through 632](#).

No comments were received, and the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/air-quality-docket-no-58-0101-2301/>.

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 6th day of December, 2023.

Kristin Ryan
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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.07 – RULES REGULATING UNDERGROUND STORAGE TANK SYSTEMS

DOCKET NO. 58-0107-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2024 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection.

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 88, 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, August 2, 2023, [Vol. 23-8, pages 343 through 357](#).

No public comments were received, and the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/underground-storage-tanks-docket-no-58-0107-2301/>.

FEE SUMMARY: This rulemaking does not impose or increase a fee beyond what was previously submitted to and reviewed by the Idaho Legislature in prior rules but does impose the current fee on newly regulated tanks, per the adopted Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (40 CFR Part 280) required for state program approval. The annual fee statutory authority is established by Idaho Code §§ 39-118 and 39-8802(d).

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 6th day of December, 2023.

Kristin Ryan
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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2024 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection.

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.

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 6, 2023, Vol. 23-9, pages 635 through 783.

After consideration of public comments, Sections 003, 150, 300, 500, 501, 504, 510, 513, 542, 543, and 552 have been revised. DEQ identified revisions that had been inadvertently left out of the proposed rule publication. These revisions were negotiated or are non-substantive in nature: Sections 003 (definition of Vulnerability Assessment), 302, 450, 503, 511, 512, 515, 521, 529 – 532, 540, and 541. The remainder of the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/drinking-water-docket-no-58-0108-2301/>.

FEE SUMMARY: This rulemaking does not impose or increase a fee beyond what was previously submitted to and reviewed by the Idaho Legislature in prior rules. Fees included in this rule chapter are authorized by Section 39-119, Idaho Code.

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 6th day of December, 2023.

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DOCKET NO. 58-0108-2301 – ADOPTION OF PENDING RULE

(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 635 through 783.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 58-0108-2301

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

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

003. DEFINITIONS.

The definitions set forth in 40 CFR 141.2 are ~~herein~~ incorporated by reference, ~~except for the definition of the terms “action level,” “disinfection,” “noncommunity water system,” and “person.” The terms “board,” “director,” “department,” and “person” have the meaning provided in Section 39-103, Idaho Code. The term “watersheds” has the meaning provided in Section 39-3602, Idaho Code. The terms “distribution system,” “license,” “responsible charge,” and “responsible charge operator” have the meaning provided in Section 54-2403, Idaho Code. The term “public utility” has the meaning provided in Section 61-129, Idaho Code. The term “pesticide” has the meaning provided in Section 22-3401, Idaho Code.~~ (3-24-22)()

~~01. Action Level. The concentration of lead or copper in water that determines, in some cases, whether a water system must install corrosion control treatment, monitor source water, replace lead service lines, or undertake a public education program.~~ (3-24-22)

~~02. Administrator. The Administrator of the United States Environmental Protection Agency.~~ (3-24-22)

~~03. Annual Samples. Samples that are required once per calendar year.~~ (3-24-22)

~~04. Annular Opening. As used in well construction, this term refers to the nominal inside diameter of the borehole minus the outside diameter of the casing divided by two (2).~~ (3-24-22)

~~05.1. Aquifer. A geological formation of permeable saturated material, such as rock, sand, gravel, etc., capable of yielding an economic quantity of water to wells and springs.~~ ()

~~06. Average Day Demand. The volume of water used by a system on an average day based on a one (1) year period. See also the definition of Water Demand in these rules.~~ (3-24-22)

~~07.2. Backflow. The reverse from normal flow direction in a plumbing system or water system caused by back pressure or back siphonage.~~ ()

~~08. Bag Filters. Pressure driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed of a non rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside.~~ (3-24-22)

~~09. Bank Filtration. A water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the~~

~~hydraulic gradient imposed by a nearby pumping water supply or other well(s). (3-24-22)~~

~~10. Board. The Idaho Board of Environmental Quality. (3-24-22)~~

~~403. Capacity. The capabilities required of a public drinking water system (PWS) in order to achieve and maintain compliance with these rules and the requirements of the federal Safe Drinking Water Act (SDWA). It is divided into three (3) main elements: (3-24-22)()~~

~~a. Technical capacity means the ~~system~~ PWS has the physical infrastructure to consistently meet drinking water quality standards and treatment requirements and is able to meet the requirements of routine and emergency operations. It further means the ability of ~~system~~ PWS personnel to adequately operate and maintain the ~~system~~ PWS and to otherwise implement technical knowledge. Training of operator(s) is required, as appropriate, for the system size and complexity. (3-24-22)()~~

~~b. Financial capacity means the financial resources of the ~~water system~~ PWS, including an appropriate budget; rate structure; cash reserves sufficient for current operation and maintenance, future needs and emergency situations; and adequate fiscal controls. (3-24-22)()~~

~~c. Managerial capacity means that the management structure of the ~~water system~~ PWS embodies the aspects of ~~water~~ system operations, including, but not limited to; (3-24-22)()~~

~~i. Short and long range planning; ()~~

~~ii. Personnel management; ()~~

~~iii. Fiduciary responsibility; ()~~

~~iv. Emergency response; ()~~

~~v. Customer responsiveness; ()~~

~~vi. Source water protection; ()~~

~~vii. Administrative functions such as billing and consumer awareness; and ()~~

~~viii. Ability to meet the intent of the federal ~~Safe Drinking Water Act~~ SDWA. (3-24-22)()~~

~~12. Cartridge Filters. Pressure driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside. (3-24-22)~~

~~13. Clean Compliance History. For the purposes of the Revised Total Coliform Rule in Subsection 100.01, clean compliance history means a record of no maximum contaminant level violations under Subsection 050.05, no monitoring violations under Subsection 100.01, and no coliform treatment technique trigger exceedances or treatment technique violations under Subsection 100.01. (3-24-22)~~

~~14. Combined Distribution System. The interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water. (3-24-22)~~

~~15. Community Water System. A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. See also the definition of a Public Drinking Water System in these rules. (3-24-22)~~

~~1604. Components of Finished Water Storage. Storage is available to serve the system if the storage structure or facility is elevated sufficiently or is equipped with sufficient booster pumping capability to pressurize the system. Components of finished water storage are further defined as: ()~~

- a. Dead Storage- ~~is S~~storage that is either not available for use in the system or can provide only substandard flows and pressures. (3-24-22)()
- b. ~~Effective Storage~~-Effective storage is all storage other than dead storage and is made up of the additive components described in Paragraphs c. through f. of this Subsection. (3-24-22)()
- c. ~~Operational Storage~~-Operational storage supplies water when, under normal conditions, the sources are off. This component is the larger of; (3-24-22)()
- i. The volume required to prevent excess pump cycling and ensure that the following volume components are full and ready for use when needed; or ()
- ii. The volume needed to compensate for the sensitivity of the water level sensors. ()
- d. Equalization Storage- ~~is S~~storage of finished water in sufficient quantity to compensate for the difference between a water system's maximum pumping capacity and peak hour demand. (3-24-22)()
- e. Fire Suppression Storage- ~~is T~~the water needed to support fire flow in those systems that provide it. (3-24-22)()
- f. ~~Standby Storage~~-Standby storage provides a measure of reliability or safety factor-~~should if~~ sources fail or when unusual conditions impose higher than anticipated demands. Normally used for emergency operation, if standby power is not provided, to provide water for eight (8) hours of operation at average day demand. (3-24-22)()

1705. Composite Correction Program (CCP). A systematic approach to identifying opportunities for improving the performance of water treatment and implementing changes that will capitalize on these opportunities. The CCP consists of two (2) elements: ()

- a. Comprehensive Performance Evaluation (CPE)-~~A thorough review and analysis of a treatment plant's performance based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The CPE must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report As defined in 40 CFR 141.2.~~ (3-24-22)()
- b. Comprehensive Technical Assistance (CTA)- ~~is T~~the implementation phase that is carried out if the CPE results indicate improved performance potential. During the CTA phase, the ~~system~~ PWS must identify and systematically address plant-specific factors. The CTA consists of follow-up to the CPE results, implementation of process control priority setting techniques, and maintaining long term involvement to systematically train staff and administrators. (3-24-22)()

18. Compositing of Samples. The mixing of up to five (5) samples by the laboratory. (3-24-22)

1906. Confining Layer. A nearly impermeable subsurface stratum which is located adjacent to one (1) or more aquifers and does not yield a significant quantity of water to a well. ()

20. Confirmation Sample. A sample of water taken from the same point in the system as the original sample and at a time as soon as possible after the original sample was taken. (3-24-22)

21. Connection. Each structure, facility, or premises which is connected to a water system, and which is or could be used for domestic purposes, is considered a single connection. A single family residence is considered to be a premises. Multi-family dwellings and apartment, condominium, and office complexes are considered single connections unless individual units are billed separately for water by the water system, in which case each such unit shall be considered a single connection. (3-24-22)

- ~~22. **Consecutive System.** A public water system that receives some or all of its finished water from one (1) or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems. (3-24-22)~~
- ~~2307. **Consumer.** Any person served by a public water system PWS. (3-24-22)()~~
- ~~2408. **Consumer Confidence Report (CCR).** An annual report that community water systems must deliver to their customers. The reports must contain information on the quality of the water delivered by the systems PWS and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner. (3-24-22)()~~
- ~~25. **Contaminant.** Any physical, chemical, biological, or radiological substance or matter in water. (3-24-22)~~
- ~~2609. **Cross Connection.** Any actual or potential connection or piping arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system used water, water from any source other than an approved public water system, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Cross connections include bypass arrangements, jumper connections, removable sections, swivel or change over devices and other temporary or permanent devices which, or because of which "backflow" can or may occur. **An actual or potential connection or piping arrangement between a drinking water system and another source that could introduce contamination into the potable water system through backflow, backsiphoning, or backpressure.** (3-24-22)()~~
- ~~2710. **Dead End Main.** A distribution main of any diameter and length that does not loop back into the distribution system. ()~~
- ~~28. **Dead Storage.** Storage that is either not available for use in the system or can provide only substandard flows and pressures. See also the definition of Components of Finished Water Storage in these rules. (3-24-22)~~
- ~~29. **Department.** The Idaho Department of Environmental Quality. (3-24-22)~~
- ~~30. **Director.** The Director of the Department of Environmental Quality or his designee. (3-24-22)~~
- ~~3411. **Direct Integrity Test (DIT).** A physical test applied to a microfiltration or ultrafiltration membrane unit in order to identify integrity breaches. ()~~
- ~~32. **Disinfection.** Introduction of chlorine, other agents, or processes that are approved by the Department (such as ultraviolet light) in sufficient concentration, dosage, or application, and for the time required to kill or inactivate pathogenic and indicator organisms. (3-24-22)~~
- ~~33. **Disinfection Profile.** A summary of daily Giardia lamblia inactivation through the drinking water treatment plant. The procedure for developing a disinfection profile is contained in 40 CFR 141.172 and 40 CFR 141.530-141.536. (3-24-22)~~
- ~~34. **Distribution System.** Any combination of pipes, tanks, pumps, and other equipment which delivers water from the source(s), treatment facility(ies), or a combination of source(s) and treatment facility(ies) to the consumer. Chlorination may be considered as a function of a distribution system. (3-24-22)~~
- ~~35. **Drinking Water.** Means "water for human consumption." (3-24-22)~~
- ~~3612. **Drinking Water System.** All mains, pipes, and structures through which water is obtained and distributed, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use. ()~~

~~37. **Dual Sample Set.** A set of two (2) samples collected at the same time and same location, with one (1) sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an Initial Distribution System Evaluation (40 CFR Part 141, Subpart U) and for determining compliance with the TTHM and HAA5 MCLs under the Stage 2 Disinfection Byproducts Requirements (40 CFR Part 141, Subpart V). (3-24-22)~~

~~38~~**13. **Effective Contact Time.** For the purpose of these rules, effective contact time means the time in minutes that it takes for water to move from the point of completely mixed chemical application to the point where residual concentration is measured. It is the “T” in contact time (CT) calculations and is either “demonstrated” or “calculated.” It is the contact time sufficient to achieve the inactivation of target pathogens under the expected range of raw water pH and temperature variation and must be demonstrated through tracer studies or other evaluations or calculations acceptable to the Department. “Improving Clearwell Design for CT Compliance,” referenced in Subsection 002.02, contains information that may be used as guidance for these calculations. ()**

~~39. **Effective Storage.** Effective storage is all storage other than dead storage and is made up of the additive components described in Paragraphs e. through f. of the definition of Components of Finished Water Storage in these rules. (3-24-22)~~

~~40. **Enhanced Coagulation.** The addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment. Conventional filtration treatment is defined in 40 CFR 141.2. (3-24-22)~~

~~41. **Enhanced Softening.** The improved removal of disinfection byproduct precursors by precipitative softening. (3-24-22)~~

~~42. **Equalization Storage.** Storage of finished water in sufficient quantity to compensate for the difference between a water system’s maximum pumping capacity and peak hour demand. See also the definition of Components of Finished Water Storage in these rules. (3-24-22)~~

~~43~~**14. **Equivalent Dwelling Unit (EDU).** A unit of measure that standardizes all land use types (housing, retail, office, etc.) to the level of demand created by a single-family detached housing unit within a water system. The demand for one (1) equivalent dwelling unit is equivalent to the amount of water provided to the average single-family detached housing unit within a water system. For example, a business designed to use three (3) times as much water as an average single-family detached housing unit ~~would~~ will have a demand of three (3) equivalent dwelling units. (3-24-22)()**

~~44~~**15. **Exemption.** A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only if the ~~system~~ PWS demonstrates to the satisfaction of the Department that the ~~system~~ PWS cannot comply due to compelling factors and the deferment does not cause an unreasonable risk to public health. (3-24-22)()**

~~45~~**16. **Facility Plan.** The facility plan for a ~~public drinking water system~~ PWS describes the overall system, including sources of water, treatment processes and facilities, pumping stations and distribution piping, finished water storage, and waste disposal. It is a comprehensive planning document for infrastructure and includes a plan for the future of the system/facility, including upgrades and additions. It is usually updated on a regular basis due to anticipated or unanticipated growth patterns, regulatory requirements, or other infrastructure needs. A facility plan is sometimes referred to as a master plan or facilities planning study. In general, a facility plan is an overall system-wide plan as opposed to a project specific plan. (3-24-22)()**

~~46. **Facility Standards and Design Standards.** Facility standards and design standards are described in Sections 500 through 552 of these rules. Facility and design standards found in Sections 500 through 552 of these rules must be followed in the planning, design, construction, and review of public drinking water facilities. (3-24-22)~~

~~47. **Fee Assessment.** A charge assessed on public drinking water systems based on a rate structure calculated by system size. (3-24-22)~~

~~48. **Filter Profile.** A graphical representation of individual filter performance, based on continuous~~

~~turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed. (3-24-22)~~

4917. Filtrate. As the term relates to microfiltration and ultrafiltration, the product water or the portion of the feed stream that has passed through the membrane. ()

~~**50. Finished Water.** Water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals). (3-24-22)~~

~~**518. Finished Water Storage Structures or Facilities.** Finished water storage structures or facilities are defined as: ()~~

~~**a.** Above-ground storage structure or facility: is Aa finished water storage structure or facility with a bottom elevation above normal ground surface. (3-24-22)()~~

~~**b.** Ground-level storage structure or facility: is Aa finished water storage structure or facility with a bottom elevation at normal ground surface. (3-24-22)()~~

~~**c.** Partially buried storage structure or facility: is Aa finished water storage structure or facility with a bottom elevation below normal ground surface and any portion of the structure or facility above normal ground surface. (3-24-22)()~~

~~**d.** Below-ground storage structure or facility: is Aa finished water storage structure or facility with a bottom elevation and top elevation below normal ground surface. (3-24-22)()~~

~~**5219. Fire Flow Capacity.** The water system capacity, in addition to maximum day demand, that is available for fire fighting purposes within the water system or distribution system pressure zone. Adequacy of the water system fire flow capacity is determined by the local fire authority or through a hydraulic analysis performed by a licensed professional engineer to establish required fire flows in accordance with the International Fire Code as adopted by the State Fire Marshal. ()~~

~~**5320. Fire Suppression Storage.** The water needed to support fire flow in those systems that provide it. See also the definition of Components of Finished Water Storage in these rules. ()~~

~~**5421. Fixture Protection.** The practice of installing backflow prevention assemblies or devices to isolate one (1) or more cross connections within a customer's facility. ()~~

~~**55. Flowing Stream.** As used in the Long Term 2 Enhanced Surface Water Treatment Rule (40 CFR Part 141, Subpart W), this term means a course of running water flowing in a definite channel. (3-24-22)~~

~~**5622. Flux.** The throughput of a pressure-driven membrane filtration process expressed as flow per unit of membrane area, usually in gallons per square foot per day or liters per hour per square meter. ()~~

~~**57. Ground Water System.** A public water system which is supplied exclusively by a ground water source or sources. (3-24-22)~~

~~**58. Ground Water Under the Direct Influence of Surface Water (GWUDI).** Any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as Giardia lamblia or Cryptosporidium, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence shall be determined by the Department for individual sources. The determination of direct influence may be based on site specific measurements of water quality, documentation of well construction characteristics and geology with field evaluation, a combination of water quality and documentation, or other information required by the Department. (3-24-22)~~

~~**59. Haloacetic Acids (Five) (HAA5).** The sum of the concentrations in milligrams per liter of the~~

~~haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid) rounded to two (2) significant figures after addition. (3-24-22)~~

~~6023. **Health Hazards.** Any condition, operation, or practice in a PWS which creates, or may has the potential to create, an acute or immediate danger to the consumer's health. Health hazards may consist of, but are not limited to, design, construction, operational, structural, collection, storage, distribution, monitoring, treatment or water quality elements of a public water system. See also the definition of Significant Deficiency, which refers to a health hazard identified during a sanitary survey. (3-24-22)()~~

~~6124. **Indirect Integrity Monitoring.** Monitoring some aspect of filtrate water quality that is indicative of the removal of particulate matter. ()~~

~~6225. **Inorganic.** Generally refers to compounds that do not contain carbon and hydrogen. ()~~

~~6326. **Internal or In-Plant Isolation.** The practice of installing backflow prevention assemblies to protect an area within a water customer's structure, facility, or premises from contaminating another part of the structure, facility, or premises. ()~~

~~64. **Lake/Reservoir.** As used in the Long Term 2 Enhanced Surface Water Treatment Rule (40 CFR Part 141, Subpart W), this term means a natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow. (3-24-22)~~

~~65. **Level 1 Assessment.** A Level 1 Assessment is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any Department directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. (3-24-22)~~

~~66. **Level 2 Assessment.** A Level 2 Assessment is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the Department in accordance with Subsection 305.03, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. (3-24-22)~~

~~67. **License.** A physical document issued by the Idaho Division of Occupational and Professional Licenses certifying that an individual has met the appropriate qualifications and has been granted the authority to practice in Idaho under the provisions of Chapter 24, Title 54, Idaho Code. (3-24-22)~~

~~68. **Locational Running Annual Average (LRAA).** The average of sample analytical results for samples taken at a particular monitoring location during the previous four (4) calendar quarters, as set forth in the Stage 2 Disinfection Byproducts Requirements (40 CFR Part 141, Subpart V). (3-24-22)~~

~~27. **Like-Kind Replacement.** Repair or replacement of a system component that is identical in capacity, exhibits equivalent design, operational, and material parameters, and does not result in an increase in system capacity or alter existing methods or processes. ()~~

~~6928.~~ **Log.** Logarithm to the base ten (10). In the context of these rules, it is used in the determination of removal or inactivation efficiencies. It is expressed as the logarithm to the base ten (10) or “log” of the concentration of the feed or raw water minus the log of the concentration in the filtrate or product water. For example, if the incoming feed or raw water concentration is one hundred (100), and the outgoing filtrate or product water concentration is ten (10), a 10-fold reduction was attained; or 1-log removal. 1-log removal also equates to ninety percent (90%) removal, as ninety (90) of the original feed concentration counts had been removed, leaving ten (10) in the filtrate. Similarly, 2-log equates to ninety-nine percent (99%) removal. ()

~~7029.~~ **Log Removal Value (LRV).** LRV is a measure of filtration removal efficiency for a target organism, particulate, or surrogate expressed as Logarithm to the base ten (10). ()

~~7430.~~ **Material Deviation.** A change from the design plans that significantly alters the type or location of facilities, requires engineering judgment to design, or impacts the public safety or welfare system components. (3-24-22)()

~~7231.~~ **Material Modification.** Those modifications of an existing public water system PWS that are intended to increase system capacity or alter the methods or processes employed. Any project that adds source water to a system, increases the pumping capacity of a system, increases the potential population served by the system or the number of service connections within the system, adds new or alters existing drinking water system components, or affects the water demand of the system is considered to be increasing system capacity or altering the methods or processes employed. Maintenance and repair performed on the system and the replacement of valves, pumps, or other similar items with new items of the same size and type are not considered a material modification. Increasing system capacity occurs by adding a new water source to a PWS, increasing the pumping and hydraulic capacity of the PWS, increasing potable water demand, or increasing the number of service connections. Altering methods or processes employed occurs by adding new, or altering existing, system components to satisfy increasing potable water demand, or changing engineering design intent of potable water delivery or treatment. Maintenance as outlined in the approved operation and maintenance manual, or maintenance that does not meet the criteria of a material modification described in this definition, is not a material modification. Like-kind replacement is not considered a material modification. (3-24-22)()

~~73.~~ **Maximum Contaminant Level (MCL).** The maximum permissible level of a contaminant in water which is delivered to any user of a public water system. (3-24-22)

~~74.~~ **Maximum Day Demand.** The average rate of consumption for the twenty four (24) hour period in which total consumption is the largest for the design year. See also the definition of Water Demand in these rules. (3-24-22)

~~7532.~~ **Maximum Pumping Capacity.** The pumping capacity with the largest source or pump out of service. ()

~~76.~~ **Maximum Residual Disinfectant Level (MRDL).** A level of a disinfectant added for water treatment that may not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a public water system is in compliance with the MRDL, when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a public water system is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two (2) consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under Section 1412 of the Safe Drinking Water Act. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in 40 CFR 141.65, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections. (3-24-22)

~~77.~~ **Maximum Residual Disinfectant Level Goal (MRDLG).** The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and

~~which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.~~ (3-24-22)

~~78. **Membrane Filtration.** A pressure or vacuum driven separation process in which particulate matter larger than one (1) micrometer (μm) is rejected by an engineered barrier, primarily through a size exclusion mechanism. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.~~ (3-24-22)

~~7933. **Membrane Unit.** A group of treatment systems or membrane modules that usually share common control and valving so that the group can be isolated for testing or cleaning.~~ ()

~~80. **Method Detection Limit (MDL).** The lowest concentration which can be determined to be greater than zero with ninety-nine percent (99%) confidence, for a particular analytical method.~~ (3-24-22)

~~8134. **Microfiltration (MF).** A low-pressure membrane filtration process with pore diameter normally in the range of 0.1 to 0.5 μm .~~ (3-24-22)()

~~8235. **Module.** As the term relates to membrane filtration, it is the smallest component of a membrane unit in which a specific membrane surface area is housed. The component is typically equipped with a feedwater inlet, a filtrate outlet, and concentrate or backwash outlet structure.~~ ()

~~8336. **Nanofiltration (NF).** A membrane filtration process that removes dissolved constituents from water. Nanofiltration is similar to reverse osmosis but allows a higher percentage of certain ions to pass through the membrane. These systems typically operate under higher pressure than microfiltration and ultrafiltration.~~ ()

~~8437 **New System.** Any water system that meets, for the first time, the definition of a public water system provided in Section 1401 of the federal Safe Drinking Water Act (42 U.S.C. Section 300f). This includes PWS, which includes systems that are entirely new construction and or previously unregulated systems that are expanding increased either the population served or connections.~~ (3-24-22)()

~~85. **Noncommunity Water System.** A public water system that is not a community water system. A non-community water system is either a transient noncommunity water system or a non-transient noncommunity water system. See also the definition of a Public Drinking Water System in these rules.~~ (3-24-22)

~~8638. **Non-Potable Fluids or Gases.** Any fluids or gases that do not meet the definition of potable water. This definition also includes any gases that are heavier than air such as propane.~~ (3-24-22)()

~~8739. **Non-Potable Mains.** Pipelines that collect, deliver, or otherwise convey non-potable fluids.~~ ()

~~8840. **Non-Potable Services or Lines.** Pipelines that collect, deliver, or otherwise convey non-potable fluids to or from a non-potable main. These pipelines connect individual facilities to the non-potable main. This term also refers to pipelines that convey non-potable fluids from a pressurized irrigation system, reclaimed wastewater system, and other non-potable systems to individual consumers.~~ ()

~~89. **Nontransient Noncommunity Water System.** A public water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year. See also the definition of a Public Drinking Water System in these rules.~~ (3-24-22)

~~9041. **Operating Shift.** ThatAny period of time during which water system operator decisions that affect public health are necessary for proper operation of the system, a licensed operator must be present, or available, for proper operation or oversight of the PWS.~~ (3-24-22)()

~~9142. **Operational Storage.** Operational storage supplies water when, under normal conditions, the sources are off. This component is the larger of the volume required to prevent excess pump cycling and ensure that the following volume components are full and ready for use when needed or the volume needed to compensate for the sensitivity of the water level sensors. See also the definition of Components of Finished Water Storage in these rules.~~

()

9243. Operation and Maintenance Manual. ~~An operation and maintenance manual~~ **A comprehensive document that provides procedures for the operations and maintenance of the PWS. The manual** typically covers three main subjects: a water system specific operations plan (see definition of Operations Plan); maintenance information and checklists; and manufacturer's product information (including trouble shooting information, a parts list and parts order form, special tools, spare parts list, etc.). An operation and maintenance manual may cover every aspect of the water system or any part of the water system, including but not limited to the following: treatment, pump stations, storage reservoirs, distribution system, pressure reducing valve stations, etc. (3-24-22)()

9344. Operations Plan. The operations plan is part of an operation and maintenance manual. Depending on which facilities of the ~~water system~~ **PWS** are being addressed, the operations plan may cover many types of information including but not limited to the following: daily, weekly, monthly, and yearly operating instructions; information specific to a particular type of treatment; location of valves and other key distribution system features; pertinent telephone and address contact information including the responsible charge ~~water system~~ **PWS** operator and ~~water system~~ **PWS** owner; operator safety procedures; alarm system; emergency procedures; trouble-shooting advice; water quality testing; depressurization events; customer service; and response to customer complaints. (3-24-22)()

9445. Owner/Purveyor of Water/Supplier of Water. The person, company, corporation, association, or other organizational entity which holds legal title to the ~~public water system~~ **PWS**, who provides, or intends to provide, drinking water to the customers, and who is ultimately responsible for the ~~public water system~~ **PWS** operation. (3-24-22)()

95. Peak Hour Demand. ~~The highest hourly flow, excluding fire flow, that a water system or distribution system pressure zone is likely to experience in the design year. See also the definition of Water Demand in these rules.~~ (3-24-22)

96. Person. ~~A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity.~~ (3-24-22)

97. Pesticides. ~~Substances which meet the criteria for regulation pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, and any regulations adopted pursuant to FIFRA. For example, pesticides include, but are not limited to insecticides, fungicides, rodenticides, herbicides, and algacides.~~ (3-24-22)

9846. Plant Design Capacity. The maximum design flow through treatment units. The minimum plant design capacity ~~could~~ **may** be equal to peak hour demand but ~~could~~ **may** also be equal to the maximum day demand if equalization storage is provided. (3-24-22)()

9947. Plant. A physical facility where drinking water ~~or wastewater~~ is treated or processed. (3-24-22)()

100. Point of Use (POU) Treatment Device. ~~A treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.~~ (3-24-22)

10148. Point of Use (POU) Treatment System. A collection of POU treatment devices. ()

10249. Potable Mains. Pipelines that deliver potable water to multiple service connections. ()

10350. Potable Services. Pipelines that convey potable water from a service connection to the potable water main to individual consumers. (3-24-22)()

10451. Potable Water. Water for human consumption. ~~See the definition of Water for Human Consumption in Section 003. Also referred to as Water for Human Consumption or Drinking Water.~~ (3-24-22)()

10552. Preliminary Engineering Report (PER). ~~The preliminary engineering report for a public drinking~~

~~water system facility is a~~ report that addresses specific portions of the ~~system PWS~~ or facility for which *material* modifications are being designed. *Material M* modifications may include, but are not limited to, significant changes to existing processes or facilities, ~~system PWS~~ expansion, addition of treatment, or installation of other processes and facilities. This report addresses specific purpose and scope, design requirements, alternative solutions, costs, operation and maintenance requirements, and other requirements as described in Section 503. Preliminary engineering reports are generally project specific as opposed to an overall system-wide plan, such as a facility plan.

(3-24-22)()

~~106~~**53. Premises Isolation or Containment.** The practice of separating the customer's structure, facility, or premises from the purveyor's ~~system PWS~~ by means of a backflow prevention assembly installed on the service line before any distribution takes place.

(3-24-22)()

~~107. Presedimentation. A preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.~~

(3-24-22)

~~108~~**54. Protected Water Source.** For the purposes of the Revised Total Coliform Rule (40 CFR Part 141, Subpart Y), a protected water source is a ground-water well that is not susceptible to contamination on the basis of well construction, hydrologic data, or contamination history.

(3-24-22)()

~~109~~**55. Public Notice.** The notification ~~of public water system to PWS~~ consumers of information pertaining to that ~~water system PWS~~ including information regarding water quality or compliance status of the ~~water system PWS~~.

(3-24-22)()

~~110~~**56. Public Drinking Water System (PWS).** A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "noncommunity water system" as further defined as:

(3-24-22)()

a. Community water system. A ~~public water system PWS~~ which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

(3-24-22)()

b. Non-community water system. A ~~public water system PWS~~ that is not a community water system. A non-community water system is either a transient non-community water system or a non-transient non-community water system.

(3-24-22)()

c. Non-transient non-community water system. A ~~public water system PWS~~ that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year.

(3-24-22)()

d. Transient non-community ~~public~~ water system. A non-community water system which does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.

(3-24-22)()

~~111~~**57. Public Water System (PWS)/Water System/System.** Means "public drinking water system."

(3-24-22)()

~~112~~**58. Pump House.** A structure containing important water system components, such as a well, hydropneumatic tank, booster pump, pump controls, flow meter, well discharge line, or a treatment unit. Pump houses are often called well houses in common usage, even though in modern construction these structures may not contain either a well or a pump. These terms are used interchangeably in national standards and trade publications. ()

~~113~~⁵⁹. **Qualified Licensed Professional Engineer (QLPE).** A professional engineer licensed by the state of Idaho; qualified by education or experience in the specific technical fields involved in these rules; and retained or employed by a city, county, quasi-municipal corporation, or regulated public utility for the purposes of plan and specification review. ()

~~114~~⁶⁰. **Quasi-Municipal Corporation.** A public entity, other than community government, created or authorized by the legislature to aid the state in, or to take charge of, some public or state work for the general welfare. For the purpose of these rules, this term refers to drinking water districts. ()

~~115~~⁶¹. **Raw Water.** Raw water is any ground-water, spring water, or surface water utilized as source water prior to treatment for the purpose of producing potable water. (3-24-22)()

~~116~~⁶². **Redundancy.** The installation of duplicate components or backup systems that are designed to maintain minimum pressure and capacity of the ~~system should~~ **PWS if** any component fails or **is** otherwise ~~be~~ out of service for maintenance or repair. (3-24-22)()

~~117.~~ **Regulated Public Utility.** For the purpose of these rules, any public water system that falls under the jurisdiction of the Idaho Public Utilities Commission and is subject to the rules thereof. (3-24-22)

~~118~~⁶³. **Reverse Osmosis (RO).** A membrane filtration process that removes dissolved constituents from water. Reverse osmosis is similar to nanofiltration but allows a lower percentage of certain ions to pass through the membrane. These systems typically operate under higher pressure than microfiltration and ultrafiltration. ()

~~119.~~ **Repeat Compliance Period.** Any subsequent compliance period after the initial compliance period. (3-24-22)

~~120~~⁶⁴. **Resolution.** As the term relates to membrane treatment, it is the size of the smallest integrity breach that contributes to a response from a direct integrity test when testing low pressure membranes. ()

~~121.~~ **Responsible Charge (RC).** Responsible Charge means active, daily on-site or on-call responsibility for the performance of operations or active, on-going, on-site, or on-call direction of employees and assistants. (3-24-22)

~~122.~~ **Responsible Charge Operator.** An operator of a public drinking water system, designated by the system owner, who holds a valid license at a class equal to or greater than the drinking water system classification, who is in responsible charge of the public drinking water system. (3-24-22)

~~123~~⁶⁵. **Reviewing Authority.** For those projects requiring preconstruction approval by the Department, the Department is the reviewing authority. For those projects allowing for preconstruction approval by others, pursuant to Subsection 504.03.b. ~~of these rules~~, the qualified Idaho licensed professional engineer (QLPE) is also the reviewing authority. (3-24-22)()

~~124~~⁶⁶. **Sampling Point.** The location in a ~~public water system~~ **PWS** from which a sample is drawn. (3-24-22)()

~~125.~~ **Sanitary Defect.** A defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place. Examples of sanitary defects include but are not limited to: cross connections, inadequate distribution system pressures, inadequate or missing sanitary seal, improperly screened storage tank vents, inadequate protection from contamination during flooding, history of treatment failures, deterioration of system components, and water main leaks or breaks. (3-24-22)

~~126.~~ **Sanitary Survey.** An onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water. The sanitary survey will include, but is not limited to the following elements: (3-24-22)

- ~~a.~~ Source; (3-24-22)
- ~~b.~~ Treatment; (3-24-22)
- ~~c.~~ Distribution system; (3-24-22)
- ~~d.~~ Finished water storage; (3-24-22)
- ~~e.~~ Pumps, pump facilities, and controls; (3-24-22)
- ~~f.~~ Monitoring and reporting and data verification; (3-24-22)
- ~~g.~~ System management and operation; and (3-24-22)
- ~~h.~~ Operator compliance with state requirements. (3-24-22)

~~127.~~ **SDWIS State.** An acronym that stands for “Safe Drinking Water Information System State Version.” It is a software package developed under contract to the U.S. Environmental Protection Agency and used by a majority of U.S. states to collect, maintain, and report data about regulated public water systems. (3-24-22)

~~128.~~ **Seasonal System.** A noncommunity water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season. (3-24-22)

~~129~~^{67.} **Sensitivity.** As the term relates to membrane treatment, it is the maximum log removal value (LRV) for a specific resolution that can be reliably verified by the direct integrity test associated with a given low pressure membrane filtration system. ()

~~68.~~ **Service Connection.** Each structure, facility, or premises which is connected to a PWS water source, and which is or may be used for domestic purposes. ()

~~130~~^{69.} **Sewage.** The wWater-carried human or animal wastes from residences, buildings, and industrial establishments or and other places, together with such ground-water infiltration and surface water as may be present. (3-24-22)()

~~131~~^{70.} **Significant Deficiency.** As identified during a sanitary survey, aAny defect in a system’s PWS’s design, operation, maintenance, or administration, as well as any failure or malfunction of any system component, that the Department or its agent determines to cause, or have potential to cause, risk to health or safety, or that could affect the reliable delivery of safe drinking water. See also the definition of Health Hazards the introduction of contamination into the water delivered to consumers. (3-24-22)()

~~132~~^{71.} **Simple Water Main Extension.** New or replacement water main(s) that require plan and specification review by a qualified licensed professional engineer (QLPE) or by the Department per these rules and that is connected to existing water main facilities and does not require the addition of system components designed to control quantity or pressure, including, but not limited to, booster stations, new sources, pressure reducing valve stations, or reservoirs; and continues to provide the pressure and quantity requirements of Subsection 552.01. ()

~~133.~~ **Special Irrigation District.** An irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential or similar use where the system or the residential or similar users of the system comply with the exclusion provisions in Section 1401(4)(B)(i)(II) or (III) of the Safe Drinking Water Act. (3-24-22)

~~134~~^{72.} **Spring.** A source of water which flows from a laterally percolating water table's intersection with the surface or from a geological fault that allows the flow of water from an artesian aquifer. ()

~~135~~^{73.} **Standby Storage.** Standby storage provides a measure of reliability or safety factor should if sources fail or when unusual conditions impose higher than anticipated demands. See also the definition of

Components of Finished Water Storage in these rules.

(3-24-22)()

13674. Substantially Modified. The Department ~~shall~~ considers a ~~public water system~~ PWS to be substantially modified when, as the result of one (1) or more ~~projects~~ material modifications to the PWS, there is a combined increase of twenty-five percent (25%) ~~or more above the system's existing configuration in any one or combination of the following:~~ in the population served or number of service connections, the total length of transmission and distribution water mains, ~~the total source capacity, and or~~ the peak or average water demand ~~for the PWS. Material modifications completed after May 8, 2009, are the only modifications counted towards the twenty-five (25%) increase. Like-kind replacement of components will not be counted toward a combined increase of twenty-five percent (25%) calculation. Removal of existing system components will not be used to reduce the combined increase of twenty-five percent (25%) calculation.~~

(3-24-22)()

13775. Substitute Responsible Charge Operator. An operator of a ~~public drinking water system~~ PWS who holds a valid license at a class equal to or greater than the drinking water system classification, designated by the ~~system~~ PWS owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible.

(3-24-22)()

13876. Surface Water System. A ~~public water system~~ PWS which is supplied by one (1) or more surface water sources or ground-water sources under the direct influence of surface water. Also called subpart H systems in applicable sections of 40 CFR Part 141.

(3-24-22)()

139. Total Organic Carbon (TOC). ~~Total organic carbon in mg/l measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two (2) significant figures.~~

(3-24-22)

140. Total Trihalomethanes (TTHM). ~~The sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane [chloroform], dibromochloromethane, bromodichloromethane and tribromomethane [bromoform]), rounded to two (2) significant figures.~~

(3-24-22)

141. Transient Noncommunity Public Water System. ~~A noncommunity water system which does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year. See also the definition of a Public Drinking Water System in these rules.~~

(3-24-22)

14277. Treatment Facility. Any place(s) where a ~~public drinking water system or nontransient noncommunity water system~~ PWS alters the physical or chemical characteristics of the drinking water. Chlorination may be considered as a function of a distribution system.

(3-24-22)()

14378. Turbidity. ~~A m~~Measure of the interference of light passage through water, or visual depth restriction ~~due to~~ from the presence of suspended matter such as clay, silt, nonliving organic particulates, plankton, and other microscopic organisms. Operationally, turbidity measurements are expressions of certain light-scattering and absorbing properties of a water sample. Turbidity is measured by the ~~N~~nephelometric method.

(3-24-22)()

14479. Ultrafiltration (UF). A low pressure membrane filtration process with pore diameter normally in the range of five thousandths to one tenth micrometer (0.005 to 0.1 μm).

()

145. Ultraviolet (UV) Light Technology. ~~A physical disinfection process that has proven effective against common pathogens in drinking water.~~

(3-24-22)

14680. UV Transmittance (UVT). A measure of the fraction of incident light transmitted through a material (e.g., water sample or quartz). The UVT is usually reported for a wavelength of two hundred fifty-four (254) nm and a pathlength of one (1) cm. It is often represented as a percentage.

()

14781. Unregulated Contaminant. Any substance that may affect the quality of water but for which a maximum contaminant level or treatment technique has not been established.

()

14882. Use Assessment. For the purpose of obtaining a waiver from certain monitoring requirements, a use assessment is an evaluation as to whether synthetic organic contaminants are being or have been used,

manufactured, transported, stored, or disposed of in the watershed for surface water or the zone of influence for ground-water. (3-24-22)()

~~149~~**83. Variance.** A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only when the ~~system~~ **PWS** demonstrates to the satisfaction of the Department that the raw water characteristics prevent compliance with the MCL or requirement after installation of the best available technology or treatment technique and the deterrent does not cause an unreasonable risk to public health. (3-24-22)()

~~150. Very Small Public Drinking Water System.~~ A Community or Nontransient Noncommunity Public Water System that serves five hundred (500) persons or less and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). (3-24-22)

~~151~~**84. Volatile Organic Chemicals (VOCs).** VOCs are lightweight organic compounds that vaporize or evaporate easily. ()

~~152~~**85. Vulnerability Assessment.** ~~A~~ *Related to monitoring waiver decisions,* a determination of the risk of future contamination of a public drinking water supply. (3-24-22)()

~~153~~**86. Waiver.** ()

a. ~~For the purposes of these rules,~~ **e**Except **for** Sections 500 through 552, “waiver” means the Department approval of a temporary reduction in sampling requirements for a particular contaminant. (3-24-22)()

b. For purposes of Sections 500 through 552, “waiver” means ~~a~~ **the** dismissal **or modification** of any requirement of compliance. (3-24-22)()

c. For the purposes of Section 010, “waiver” means the deferral of a fee assessment for a ~~public drinking water system~~ **PWS**. (3-24-22)()

~~154~~**87. Wastewater.** ~~Any~~ **e**Combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any ground-water, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, gray water or commercial or industrial pollutants; and sewage. ~~See IDAPA 58.01.16, “Wastewater Rules,” for additional information.~~ (3-24-22)()

~~155. Water for Human Consumption.~~ Water that is used by humans for drinking, bathing for purposes of personal hygiene (including hand washing), showering, cooking, dishwashing, and maintaining oral hygiene. In common usage, the terms “culinary water,” “drinking water,” and “potable water” are frequently used as synonyms. (3-24-22)

~~156~~**88. Water Demand.** The volume of water requested by ~~system~~ **PWS** users to satisfy their needs. Water demand can be further categorized as: (3-24-22)()

a. Average day demand. ~~T~~ **is** the volume of water used by a ~~system~~ **PWS** on an average day based on a one (1) year period. (3-24-22)()

b. Maximum day demand. ~~T~~ **is** the average rate of consumption for the twenty-four (24) hour period in which total consumption is the largest for the design year. (3-24-22)()

c. Peak hour demand. ~~T~~ **is** the highest hourly flow, excluding fire flow, that a ~~water system~~ **PWS** or distribution system pressure zone is likely to experience in the design year. (3-24-22)()

~~157~~**89. Water Main.** A pipe within a ~~public water system~~ **PWS** which is under the control of the ~~system~~

PWS operator and conveys water to two (2) or more service connections or conveys water to a fire hydrant. The collection of water mains within a given water supply is called the distribution system. (3-24-22)()

~~158. **Watershed.** The land area from which water flows into a stream or other body of water which drains the area. (3-24-22)~~

~~159. **Wholesale System.** A public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems. (3-24-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

150. REPORTING, PUBLIC NOTIFICATION, RECORDKEEPING.

01. Reporting Requirements. 40 CFR 141.31 is herein incorporated by reference. (3-24-22)()

02. Public Notification of Drinking Water Violations. 40 CFR Part 141, Subpart Q is herein incorporated by reference. (3-24-22)()

03. Record Maintenance. 40 CFR 141.33 is herein incorporated by reference. (3-24-22)()

04. Reporting for Unregulated Contaminant Monitoring Results. 40 CFR 141.35 is herein incorporated by reference. (3-24-22)()

05. Reporting and Record Keeping Requirements for the Interim Enhanced Surface Water Treatment Rule. 40 CFR 141.175 is herein incorporated by reference. (3-24-22)()

06. Reporting and Record Keeping Requirements for the Disinfectants and Disinfectant Byproducts Rule. 40 CFR 141.134 is herein incorporated by reference. (3-24-22)()

07. Reporting and Record Keeping Requirements for the Revised Total Coliform Rule. 40 CFR 141.861 is herein incorporated by reference. (3-24-22)()

08. Public Notification. The Department may require the owner of a PWS that has been disapproved to notify the public. The manner, content, and timing of this notification will be determined by the Department. This is in addition to any provisions set forth in Section 150 that may also apply. ()

09. Public Notification for Low System Pressure. ()

a. During unplanned or emergency situations, when water pressure within the system is known to have fallen below twenty (20) psi, the water supplier must notify the Department, provide public notice to the affected customers within twenty-four (24) hours, and disinfect or flush the system as appropriate. When sampling and corrective procedures have been conducted and after determination by the Department that the water is safe, the water supplier may re-notify the affected customers that the water is safe for consumption. The water supplier must notify the affected customers if the water is not safe for consumption. ()

b. During planned maintenance or repair situations, when water pressure within the system is expected to fall below twenty (20) psi, the water supplier must provide public notice to the affected customers prior to the planned maintenance or repair activity and notify customers that the water is safe for consumption. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. FILTRATION AND DISINFECTION.

01. General Requirements. 40 CFR 141.70 is ~~herein~~ incorporated by reference. ~~Each public water system using a surface water source or ground water source directly influenced by surface water shall be operated by personnel, as specified in Sections 553 and 554, who have met state requirements for licensing of water system operators.~~ (3-24-22)()

02. Filtration. 40 CFR 141.73 is ~~herein~~ incorporated by reference. (3-24-22)()

~~a. Each system which provides filtration treatment shall submit engineering evaluations, other documentation, or some combination of engineering evaluations and other documentation as required by the Department to demonstrate ongoing compliance with these rules.~~ (3-24-22)

ba. The Department will establish filtration removal credit on a system-by-system basis. Unless otherwise ~~demonstrated to the satisfaction of~~ **allowed** the Department, the maximum log removal credit allowed for filtration is as follows:

Maximum Log Removal			
Filtration Type	Giardia lamblia	Viruses	Cryptosporidium
Conventional	2.5	2.0	2.5
Direct	2.0	1.0	2.0
Slow sand	2.0	2.0	2.0
Diatomaceous earth	2.0	1.0	2.0
Microfiltration	3.0	0.5	3.0
Ultrafiltration	3.5	2.0	3.5
Nanofiltration	4.0	3.0	4.0
Reverse Osmosis	4.0	3.0	4.0
Alternate technology	2.0	0	2.0

(3-24-22)()

eb. Filtration removal credit ~~shall~~ **will** be granted for filtration treatment provided the ~~system~~ **PWS** is: (3-24-22)()

- i. Operated in accordance with the Operations Plan specified in Subsection 552.03.a.; and ()
- ii. The ~~system~~ **PWS** is in compliance with the turbidity performance criteria specified under 40 CFR 141.73; and (3-24-22)()
- iii. Coagulant chemicals must be added and coagulation and flocculation unit process must be used at all times during which conventional and direct filtration treatment plants are in operation; and ()
- iv. Slow sand filters are operated at rates not to exceed one-tenth (0.1) gallons per minute per square foot or as approved by the Department; and ()
- v. Diatomaceous earth filters are operated at a rate not to exceed one point five (1.5) gallons per minute per square foot. ()

03. Criteria for Avoiding Filtration. 40 CFR 141.71 is ~~herein~~ incorporated by reference. (3-24-22)()

04. Disinfection. 40 CFR 141.72 is ~~herein~~ incorporated by reference. (3-24-22)()

a. ~~In addition to the disinfection requirements in 40 CFR 141.72, each system with a s~~Surface water sources or ground-water sources directly influenced by surface water ~~shall must~~ maintain a minimum of at least two-tenths (0.2) ~~parts per million of chlorine mg/l disinfectant residual~~ in the treated water ~~after an effective contact time of at least thirty (30) minutes at peak hour demand before delivery to the first customer. Effective contact time is either demonstrated or calculated.~~ (3-24-22)()

~~i. Demonstrated effective contact time is generally determined by tracer studies on a completed contact basin. Prior to conducting a tracer study, a testing plan shall be submitted to the Department for review and approval. The tracer chemical shall not be reactive with anything in the water or be consumed in the process.~~ (3-24-22)

~~ii. Calculated effective contact time for tank type contact basins is based on tank baffling and inlet/outlet configurations for the maximum hourly flow rate through that contact basin. Calculated effective contact time in a "pipeline type contact basin" (often called a pipeline contactor) is calculated by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipeline contactor.~~ (3-24-22)

b. The Department may allow a ~~system PWS~~ to utilize automatic shut-off of water to the distribution system whenever total disinfectant residual is less than two-tenths (0.2) mg/l rather than provide redundant disinfection components and auxiliary power as required in 40 CFR 141.72(a)(2). An automatic water shut-off may be used if the ~~system PWS~~ demonstrates to the satisfaction of the Department that, at all times, a minimum of twenty (20) psi pressure and adequate fire flow can be maintained in the distribution system when water delivery is shut-off to the distribution system and, at all times, minimum Giardia lamblia and virus inactivation removal rates can be achieved prior to the first customer. (3-24-22)()

c. Each ~~system PWS~~ which is required to provide filtration must provide disinfection treatment such that filtration plus disinfection provide at least 3-Log or ninety-nine and nine tenths percent (99.9%) inactivation/removal of Giardia lamblia cysts and at least 4-Log or ninety-nine and ninety-nine hundredths percent (99.99%) inactivation/removal of viruses as specified in 40 CFR 141.72 and Section 300, and at least 2-Log or ninety-nine percent (99%) removal of Cryptosporidium as required by 40 CFR Part 141, Subpart P or Subpart T. However, in all cases the disinfection portion of the treatment train ~~shall must~~ be designed to provide not less than five tenths (0.5) log Giardia lamblia inactivation, irrespective of the Giardia lamblia removal credit awarded to the filtration portion of the treatment train. (3-24-22)()

05. Analytical and Monitoring Requirements. 40 CFR 141.74 is ~~herein~~ incorporated by reference. (3-24-22)()

a. ~~Each public water system which is required to provide disinfection shall monitor as follows:~~ (3-24-22)

~~i. Each day the system is in operation, the purveyor shall determine the total level of inactivation of Giardia lamblia cysts and viruses achieved through disinfection based on CT99.9 values provided in 40 CFR 141.74(b)(3) (Tables 1.1 through 1.6, 2.1 and 3.1).~~ (3-24-22)

~~ii. At least once per day, the system shall monitor the following parameters to determine the total inactivation ratio achieved through disinfection:~~ (3-24-22)

~~(1) Temperature of the disinfected water at each residual disinfectant concentration sampling point;~~ (3-24-22)
and

~~(2) If using chlorine, the pH of the disinfected water at each chlorine residual sampling point.~~ (3-24-22)

~~(3) The effective contact time, "T," must be determined each day during peak hour demand. Disinfectant contact time, "T," in pipelines used for Giardia lamblia and virus inactivation shall be calculated by dividing the internal volume of the pipe by the peak hour flow rate through that pipe. Effective contact time, "T," for~~

~~all other system components used for Giardia lamblia and virus inactivation shall be determined by tracer studies or other evaluations or calculations acceptable to the Department.~~ (3-24-22)

~~(4) The residual disinfectant concentrations at each residual disinfectant sampling point at or before the first customer, must be determined each day during peak hour demand, or at other times approved by the Department.~~ (3-24-22)

~~iii. The purveyor may demonstrate to the Department, based on a Department approved on site disinfection challenge study protocol, that the system is achieving disinfection requirements specified in Subsection 300.04 utilizing CT99.9 values other than those specified in 40 CFR 141.74(b)(3) (Tables 2.1 and 3.1) for ozone, chlorine dioxide, and chloramine.~~ (3-24-22)

~~iv.a. The Total inactivation ratio shall be calculated as follows calculations: 40 CFR 141.74(b)(4)(i) and (ii) are incorporated by reference.~~ (3-24-22)()

~~(1) If the system applies disinfectant at only one (1) point, the system shall determine the total inactivation ratio by either of the two (2) following methods:~~ (3-24-22)

~~(a) One inactivation ratio (CTeale/CT99.9) is determined at/or before the first customer during peak hour demand; or~~ (3-24-22)

~~(b) Sequential inactivation ratios are calculated between the point of disinfectant application and a point at or before the first customer during peak hour demand. The following method must be used to calculate the total inactivation ratio:~~ (3-24-22)

~~(i) Step 1: Determine (CTeale/CT99.9) for each sequence.~~ (3-24-22)

~~(ii) Step 2: Add the (CTeale/CT99.9) values for all sequences. The result is the total inactivation ratio.~~ (3-24-22)

~~(2) If the system uses more than one point of disinfectant application at or before the first customer, the system must determine the CT value of each disinfection sequence immediately prior to the next point of disinfectant application during peak hour demand. The sum of the (CTeale/CT99.9) values from all sequences is the total inactivation ratio. (CTeale/CT99.9) must be determined by the methods described in 40 CFR 141.74(b)(4)(i)(B).~~ (3-24-22)

~~v.b. Log removal credit for disinfection shall must be determined by multiplying the total inactivation ratio by three (3).~~ (3-24-22)()

~~vi. The Department may reduce the CT monitoring requirements specified under Section 300, for any system which demonstrates that the required inactivation levels are consistently exceeded. Reduced CT monitoring shall be allowed only where the reduction in monitoring will not endanger the health of consumers served by the water system.~~ (3-24-22)

~~b. Residual disinfectant concentrations for ozone must be measured using the Indigo Method, or automated methods may be used if approved by the Department as provided for in 40 CFR 141.74(a)(2).~~ (3-24-22)

~~c. Unfiltered Subpart H systems. 40 CFR 141.857(c) is herein incorporated by reference.~~ (3-24-22)()

~~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. Unfiltered PWSs must monitor as required in 40 CFR 141.74(b) upon notification by the Department that filtration treatment must be installed.~~ (3-24-22)()

~~i. Disinfectant residual concentrations entering the distribution system shall be measured at the following minimum frequencies, and samples must be taken at evenly spaced intervals throughout the workday.~~

Minimum Frequencies	
Population	Samples/day
Less than 500	1
501-1000	2
1,001-2,500	3
Greater than 2501	4

(3-24-22)

~~ii. Turbidity shall be measured at least once per day at the entry point to the distribution system.~~

(3-24-22)

~~iii.e. During the period prior to filtration treatment installation, the Department may, at its discretion, reduce the turbidity monitoring frequency for any non-community system which demonstrates to the satisfaction of the Department:~~

(3-24-22)()

~~(1)i. A free chlorine residual of two-tenths (0.2) part per million is maintained throughout the distribution system;~~

()

~~(2)ii. The water source is well protected;~~

()

~~(3)iii. The total coliform E. coli MCL is not exceeded or a Level 1 or Level 2 Assessment has not been triggered in accordance with 40 CFR 141.859; and~~

(3-24-22)()

~~(4)iv. No significant health risk is present.~~

()

~~e. The Department may allow systems with surface water sources or ground water sources under the direct influence of surface water, to substitute continuous turbidity monitoring for grab sample monitoring as specified in 40 CFR 141.74(b)(2) and 40 CFR 141.74(e)(1) and Subsection 300.05. The Department may allow continuous turbidity monitoring provided the continuous turbidimeter is operated, maintained, standardized and calibrated per the manufacturer's recommendations. For purposes of determining compliance with turbidity performance criteria, discrete values must be recorded every four (4) hours water is supplied to the distribution system.~~

(3-24-22)

~~f. The Department may allow systems using both a surface water source(s), or ground water source(s) under the direct influence of surface water, and one (1) or more ground water sources, to measure disinfectant residual at points other than the total coliform sampling points, as specified in 40 CFR 141.74(b)(6)(i) and 40 CFR 141.74(e)(3)(i) and Subsection 300.05. The Department may allow alternate sampling points provided the system submits an alternate monitoring plan to the Department for approval in advance of the monitoring requirement that demonstrates the alternative points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in 40 CFR 141.74(a)(1), may be measured in lieu of residual disinfectant concentration as outlined in 40 CFR 141.74(b)(6)(i).~~

(3-24-22)

~~g. The Department may allow a reduced turbidity monitoring frequency for systems using slow sand filtration or technology other than conventional, direct, or diatomaceous earth filtration, as specified in 40 CFR 141.74(e)(1) and Subsection 300.05. To be considered for a reduced turbidity monitoring frequency, a system must submit a written request to the Department in advance of the monitoring requirement.~~

(3-24-22)

06. Reporting and Recordkeeping Requirements. 40 CFR 141.75 is ~~herein~~ incorporated by

reference. (3-24-22)()

a. As provided in 40 CFR 141.75(a) and Section 300, the Department may establish interim reporting requirements for ~~systems~~ PWSs notified by the Department or U.S. Environmental Protection Agency that filtration treatment must be installed as specified in 40 CFR 141.75(a) and as referred to in Subsection 300.06. Until filtration treatment is installed, ~~systems~~ PWSs required to install filtration treatment ~~shall~~ must report as follows: (3-24-22)()

i. The purveyor ~~shall~~ will immediately report to the Department via telephone or other equally rapid means, but no later than the end of the next business day, the following information: (3-24-22)()

- (1) The occurrence of a waterborne disease outbreak potentially attributable to that ~~water system~~ PWS; (3-24-22)()
- (2) Any turbidity measurement which exceeds five (5) NTU; and ()
- (3) Any result indicating that the disinfectant residual concentration entering the distribution system is below two-tenths (0.2) mg/l free chlorine. ()

ii. The purveyor ~~shall~~ will report to the Department within ten (10) days after the end of each month the ~~system~~ PWS serves water to the public the following monitoring information using a Department-approved form: (3-24-22)()

- (1) Turbidity monitoring information; and ()
- (2) Disinfectant residual concentrations entering the distribution system. ()

iii. Personnel qualified under Subsection 300.01 ~~shall~~ will complete and sign the monthly report forms submitted to the Department as required in Subsection 300.06. (3-24-22)()

b. In addition to the reporting requirements in 40 CFR 141.75(b) pertaining to ~~systems~~ PWSs with filtration treatment, each ~~public water system~~ PWS which provides filtration treatment must report the level of Giardia lamblia and virus inactivation/removal achieved each day by filtration and disinfection. (3-24-22)()

07. Recycle Provisions. 40 CFR 141.76 is ~~herein~~ incorporated by reference. (3-24-22)()

a. The Department ~~shall~~ will evaluate recycling records kept by ~~water systems~~ PWSs pursuant to 40 CFR 141.76 during sanitary surveys, comprehensive performance evaluations, or other inspections. (3-24-22)()

b. The Department may require a ~~system~~ PWS to modify recycling practices if it can be shown that these practices adversely affect the ability of the ~~system~~ PWS to meet surface water treatment requirements. ()

(BREAK IN CONTINUITY OF SECTIONS)

302. SANITARY SURVEYS. ~~FOR SYSTEMS USING SURFACE WATER OR GROUND WATER UNDER THE DIRECT INFLUENCE OF SURFACE WATER.~~

The Department ~~shall~~ conduct a sanitary survey of all ~~public water systems which use surface water or ground water under the direct influence of surface water~~ PWSs. Sanitary surveys will include, but are not limited to, the following elements: source; treatment; distribution system; finished water storage; pump, pump facilities, and controls; monitoring and reporting and data verification; PWS management and operation; and operator compliance with state requirements. For those PWSs using groundwater, 40 CFR Part 141, Subpart S, is incorporated by reference. (3-24-22)()

01. Frequency. For non-community ~~water systems~~ PWSs, a sanitary survey ~~shall~~ must be conducted every five (5) years. For community ~~water systems~~ PWSs, a sanitary survey ~~shall~~ will be conducted every three (3)

years, except ~~that a community water system that has been determined to have outstanding performance, according to criteria established by the Department, may have a sanitary survey conducted every five (5) years~~ as provided below. (3-24-22)()

a. Community systems using surface water or groundwater under the direct influence of surface water that have been determined to have outstanding performance, according to criteria established by the Department, may have a sanitary survey conducted every five (5) years. ()

b. Community systems using groundwater may have a sanitary survey conducted every five (5) years if the PWS provides at least a four (4)-log treatment of viruses (using inactivation, removal, or a Department-approved combination of 4-log inactivation and removal) before or at the first customer for all of its groundwater sources. ()

c. Community systems using groundwater may have a sanitary survey conducted every five (5) years if they have an outstanding performance record, as determined by the Department and documented in previous sanitary surveys, and have no history of Revised Total Coliform Rule MCL or monitoring violations under Subsection 100.01 since the last sanitary survey. ()

02. Report. ~~A-The Department will provided a report describing the results of the sanitary survey will be provided to the water system PWS.~~ (3-24-22)

~~As part of the sanitary survey report or as an independent action, the Department shall will provide written notice to the water system PWS describing any significant deficiency within thirty (30) days after the Department identifies the significant deficiency. The notice may specify corrective actions and deadlines for completion of corrective actions.~~ (3-24-22)()

~~The Department may, at its discretion, provide this written notice at the time of the sanitary survey.~~ (3-24-22)

03. Significant Deficiencies. For each of the eight (8) elements of a sanitary survey of a groundwater system, the Department will consider the following deficiencies significant in all cases for the purposes of the notice required in Subsection 303.02. Decisions about the significance of other deficiencies identified during the sanitary survey will be at the Department's discretion, as indicated in the Department's sanitary survey protocol. ()

a. Source: Lack of or improper sanitary well cap as specified in Subsection 511.06.b. ()

b. Treatment: ()

i. Chemical addition lacks emergency shut-off as specified in Subsection 531.02.b.ii. ()

ii. Chemical addition is not flow proportioned where the rate of flow or chemical demand is not reasonably constant, as specified in Subsection 531.02.b.ii. ()

c. Distribution system: A minimum system pressure of twenty (20) psi is not maintained throughout the distribution system as specified in Subsection 552.01.b. ()

d. Finished water storage: Roof leaking, as specified in Subsections 544.09 and 544.09.c. ()

e. Pumps, pump facilities, and controls: A pump house must be protected from contamination and unauthorized entry, as specified in Subsection 541.01. ()

f. Monitoring, reporting, and data verification: Repeated failure to collect the required number and type of Revised Total Coliform Rule samples during the most recent two (2) year period, as specified in Subsection 100.01. ()

g. PWS management and operation: History of frequent depressurization in the distribution system in violation of Subsection 552.01. ()

~~h.~~ Operator compliance with state licensing requirements: The PWS does not have a properly licensed responsible charge operator as required in Subsection 554.02. ()

~~034.~~ Response Required. ~~After notification from the Department of significant deficiencies,~~ the owner of a ~~public water system~~ PWS must respond in writing, describing how and on what schedule the ~~system~~ PWS will address all significant deficiencies, not later than forty-five (45) days ~~after receiving notification from the Department for PWSs using surface water or groundwater under the direct influence of surface water or thirty (30) days for PWSs only using groundwater.~~ (3-24-22)()

~~045.~~ Consultation with the Department. ~~Public water systems shall~~ PWS owners must consult with the Department prior to taking specific corrective actions in response to significant deficiencies identified during a sanitary survey, unless such corrective actions are specified in detail by the Department in its written notification under Subsection 302.02. (3-24-22)()

~~05.6~~ Violation. Failure to address significant deficiencies identified in a sanitary survey ~~that are within the control of the public water system and its governing body shall constitute~~ is a violation of these rules. (3-24-22)()

(BREAK IN CONTINUITY OF SECTIONS)

450. USE OF NON-CENTRALIZED TREATMENT DEVICES.

01. Criteria and Procedures for Public Water Systems Using Point of Entry Devices. 40 CFR 141.100 is ~~herein~~ incorporated by reference. (3-24-22)()

02. Point of Use (POU) Treatment Devices. ()

a. A ~~public water system~~ PWS owner may use point of use (POU) treatment ~~in order to achieve compliance~~ comply with certain maximum contaminant levels (MCL) or treatment techniques, ~~in accordance with Subsection 450.02.b.,~~ when the following conditions are met: (3-24-22)()

i. A program for long-term operation, maintenance, and monitoring of the POU treatment system is approved by the Department, pursuant to ~~Subsection 450.02.d~~ 450.02.c. (3-24-22)()

ii. The ~~public water system~~ PWS owner or a vendor of POU treatment devices under contract with the ~~public water system~~ PWS must shall own, control, and maintain the POU treatment system to ensure proper operation and maintenance and compliance with the MCL or treatment technique. (3-24-22)()

iii. Each POU treatment device is equipped with a mechanical warning mechanism to ensure ~~that~~ customers are automatically notified of operational problems. (3-24-22)()

iv. ~~The~~ Each POU treatment device must be certified by an accredited American National Standards Institute (ANSI) certification body to meet applicable ANSI/National Sanitation Foundation (NSF) Standards. (3-24-22)()

~~b.v.~~ POU treatment devices ~~shall~~ will not be used to ~~achieve compliance~~ comply with an MCL or treatment technique requirement for a microbial contaminant or an indicator of a microbial contaminant. Community ~~water systems~~ PWSs may not use POU treatment devices to ~~achieve compliance~~ comply with a nitrate ~~or nitrite~~ MCL. (3-24-22)()

~~eb.~~ The Department will waive the plan and specification requirements of Section 504 relating to material modifications for the following systems only to the extent that the material modification ~~proposed~~ is limited to the installation or use of a POU treatment device(s): (3-24-22)()

i. Community ~~water systems~~ PWSs serving two hundred (200) or fewer service connections.

- (3-24-22)()
- ii. Non-transient non-community ~~water systems~~ PWSs; (3-24-22)()
 - iii. Transient non-community ~~water systems~~ PWSs; or (3-24-22)()
 - iv. Community ~~water systems~~ PWSs serving more than two hundred (200) service connections if approved by the Department through the waiver process outlined in Subsection 005.01.a.02. (3-24-22)()

~~dc.~~ A public water system must obtain written approval by the Department before installation of a POU treatment device for the purpose of achieving compliance with a MCL or treatment technique. The public water system shall Prior to installation, the PWS owner must submit the following documentation for approval to the Department: (3-24-22)()

i. Water system information:
~~Information identifying the public water system name and number, total number of service connections, contaminant(s) to be treated, type of POU treatment device to be installed, manufacturer and model number of the POU treatment device, type and function of the mechanical warning mechanism (performance indicator) on the POU treatment device, certification verification for ANSI/NSF, installer qualifications, and a proposed date for installation of the POU treatment device(s).~~ (3-24-22)()

- (1) PWS name and identification number: ()
- (2) Total number of service connections: ()
- (3) Demonstration that all POU treatment devices are owned, controlled, and maintained by the PWS owner or by a vendor of POU treatment devices under contract with the PWS owner: ()
- (4) Documentation that a customer at each service connection has agreed to installation and use of a POU treatment device and has granted access for installation, maintenance, and sampling: ()
- (5) A statement of recognition that failure to maintain compliance with the MCL, or the failure to operate and maintain compliance with a POU treatment system as approved by the Department, may necessitate installation of centralized treatment; and ()
- (6) Documentation that the PWS is current with certified operator requirements pursuant to Section 554. ()

- ii. POU device information: ()
 - (1) Type of POU treatment device: ()
 - (2) Manufacturer, model number, and manufacturer's specifications: ()
 - (3) Contaminant to be treated and documentation that the POU is certified and is of sufficient design and capacity for removal of the contaminant: ()
 - (4) Documentation that the PWS's water chemistry is compatible with the POU: ()
 - (5) Type and function of the mechanical warning (performance indicator): ()
 - (6) Certification verification for ANSI/NSF: ()
 - (7) Documentation describing how other drinking water dispensing units, such as hot water dispensers and refrigerators, soda machines, water fountains, and other similar units will be provided with treated water and how the water will be transported to that unit with non-reactive piping or tubing. Non-transient non-community and

transient non-community PWSs must demonstrate that the POU treatment devices are located in areas adequate to protect public health and in sufficient quantity to serve the system's users; ()

(8) Installer qualifications; and ()

(9) Proposed date for completing installation(s). ()

iii. POU operation, maintenance, and sampling plan that includes documentation on how the PWS owner will: ()

(1) Address any non-compliance with Subsection 450.02.c.i.(4); ()

(2) Ensure real estate disclosures for the POU treatment systems; ()

(3) Deliver ongoing education and outreach to customers, including renters, regarding POU treatment and health effects of the contaminant(s) of concern; ()

(4) Address and perform on-going maintenance activities, including frequency of treatment media replacements and treatment device replacements, periodic verification that the mechanical warning device is functional, schedule of planned maintenance activities, a plan to address unscheduled maintenance problems, and a plan and method of waste disposal; and ()

(5) Collect samples from the location of all service connections and demonstrating that all POU treatment devices will be sampled for compliance with the treated contaminant(s) during every compliance period or other frequency designated by the Department. ()

~~ii. The manufacturer's specifications for the POU treatment device including demonstration that the POU treatment device is suited for the water chemistry of the public water system and contaminant(s) of concern and is of sufficient design and capacity for the particular application. (3-24-22)~~

~~iii. Information relating to how other drinking water dispensing units, such as instant hot water dispensers and refrigerator water and ice dispensers, whose primary function is to provide drinking water, will be provided with treated water. If water is transported from a POU treatment device to another drinking water dispensing unit, the conducting tube shall be of non-reactive material. (3-24-22)~~

~~iv. For non-transient non-community water systems and transient non-community water systems, demonstration that the drinking water dispensing units are located in areas adequate to protect public health. (3-24-22)~~

~~v. Demonstration that all POU treatment devices are owned, controlled, and maintained by the public water system or by a vendor of POU treatment devices under contract with the public water system. (3-24-22)~~

~~vi. A sampling plan identifying the location of all service connections and demonstrating how the system will ensure that all POU treatment devices are sampled for compliance with the contaminant(s) being treated during every compliance period or at a frequency designated by the Department. (3-24-22)~~

~~vii. Documentation that a customer at each service connection has agreed to installation and use of a POU treatment device and has granted access for installation, maintenance, and sampling. (3-24-22)~~

~~viii. A plan that describes how the public water system will address any non-compliance with Subsection 450.02.d.vii. (3-24-22)~~

~~ix. A maintenance plan that demonstrates how on-going maintenance activities will be performed and on what frequency, including: frequency of treatment media replacements, frequency of POU treatment device replacements, periodic verification that the mechanical warning device is functional, schedule of planned maintenance activities, plan of how the system will address unscheduled maintenance problems, and a plan and method of waste disposal. (3-24-22)~~

- ~~x.~~ Documentation that the system meets the current requirements for a certified operator pursuant to Section 554. (3-24-22)
- ~~xi.~~ A plan for on-going education and outreach to the customers of the public water system, including rental customers, on POU treatment and health effects of the contaminant(s) of concern. (3-24-22)
- ~~xii.~~ A plan for how the system will ensure real estate disclosures for the POU treatment system. (3-24-22)
- ~~xiii.~~ A statement of recognition that failure to maintain compliance with the MCL, or the failure to operate and maintain compliance with a POU treatment system as approved by the Department, may necessitate installation of centralized treatment. (3-24-22)
- ~~ed.~~ Within thirty (30) days of installing the approved POU treatment system, the public water system shall PWS owner must: (3-24-22)()
- ~~i.~~ Notify the Department in writing that the POU treatment system was installed as approved by the Department. (3-24-22)()
- ~~f.~~ Within thirty (30) days of installing the approved POU treatment system, the public water system shall-s
- ~~ii.~~ Submit samples from each POU treatment device to a certified laboratory for the contaminant(s) being treated by the POU treatment device. The samples shall be used to demonstrate initial compliance with the MCL. (3-24-22)()
- ~~gc.~~ The water system PWS owner or operator must maintain records for a POU treatment system. Records shall must be submitted to the Department at a frequency and in a format specified by the Department. Records to maintain shall include: (3-24-22)()
- ~~i.~~ Requirements of Subsection 450.02. ~~dc.~~; (3-24-22)()
 - ~~ii.~~ All sampling performed on the POU treatment devices; ()
 - ~~iii.~~ Maintenance logs and schedules; ()
 - ~~iv.~~ Log of installed units; and ()
 - ~~v.~~ Contracts, lease agreements, or other legal documents with vendors and consumers. ()
- 03. Use of Bottled Water.** 40 CFR 141.101 is ~~herein~~ incorporated by reference. (3-24-22)()

(BREAK IN CONTINUITY OF SECTIONS)

500. ~~FACILITY AND DESIGN STANDARDS:~~ DEMONSTRATION OF TECHNICAL, FINANCIAL, AND MANAGERIAL CAPACITY OF PUBLIC DRINKING WATER SYSTEMS.

No person shall may proceed, or cause to proceed, with construction of a new ~~or substantially modified~~ community or non-transient, non-community ~~drinking water system~~ PWS until ~~it has been~~ they have demonstrated to the Department that the ~~water system~~ PWS will have adequate technical, financial, and managerial capacity, as defined in Section 003. ~~of these rules.~~ Existing community or non-transient, non-community PWSs incapable of demonstrating technical, financial, or managerial capacity as identified through operational problems, may be required to submit technical, financial, and managerial documentation to the Department for review and approval. With the exception of water sources, demonstration of capacity ~~shall must~~ be submitted to the Department prior to or concurrent with the submittal of plans and specifications, as required in Section 39-118, Idaho Code, and Subsection 504.03 ~~of these rules.~~ Plans and specifications for water sources may be submitted to the Department prior to demonstration of

capacity for the ~~water system~~ PWS. The Department ~~shall~~ will issue its approval of the new ~~system~~ PWS capacity demonstration in writing. (3-24-22)()

01. Technical Capacity. ~~In order to meet this requirement, the public water system shall submit documentation to demonstrate~~ Demonstration of technical capacity must include the following: (3-24-22)()

- a. The ~~system~~ PWS meets the relevant design, construction, and operating requirements of these rules; (3-24-22)()
- b. The ~~system~~ PWS has an adequate and consistent source of water; (3-24-22)()
- c. A plan is in place to protect the water source and deal with emergencies; ()
- d. A plan exists for replacement or improvement of infrastructure as necessary; and ()
- e. The ~~system~~ PWS has trained personnel with an understanding of the technical and operational characteristics of the ~~system~~ PWS. (3-24-22)()

02. Financial Capacity. ~~A~~ Demonstration of financial capacity must include ~~but is not limited to~~ the following ~~information~~: (3-24-22)()

- a. Documentation that organizational and financial arrangements are adequate to construct and operate the ~~public water system~~ PWS in accordance with these rules. This information can be provided by submitting estimated construction, operation, and maintenance costs, letters of credit, or other access to financial capital through public or private sources and, if available, a certified financial statement; (3-24-22)()
- b. Demonstration of revenue sufficiency, that includes but is not limited to billing and collection procedures; a proposed rate structure which demonstrates the availability of operating funds, revenues for depreciation and reserves, and the ability to accrue a capital replacement fund. A preliminary operating budget ~~shall~~ must be provided; and (3-24-22)()
- c. Adequate fiscal controls must be demonstrated. ()

03. Managerial Capacity. ~~In order to demonstrate adequate~~ Demonstration of managerial capacity, the ~~owner or operator of a new drinking water system shall submit at least~~ must include the following ~~information to the Department~~: (3-24-22)()

- a. Clear documentation of legal ownership and any plans that may exist for transfer of that ownership upon completion of construction or after a period of operation; ()
- b. The name, address, and telephone number of the person who will be accountable for ensuring that the ~~water system~~ PWS is in compliance with these rules; (3-24-22)()
- c. The name, address, and telephone number of the responsible charge operator; ()
- d. A description of the manner in which the ~~water system~~ PWS will be managed. Information such as by-laws, restrictive covenants, articles of incorporation, or procedures and policy manuals which describe the management organizational structure ~~shall~~ must be provided; (3-24-22)()
- e. A recommendation of staff qualifications, including training, experience, certification or licensing, and continuing education; ()
- f. An explanation of how the ~~water system~~ PWS will establish and maintain effective communications and relationships between the ~~water system~~ PWS management, its customers, professional service providers, and any applicable regulatory agencies; and (3-24-22)()
- g. Evidence of planning for future growth, equipment repair and maintenance, and long term

replacement of system components. ()

04. Submittal Form. ~~The Department shall provide a standard form to be used in preparing a new system capacity demonstration. The submittal form and general~~The PWS owner may request guidance on how to prepare a ~~new system~~ capacity document is provided in, “How to Demonstrate Financial, Technical, and Managerial Capacity in New Public Water Systems.” This document may be requested submittal from the Department, ~~and the guidance~~ is available on the DEQ department website at <http://www.deq.idaho.gov>. (3-24-22)()

05. Expanding Systems. A ~~public water system~~ PWS which comes into existence as a result of growth in population or number of service connections within a previously unregulated system will be considered a new system PWS under these rules and is subject to all design, construction, and operating requirements herein. (3-24-22)()

06. Consolidation. In demonstrating new ~~system~~ PWS capacity, the owner of the proposed new system PWS must investigate the feasibility of obtaining water service from an established ~~public water system~~ PWS. If such service is available, but the owner elects to proceed with an independent ~~system PWS~~, the owner must explain why this choice is in the public interest in terms of environmental protection, affordability to water users, and protection of public health. (3-24-22)()

07. Exclusion. New ~~public water systems~~ PWSs which are public utilities as defined in Sections 61-104 (Corporation), 61-124 (Water System), 61-125 (Water Corporation), and 61-129 (Public Utility), Idaho Code, must meet the regulatory requirements of the Idaho Public Utilities Commission (IPUC) in Chapter 1, Title 61, Idaho Code, Public Utilities Law, and IDAPA 31.01.01, “Rules of Procedure of the Idaho Public Utilities Commission.” Such water systems will not be required to meet any requirements of this Section which are in conflict with the provisions and requirements of the IPUC. (3-24-22)()

501. ~~FACILITY AND DESIGN STANDARDS:~~ GENERAL DESIGN REQUIREMENTS FOR PUBLIC DRINKING WATER SYSTEMS.

Unless otherwise specified by the Department, the design of new ~~drinking water systems~~ PWSs, or modifications to existing ~~public drinking water systems~~, shall be in conformance with PWSs must conform to the facility and design standards set forth in 40 CFR 141.5, and Sections ~~006 and~~ 500 through 552 ~~of these rules~~. The following general design requirements shall apply as applicable for the type of ~~water system~~ PWS and the treatment or other processes employed. (3-24-22)()

01. Materials Used in Construction. Products that are used to construct ~~public drinking water systems~~ PWSs and have water contact surfaces shall must conform to applicable AWWA standards and be certified by an accredited ANSI certification body to meet applicable ANSI/NSF standards, where products meeting such AWWA and ANSI/NSF standards exist, and must conform to 40 CFR 143 Subpart B. In the absence of such products, products meeting applicable product standards and acceptable to the ~~reviewing authority~~ Department may be selected. Corrosion control shall must be taken into account during all aspects of ~~public water system~~ PWS design. (3-24-22)()

02. Additives Used in Operation. No chemical or other substance shall will be added to drinking water, nor shall will any process be utilized to treat drinking water, unless ~~specifically~~ approved by the Department. All chemicals shall must conform to applicable AWWA standards and be certified by an accredited ANSI certification body to meet ANSI/NSF Standard 60, referenced in Subsection 002.02. (3-24-22)()

03. Design Basis. The ~~system~~ PWS, including the water source and treatment facilities, shall must be designed to provide either peak hour demand of the ~~system~~ PWS or maximum day demand plus equalization storage at the design year. (3-24-22)()

04. Design of Treatment Facilities. Design of treatment facilities shall must address: (3-24-22)()

a. Functional aspects of facility layout and provisions for future facility expansion; ()

b. Provision for expansion of waste treatment and disposal facilities (see Section 540); ()

c. Roads constructed to provide year-round access by vehicles and equipment needed for repair and maintenance; ()

d. Site grading and drainage; and ()

e. ~~Chemical Feed or Injection. Unless otherwise approved by the Department based on documentation provided by the design engineer, all chemical feed or injection systems must be designed to ensure complete mixing through rapid mix devices or other measures.~~ Chemical feed or injection systems must be designed to ensure complete mixing through rapid mix devices or other measures unless otherwise approved by the Department. (3-24-22)()

f. ~~Redundancy. Unless otherwise approved by the Department or as specified in other sections of these rules, to ensure that minimum quality, quantity, and pressure requirements of these rules are continuously met during maintenance, breakdowns, structural failures, emergencies, or other periods when components must be out of service, water system treatment, filtration, and disinfection components for all new or substantially modified community or non-transient, non-community drinking water systems shall PWSs must be designed with redundancy or other acceptable methods, such that plant design capacity can be maintained with any component out of service. Raw water intake structures are excluded from the general redundancy requirement but shall must be designed to ensure that plant design capacity will be maintained.~~ (3-24-22)()

05. **Design of Buildings.** The design of buildings that are a part of ~~public drinking water systems shall~~ PWSs must provide for: (3-24-22)()

a. Adequate ventilation, lighting, heating, and air conditioning; ()

b. Adequate drainage; ()

c. Dehumidification equipment, if necessary; ()

d. Accessibility of equipment for operation, servicing, and removal; ()

e. Flexibility and convenience of operation and safety of operators; and ()

f. Separate room(s) for chemical storage and feed equipment that may be required based on type of chemicals and associated hazards. ()

06. **Electrical.** Main switch gear electrical controls ~~shall must~~ be located above grade, in areas not subject to flooding. All electrical work ~~shall must~~ conform to the requirements of the National Electrical Code or to relevant state/local codes. The National Electrical Code is available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (617)770-3000, <http://www.nfpa.org>. (3-24-22)()

07. **Reliability and Emergency Operation.** New community ~~water systems constructed after April 15, 2007~~ PWSs are required to have sufficient dedicated on-site standby power, with automatic switch-over capability, or standby storage so that water may be treated and supplied to pressurize the entire distribution system during power outages. During a power outage, the ~~water system shall~~ PWS must be able to meet the operating pressure requirements of Subsection 552.01.b. for a minimum of eight (8) hours at average day demand plus fire flow where provided. A minimum of eight (8) hours of fuel storage ~~shall must~~ be located on site unless an equivalent plan is authorized by the Department. Standby power provided in a ~~public drinking water system shall~~ PWS may be coordinated with the standby power that is provided in the wastewater collection and treatment system. (3-24-22)()

a. The Department may require the installation of standby power or storage facilities in existing ~~systems~~ PWSs if the frequency and duration of power outages a ~~system~~ PWS experiences constitute a health hazard. (3-24-22)()

b. Existing community ~~public water systems~~ PWSs that are substantially modified ~~after April 15, 2007~~ shall must meet the requirements of Subsection 501.07. in those portions of the ~~system~~ PWS affected by the

modifications.

(3-24-22)()

c. New sources and booster pumps intended to increase ~~system PWS~~ capacity ~~shall~~ **must** be provided with standby power or equivalent unless, during a power outage, the ~~public water system PWS~~ or distribution system pressure zone can already meet the minimum operating capacity and pressure requirements in Subsection 501.07 for a minimum of eight (8) hours at average day demand plus fire flow where provided for each pressure zone.

(3-24-22)()

d. For both new and existing ~~public water systems PWSs~~, the Department may reduce the requirements of Subsection 501.07 if the ~~system PWS~~ can demonstrate the capacity to adequately protect public health during a power outage. Any decision by the Department will be based on, but not limited to, the following considerations:

(3-24-22)()

i. An adequate emergency response and operation plan and the capacity to implement that plan.

()

ii. The adequacy of the ~~system's PWS's~~ cross connection control program and the capacity to protect public health in the event of a system wide depressurization.

(3-24-22)()

iii. Demonstration of historical and projected reliability of the electrical power supplied to the ~~water system PWS~~.

(3-24-22)()

iv. A strategy for providing information to the public during power outages, including instructions to stop irrigation, boil water, etc., until notified otherwise.

()

v. The level of reliability acceptable to consumers. This can be accomplished with either a vote of the majority of consumers for privately owned and operated ~~systems PWSs~~ or a decision by the governing body for publicly governed ~~systems PWSs~~.

(3-24-22)()

vi. Other considerations that may be pertinent, including connections to other ~~public water systems PWSs~~, agreements to provide water in emergency situations, and the availability of dedicated portable auxiliary power.

(3-24-22)()

08. On-Site Analysis and Testing Capabilities. Each ~~public water system shall~~ **PWS must** have equipment and facilities for routine testing necessary to ensure proper operation. Equipment selection ~~shall~~ **must** be based on the characteristics of the raw water source and the complexity of the treatment process involved.

(3-24-22)()

09. Sample Taps. Sample taps ~~shall~~ **must** be provided so that water samples can be obtained from each water source and from appropriate locations in each unit operation of treatment, and from the finished water. Taps ~~shall~~ **must** be consistent with sampling needs and shall not be of the petcock type. Taps owned by the ~~water system PWS~~ and used for obtaining samples for bacteriological analysis ~~shall~~ **must** be of the smooth-nosed type without interior or exterior threads, ~~shall~~ **will** not be of the mixing type, and ~~shall~~ **will** not have a screen, aerator, or other such appurtenance.

(3-24-22)()

10. Facility Potable Water Supply. The facility water supply service line and the plant finished water sample tap ~~shall~~ **must** be supplied from a source of finished water at a point where all chemicals have been thoroughly mixed, and the required disinfectant contact time, if applicable, has been achieved. There ~~shall~~ **may** be no cross connections between the facility water supply service line and any piping, troughs, tanks, or other treatment units containing wastewater, treatment chemicals, raw or partially treated water.

(3-24-22)()

11. Meters. All water supplies ~~shall~~ **must** have an acceptable means of measuring the flow from each source, the wash water, the recycled water, any blended water of different quality, and the finished water.

(3-24-22)()

12. Operation and Maintenance Manual. A new or updated operation and maintenance manual that addresses all ~~water system PWS~~ facilities ~~shall~~ **must** be submitted to the Department for review and approval prior to

start-up of the new or materially modified ~~public water system~~ PWS unless the same system components are already covered in an existing operation and maintenance manual. For existing ~~systems~~ PWSs with continual operational problems as determined by the Department, the Department may require that an operation and maintenance manual be submitted to the Department for review and approval. The operator ~~shall~~ will ensure that the ~~system~~ PWS is operated in accordance with the approved operation and maintenance manual. (3-24-22)()

13. **Start-Up Training.** Provisions ~~shall~~ must be made for operator instruction at the start-up of a new plant or pumping station. (3-24-22)()

14. **Safety.** Consideration ~~shall~~ must be given to the protection of maintenance personnel and visitors from typical and foreseeable hazards in accordance with the engineering standards of care. The design ~~shall~~ must comply with all applicable safety codes and regulations that may include the Uniform Building Code, International Fire Code, National Fire Protection Association Standards, and state and federal OSHA standards. Items to be considered include, but are not limited to, noise arresters, noise protection, confined space entry, protective equipment and clothing, gas masks, safety showers and eye washes, handrails and guards, warning signs, smoke detectors, toxic gas detectors and fire extinguishers. (3-24-22)()

15. **Security.** Appropriate design measures to help ensure the security of ~~water system~~ PWS facilities ~~shall~~ must be incorporated. Such measures, at a minimum, ~~shall~~ will include means to lock all exterior doorways, windows, gates and other entrances to source, treatment, pumping stations, and water storage facilities. (3-24-22)()

16. **Other Regulations.** Consideration must be given to the design requirements of other federal, state, and local regulatory agencies for items such as safety requirements, special designs for the handicapped, plumbing and electrical codes, and construction in the flood plain. ()

17. **Ground-Water Source Redundancy.** New community ~~water systems~~ PWSs served by ~~ground water~~ shall groundwater must have a minimum of two (2) sources if they are intended to serve more than twenty-five (25) connections or equivalent dwelling units (EDUs). Under normal operating conditions, with any source out of service, the remaining source(s) ~~shall~~ must be capable of providing either the peak hour demand of the ~~system~~ PWS or a minimum of the maximum day demand plus equalization storage. See Subsection 501.18 for general design and redundancy requirements concerning fire flow capacity. (3-24-22)()

18. **Redundant Fire Flow Capacity.** ()

a. ~~Public water systems~~ PWSs that provide fire flow ~~shall~~ must be designed to provide maximum day demand plus fire flow. Fire flow requirements and system adequacy ~~shall~~ will be determined by the local fire authority or by a hydraulic analysis by a licensed professional engineer to establish required fire flows in accordance with the International Fire Code as adopted by the State Fire Marshal. Pumping systems supporting fire flow capacity must be designed so that maximum day demand plus fire flow may be provided with any pump out of service. (3-24-22)()

b. The requirement for redundant pumping capacity specified in Subsection 501.18.a. may be reduced to the extent that fire suppression storage is provided in sufficient quantity to meet some or all of fire flow demands. Where fire suppression storage is not provided, the requirement for fire flow pumping redundancy may be reduced or eliminated if the following conditions are met: ()

i. The local fire authority justifies that the fire flow capacity of the ~~system~~ PWS is acceptable and is compatible with the water demand of existing and planned fire-fighting equipment and fire-fighting practices in the area served by the ~~system~~ PWS. (3-24-22)()

ii. In a manner appropriate to the ~~system~~ PWS type and situation, notification is provided to customers that describes the design of the ~~system's~~ PWS's fire-fighting capability and explains how it differs from the requirements of Subsection 501.18.a. (3-24-22)()

19. **Pilot Studies.** Unless otherwise approved by the Department ~~based on documentation provided by the design engineer~~, pilot studies are required for treatment processes other than chlorine disinfection or point of use

installations. Pilot studies may be performed in the field using the proposed source water or in conjunction with bench scale testing in the lab using the proposed source water. The ~~system shall~~ **PWS must** obtain the Department's approval of a pilot study plan before the pilot study is implemented. A pilot study ~~shall will~~ be conducted for a period that ~~shall be is~~ determined by the design engineer and approved by the Department. A final pilot study report with results ~~shall must~~ be submitted to the Department for review and approval. Upon completion of the pilot study, final approval of equipment and treatment processes is subject to the applicable requirements of Sections 500 through 552. (3-24-22)()

a. ~~Pilot Study Plan.~~ A pilot study plan ~~shall must~~ include the following and any other items required by the Department: (3-24-22)()

i. ~~Introduction and Background.~~ The plan ~~shall discuss~~ **g** General information about the project including the existing system, the reason for conducting the pilot study, and anticipated results of a successful pilot study. (3-24-22)()

ii. ~~Alternative Processes.~~ Provide a **Δ** brief description of alternative processes that ~~could may~~ be used if the proposed process is shown to be ineffective from the study. (3-24-22)()

iii. ~~Procedures and Methods.~~ The ~~procedures and methods section shall discuss~~ **Discussion of** how the pilot study will be conducted, the time frame of the study, source water quality, how source water may be altered to mimic various source water quality conditions, and the water quality parameters that are monitored and evaluated to determine if the treatment process was effective. (3-24-22)()

b. ~~Pilot Study Report.~~ The pilot study report ~~shall must~~ include the following and any other items required by the Department: (3-24-22)()

i. Introduction and Background. ()

ii. ~~Results.~~ A discussion of the overall pilot study progress, including any issues or problems and a general discussion of results of the study and what the results indicate. This discussion ~~should will~~ determine parameters necessary for full scale implementation. (3-24-22)()

iii. ~~Conclusions.~~ Conclusions and recommendation to proceed with the treatment process if the results of the study proved successful. (3-24-22)()

c. Additional specific pilot study requirements in Sections 500 through 552 ~~shall must~~ be included in pilot study plans and reports. (3-24-22)()

d. ~~Engineer's Seal Required.~~ Pilot study plans and pilot study reports submitted to the Department ~~shall must~~ bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer. (3-24-22)()

(BREAK IN CONTINUITY OF SECTIONS)

503. ~~FACILITY AND DESIGN STANDARDS:~~ PRELIMINARY ENGINEERING REPORTS.

See the definition of Preliminary Engineering Report (**PER**) in Section 003. ~~Preliminary engineering reports~~ **PERs** are required for all new ~~water systems~~ **PWSs** or material modifications to existing ~~water systems~~ **PWSs** that require plan and specification review and approval pursuant to Subsection 504.03. The ~~preliminary engineering PER must report shall~~ be in conformance with the approved facility plan or ~~shall must~~ describe any modifications to the facility plan. ~~Preliminary engineering reports~~ **PERs** must be completed for all major ~~water system~~ **PWS** projects including, but not limited to, source, pump station, pressure control, storage, and treatment projects. ~~Preliminary engineering reports~~ **PERs** are not required for simple water main extensions that are approved in accordance with Subsections 502.01.a. or 502.01.b. (3-24-22)()

01. **Submittal to Reviewing Authority.** ~~Preliminary engineering reports shall~~ **PERs must** be submitted

to the Department for review and ~~must be approved by the Department~~ approval prior to the submission of plans and specifications. The Department may allow well construction plans and specifications to be submitted concurrently with a ~~preliminary engineering report~~ PER for these projects. (3-24-22)(____)

02. Seal Required. ~~Preliminary engineering reports~~ PERs submitted to the Department ~~shall~~ must bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer. The Department will accept the seal and signature of an Idaho licensed professional geologist ~~on preliminary reports~~ for well source, spring source, or infiltration gallery site reports, and for well construction. (3-24-22)(____)

03. Preliminary Engineering Report PER **Contents.** The ~~preliminary engineering report~~ PER must include sufficient detail to demonstrate that the proposed project meets applicable criteria. The items included in Subsections 503.03.a. through 503.03.e., and all applicable issues and items specifically required in Sections 500 through 552, ~~shall~~ must be addressed in detail or justification must be provided for any proposed deviations where specifically allowed. As required, a ~~preliminary engineering report shall~~ PER must also identify and evaluate drinking water related problems, assemble basic information, present criteria and assumptions, examine alternative solutions with preliminary layouts and cost estimates, offer a conclusion with a proposed project, and outline official actions and procedures to implement the project. If specific items in Subsections 503.03.a. through 503.03.e. are not applicable to a particular design, then the designer ~~shall~~ must state this in the ~~preliminary engineering report~~ PER and state the reason why it is not applicable. Items adequately addressed in the facility plan under which the project is being designed may be addressed by reference for purposes of the ~~preliminary engineering report~~ PER. (3-24-22)(____)

a. All ~~preliminary engineering reports shall~~ PERs must include items in Subsection 503.03.a. and the applicable items from Subsections 503.03.b. through 503.03.e. (3-24-22)(____)

i. ~~General information.~~ The ~~preliminary engineering report~~ general information ~~shall~~ must include, but is not limited to: (3-24-22)(____)

(1) ~~Project description.~~ A detailed description of the proposed project; (3-24-22)(____)

(2) ~~Site selection.~~ A general description of the location of the project and justification of the site selection; (3-24-22)(____)

(3) ~~Access and utilities.~~ A general discussion of adequacy of local roadways and availability of power or other utilities; (3-24-22)(____)

(4) ~~Surrounding land use.~~ A general discussion of surrounding land use, including any potential sources of contamination; and (3-24-22)(____)

(5) ~~Security.~~ A general discussion of planned security features such as fencing, lighting, alarm systems, etc. (3-24-22)(____)

ii. ~~Coordination with facility plan.~~ The ~~preliminary engineering report shall~~ The PER must discuss or reference items provided in the Department-approved facility plan. These items include, but are not limited to: (3-24-22)(____)

(1) ~~Existing System.~~ A general description of the existing ~~system~~ PWS and how the project fits into the overall system and facility plan; (3-24-22)(____)

(2) ~~Size.~~ The estimated ~~system~~ PWS size based on number of persons, number of connections, or number of EDUs served or impacted by the project; (3-24-22)(____)

(3) ~~Water Quantity.~~ Design data for domestic, irrigation, fire fighting, commercial and industrial water uses, including peak hour, maximum day, and average day demands; (3-24-22)(____)

(4) ~~Storage.~~ How the project will affect various storage requirements. See definition of Components of Finished Water Storage in Section 003; (3-24-22)(____)

- (5) ~~Operating Pressure.~~ Pressure ranges for all flow conditions prescribed by these rules; (3-24-22)()
- (6) ~~Hydraulic Analysis.~~ A computer ~~analysis model~~ of the hydraulics of the distribution system ~~if requested based on flow demands and pressure requirements is required unless otherwise approved~~ by the Department; any ~~analysis hydraulic model~~ of an existing distribution system ~~shall must~~ be properly calibrated. The type and sophistication of ~~analysis shall hydraulic model will~~ be dependent on the type of ~~system PWS~~; (3-24-22)()
- (7) ~~Sources of Water.~~ A general discussion of the adequacy, quality and availability of source of water. A ~~water system PWS~~ that is to be served by a separate non-potable irrigation system must provide documentation to demonstrate the actual availability of water in sufficient quantity to ensure that the irrigation system will not compete with or in any way diminish the source of water for the potable water system; (3-24-22)()
- (8) ~~Sewage.~~ Describe the ~~sewage wastewater~~ collection system and ~~sewage wastewater~~ treatment works, with special reference to their relationship to existing or proposed water works structures which may affect the operation of the water supply system, or which may affect the quality of the supply; (3-24-22)()
- (9) ~~Treatment wastes.~~ Assesses and characterize all anticipated ~~treatment~~ waste discharges generated by the project and any activities that ~~could may~~ impact the water supply. The location of each waste handling area or discharge point ~~shall must~~ be shown on a scale map; (3-24-22)()
- (10) ~~Financing methods.~~ Provide brief discussion of financing options investigated or planned; and (3-24-22)()
- (11) ~~Flooding.~~ Discuss mechanisms for protection of the ~~system PWS~~ from flooding. (3-24-22)()
- iii. ~~Code provisions. The preliminary engineering report shall i~~ Include a summary of applicable codes and standards that apply to the proposed project. (3-24-22)()
- iv. ~~Cost estimate. The preliminary engineering report shall p~~ Provide, as applicable, estimated construction costs for public works projects or projects funded through public monies. (3-24-22)()
- v. ~~Construction schedule. The preliminary engineering report shall i~~ Include the proposed construction schedule. (3-24-22)()
- vi. ~~Potential sources of contamination.~~ Identify sources of contamination and describe how the drinking water sources will be protected. (3-24-22)()
- vii. ~~Soils and ground water levels.~~ Generally discuss soil, ground-water conditions, and potential building foundation problems, including a description of: (3-24-22)()
- (1) The character of the soil through which water mains are to be laid; ()
- (2) Characteristics of the soil, water table, and geological substrate that may affect the design and construction of the foundations of proposed structures; and ()
- (3) The approximate elevation of ground-water in relation to subsurface structures. (3-24-22)()
- b. ~~Drinking water wells and spring construction projects.~~ In addition to items listed in Subsection 503.03.a., a ~~preliminary engineering report PER~~ for source water construction projects ~~shall using wells or springs must~~ include all items listed in Subsection 503.03.b., applicable items in Sections 510 through 514, and Sections 500 to 552 ~~should are to~~ be evaluated for their relevance to the project. (3-24-22)()
- i. ~~Anticipated geology and hydrogeology.~~ Include geological data and existing well logs. (3-24-22)()

- ii. ~~Drilling methodology.~~ Describe the anticipated drilling method and well construction. (3-24-22)()
- iii. ~~Water quality.~~ Anticipated potability and water quality including monitoring results required for new sources by these rules. (3-24-22)()
- iv. ~~Water rights.~~ Provide the appropriate documentation for the water rights for the drinking water source. (3-24-22)()
- v. Dimensions of the well lot and location of source. Include geographical coordinates of the source location. ()
- vi. ~~Evaluation of surface water influence.~~ For all new ground-water sources, including but not limited to wells, springs, and infiltration galleries, ~~systems shall~~ **PWSs must** supply information as required by the Department **for the Department** to determine if these sources are under the direct influence of surface water. **The determination of direct influence may be based on site-specific measurements of water quality, documentation of well construction characteristics and geology with field evaluation, a combination of water quality and documentation, or other information required by the Department.** (3-24-22)()
- vii. Provide a site evaluation report as required by Section 510 for wells and 514 for springs. ()
- c. ~~Well and pump house construction projects.~~ In addition to items listed in Subsection 503.03.a., ~~preliminary engineering reports PERs~~ **PERs** for well and pump house construction projects ~~shall~~ **must** include all items listed in Subsection 503.03.c., applicable items in Sections 511, 541, 547, and Sections 500 to 552 ~~should~~ **are to** be evaluated for their relevance to the project. (3-24-22)()
 - i. ~~Well house.~~ Include information on the anticipated construction and well house equipment such as heating, ventilation, interior lighting, and drain(s). (3-24-22)()
 - ii. ~~Water Level.~~ Provide a brief description of the means for measuring the water level in the well. (3-24-22)()
 - iii. ~~Well pump.~~ Include information on the proposed or planned pump, including the pump curve. (3-24-22)()
 - iv. ~~Controls.~~ Describe the equipment and controls for the well and pump house. This includes but is not limited to system control and data acquisition, variable frequency drive, and other manual or automated controls within the well house. (3-24-22)()
 - v. Piping and appurtenances including but not limited to sample taps, discharge piping, flow meters, check valves, and pressure gauges. Describe the receiving system for the pump to waste volume of water including an evaluation of the capacity of the receiving system and, if applicable, provide documentation that the system owner will accept the estimated volume of water and any limitations the owner places upon that acceptance. ()
 - vi. ~~Well vent.~~ Describe the well vent if applicable. (3-24-22)()
 - vii. ~~Casings and well caps.~~ Describe the anticipated casing and well cap type and materials. (3-24-22)()
 - viii. ~~Pitless adapters and units.~~ Describe the anticipated pitless adapter for the well. (3-24-22)()
 - ix. ~~Soil and water conditions.~~ Describe the soil and ground-water conditions that may affect the design and construction of proposed structure(s). (3-24-22)()
- d. ~~Reservoir and storage construction projects.~~ In addition to items listed in Subsection 503.03.a., ~~preliminary engineering reports PERs~~ **PERs** for reservoir and storage construction projects ~~shall~~ **must** include all items

listed in Subsection 503.03.d., applicable items in Sections 544, and Sections 500 to 552 ~~should~~ **are to** be evaluated for their relevance to the project. (3-24-22)()

- i. ~~Sizing~~—Describe the required storage capacity and the related components of finished water storage. (3-24-22)()
 - ii. ~~Overflow~~—Describe the anticipated overflow system for the water storage project and where the overflow will discharge. (3-24-22)()
 - iii. ~~Vents~~—Describe the venting system used for the water storage project if applicable. (3-24-22)()
 - iv. ~~Construction materials~~—Describe the construction materials used for the storage project. (3-24-22)()
 - v. ~~Protection from freezing~~—Describe the protection of storage facility features from freezing especially riser pipes, overflows, and vents. (3-24-22)()
 - vi. ~~Grading~~—Describe any site work or grading that may be necessary. (3-24-22)()
 - vii. ~~Corrosion prevention~~—Provide a discussion on methods to prevent corrosion such as coatings, cathodic protection, corrosion resistant materials, and encasement. (3-24-22)()
 - viii. ~~Disinfection~~—Describe the methods to be used to disinfect the storage facility and the testing to check for proper disinfection. (3-24-22)()
- e. Surface water and ground-water under the direct influence of surface water (GWUDI) treatment construction projects. In addition to items listed in Subsection 503.03.a., ~~preliminary engineering reports~~ **PERs** for surface water treatment and GWUDI construction projects ~~shall~~ **must** include all items listed in Sections 503.03.e., applicable items in Sections 515 through 540, and Sections 500 to 552 ~~should~~ **are to** be evaluated for their relevance to the project. (3-24-22)()
- i. ~~Intake structures~~—Describe the intake structures that will be used. (3-24-22)()
 - ii. ~~Off stream raw water storage~~—If applicable, describe the proposed off-stream raw water storage. (3-24-22)()
 - iii. ~~Treatment methods~~—Describe the treatment methods and potential alternatives including the removal of pathogens, disinfection, enhanced disinfection, water quality monitoring, and redundancy provisions. (3-24-22)()
 - iv. ~~Treatment Wastes~~—Characterize the various wastes from the water treatment processes and, if applicable, their volumes, constituents, and proposed treatment and disposal. If discharging to a sanitary sewage system, verify that the system is capable of handling the flow to the treatment works and that the treatment works is capable and willing to accept the additional loading. (3-24-22)()
 - v. ~~Monitoring Results~~—Provide applicable raw water monitoring results as required by these rules including anticipated turbidity ranges, microbiological, physical, chemical, radiological, and other parameters as determined by the Department. (3-24-22)()
 - vi. ~~Potential contamination~~—An assessment of the degree of hazard to the supply by agricultural, industrial, recreational, and residential activities in the watershed, and by accidental spillage of materials that may be toxic, harmful or detrimental to treatment processes. (3-24-22)()
 - vii. ~~Waste discharge~~—Assess all waste discharges and activities that ~~could~~ **may** impact the water supply. The location of each waste discharge ~~shall~~ **must** be shown on a scale map. (3-24-22)()

- viii. ~~Hydrological and historical stream flow data.~~ Provide any available records and data regarding hydrological and historical stream flow. (3-24-22)()
- ix. ~~Water rights and water quantity.~~ A copy of the appropriate permit(s) or application(s) from the Idaho Department of Water Resources regarding authorization to appropriate public waters of the state of Idaho in sufficient quantity to meet the design requirements of the system PWS. (3-24-22)()
- x. ~~Turbidity.~~ Anticipated turbidity range. (3-24-22)()
- xi. ~~Watershed.~~ Assessment of the degree of control the water system PWS will be able to exercise over the watershed. (3-24-22)()
- xii. Projected future uses of impoundments or reservoirs within the watershed. (3-24-22)()
- xiii. ~~Water quality.~~ Submit source water sample data over a sufficient period of time to assess the microbiological, physical, chemical and radiological characteristics of the water. (3-24-22)()
- xiv. ~~Stream characteristics.~~ Provide consideration of currents, wind and ice conditions, and the effect of confluent streams. (3-24-22)()

504. ~~FACILITY AND DESIGN STANDARDS: REVIEW OF PLANS AND SPECIFICATIONS.~~

The Department will apply the facility and design standards set forth in these rules ~~shall be applied.~~ Subsections 500 through 548, in the review of plans and specifications for public water system PWS facilities. If design issues are not addressed by the facility and design standards set out in these rules, then guidance documents, some of which are listed in Subsection 002.02, ~~shall~~ must be used as guidance in the design and review of plans and specifications for public drinking water facilities. See also Section 013. (3-24-22)()

01. Ownership. ~~The PWS owner must provide~~ documentation of the ownership and responsibility for operating the proposed ~~system shall be made available~~ PWS to the Department prior to or concurrent with the submittal of plans and specifications as required in Subsection 504.03. The documentation must show organization and financial arrangements adequate to assure construction, operation and maintenance of the system PWS according to these rules. Documentation ~~shall~~ also includes the name of the water system PWS, the name, address, and phone number of the supplier of water, the system PWS size, and the name, address, and phone number of the system PWS operator. This information may be presented in a will serve letter as required in Subsection 504.02. (3-24-22)()

02. Connection to an Existing System Will Serve Letter. If the proposed project is to be connected to an existing public water system PWS, a letter from the purveyor must be submitted to the Department stating that the purveyor will be able to provide services to the proposed project and that purveyor has reviewed and accepted the proposed construction plans and specifications that are subject to Department review and approval. The Department may require documentation supporting the ability of the purveyor to provide service to the new system without diminishing quality of service to existing customers, as described in Subsection 502.01.a and 502.01.b. This letter must be submitted prior to or concurrent with the submittal of plans and specifications as required in Subsection 504.03. (3-24-22)()

03. Plans and Specifications Required. ()

a. Prior to construction of new ~~public drinking water systems, new drinking water systems designed to serve fifteen (15) or more service connections,~~ PWSs or material modifications of existing ~~public water systems PWSs,~~ the owner must submit plans and specifications ~~must be submitted~~ to the Department for review and approval. Construction ~~should~~ must commence as soon as practical after approval, and if construction is not completed within twelve (12) months of the Department's final approval, an extension or re-approval must be obtained from the Department. The Department may require re-submittal of all or part of the plans and specifications prior to issuing an extension or re-approving the plans and specifications. (3-24-22)()

b. Plans and specifications for simple water main extensions ~~shall~~ do not require pre-construction approval by the Department when such extensions will be owned and operated by a city, county, quasi-municipal

corporation or regulated public utility, provided that such plans and specifications are reviewed and approved by a QLPE who was not involved in the preparation of the plans and specifications being reviewed to verify compliance with the requirements of these rules prior to initiation of construction. Any plans and specifications approved pursuant to Subsection 504.03.b. ~~shall~~ **must** be transmitted to the Department at the time construction is authorized and ~~shall~~ **will** be marked or stamped as "Approved for Construction." Along with the plans and specifications, the transmittal must include the items listed in Subsections 504.03.b.i. through 504.03.b.vii. The plans and specifications must bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer, and the approval or transmittal letter must be sealed, signed, and dated by the QLPE that is approving the plans and specifications. (3-24-22)()

i. A statement that the author of the transmittal letter is the QLPE representing the city, county, quasi-municipal corporation or regulated public entity. ()

ii. A statement that the extension project complies with the current facility plan or ~~preliminary engineering report~~ **PER**, or a statement that the ~~water system~~ **PWS** has adequate capacity. Please see Subsection 502.01.b. for further information. (3-24-22)()

iii. A statement from the city, county, quasi-municipal corporation or regulated public entity or its authorized agent that the ~~water system~~ **PWS** purveyor will serve the project. (3-24-22)()

iv. A statement from the city, county, quasi-municipal corporation or regulated public entity or its authorized agent that the ~~water system~~ **PWS** purveyor will own and operate the project after construction is complete. (3-24-22)()

v. A statement by the QLPE that the plans and specifications are approved for construction. ()

vi. A statement by the QLPE that the plans and specifications comply with the facility standards within these rules. ()

vii. A statement recommending whether sanitary restrictions can be released or ~~should~~ **will** remain in force. (3-24-22)()

c. Subsections 504.03.c.i. through 504.03.c.vi. outline the projects which QLPEs may approve and which QLPEs may not approve. ()

i. A QLPE may approve plans and specifications for simple water main extensions that are able to connect to an existing ~~water system~~ **PWS** owned by a city, county, quasi-municipal corporation, or regulated public utility at the time the extension is approved for construction by the QLPE. (3-24-22)()

ii. A QLPE may approve plans for simple water main extensions which will connect to an existing ~~water system~~ **PWS**, but are unable to connect to the ~~system~~ **PWS** at the time the extension is approved for construction by the QLPE, provided sanitary restrictions remain in force for the proposed extension. (3-24-22)()

iii. A QLPE may not approve plans and specifications which include mechanical systems such as booster stations. ()

iv. A QLPE may not approve plans and specifications for projects which the QLPE was the design engineer or otherwise involved in the design. ()

v. A QLPE employed by a city, county, quasi-municipal corporation, or regulated public utility may approve a design that was prepared by a subordinate engineer or an engineer from a separate design group within the city, county, quasi-municipal corporation, or regulated public utility. ()

vi. A QLPE who is not employed by a city, county, quasi-municipal corporation, or regulated public utility, but is retained by a city, county, quasi-municipal corporation, or regulated public utility for the purpose of plan and specification review may not approve projects designed by the company with which the QLPE is employed. ()

d. At the discretion of the city, county, quasi-municipal corporation or regulated public utility, the plans addressed by Subsection 504.03.b. may be referred to the Department for review and approval prior to initiation of construction. ()

04. ~~Criteria for Review~~ **Criteria**. The Department ~~shall~~ **will** review plans and specifications to determine compliance with these rules and engineering standards of care. If the plans and specifications comply with these rules and engineering standards of care, the Department ~~shall~~ **will** not substitute its judgment for that of the owner's design engineer concerning the manner of compliance with the rule. (3-24-22)()

05. ~~Schedule for Review~~ **Schedule**. The Department ~~shall~~ **will** review plans and specifications ~~and endeavor to resolve design issues within forty two (42) calendar days of submittal such that approval can be granted. If the Department and applicant have not resolved design issues within forty two (42) calendar days or at any time thereafter, the applicant may file a written demand to the Department for a decision. Upon receipt of such written demand, the Department shall deliver a written decision to the applicant within no more than seven (7) calendar days explaining any reasons for disapproval. The Department shall maintain records of all written demands for decision made pursuant to Subsection 504.05 with such records including the final decision rendered and the timeliness thereof~~ **in accordance with timelines set forth in Section 39-118, Idaho Code.** (3-24-22)()

06. **Engineer's Seal Required**. Plans and specifications submitted to the Department ~~shall~~ **must** bear the imprint of an Idaho licensed professional engineer's seal; except that the Department will accept the seal of an Idaho licensed professional geologist on the following: (3-24-22)()

a. Well source, spring source, or infiltration gallery site evaluation reports, as specified in Subsections 510 and 514. ()

b. Plans and specifications for well construction and results of field inspection and testing, as specified in Section 510. ()

07. **Contents of Plans and Specifications**. Plans and specifications ~~shall~~ **must**, where pertinent, provide the following: (3-24-22)()

a. General layout, including: ()

i. Suitable title. ()

ii. Name of municipality or other entity or person responsible for the water supply. ()

iii. Area or institution to be served. ()

iv. Scale of drawings. ()

v. North arrow. ()

vi. Datum used. ()

vii. General boundaries of municipality or area to be served. ()

viii. Date, name, and address of the designing engineer. ()

ix. Legible prints suitable for reproduction. ()

x. Location and size of existing water mains, if applicable. ()

xi. For ~~systems~~ **PWSs** undergoing material modification, location and nature of existing water works structures and appurtenances affecting the proposed improvements. (3-24-22)()

- b. Detailed plans, including: ()
 - i. Stream crossings, providing profiles with elevations of the stream bed and the estimated normal and extreme high and, where appropriate, low water levels. ()
 - ii. Location and size of the property to be used for the development with respect to known references such as roads, streams, section lines, or streets. ()
 - iii. Topography and arrangement of present or planned wells or structures. ()
 - iv. Elevations of the one hundred (100) year flood level in relation to the floor of structures, upper termination of protective casings, and grade surrounding facilities. ()
 - v. Details of well construction, including diameter and depth of drill holes, casing and liner diameters and depths, grouting depths, elevations, and designation of geological formations, water levels and other data as specified in Section 510. ()
 - vi. Location of all known existing and potential sources of pollution within five hundred (500) feet of water sources or underground treated storage facilities. ()
 - vii. Size, length, and materials of proposed water mains. ()
 - viii. Location of existing or proposed streets; water sources, ponds, lakes, and drains; storm sanitary, combined and house sewers; septic tanks, disposal fields and cesspools. ()
 - ix. Schematic flow diagrams and hydraulic profiles showing the flow through various plant units. ()
 - x. Piping in sufficient detail to show flow through the plant including waste lines. ()
 - xi. Locations of all chemical storage areas, chemical feeding equipment, and points of chemical application. ()
 - xii. All appurtenances, specific structures, equipment, water treatment plant waste disposal units and points of discharge having any relationship to the plans for water mains or water works structures. ()
 - xiii. Locations of sanitary or other facilities, such as lavatories, showers, toilets, and lockers, when applicable or required by the Department. ()
 - xiv. Locations, dimensions, and elevations of all proposed plant facilities. ()
 - xv. Locations of all sampling taps owned by the ~~water system~~ PWS. (3-24-22)()
 - xvi. Adequate description of any significant features not otherwise covered by the specifications that may impact public safety or welfare. ()
- c. Complete, detailed technical specifications ~~shall~~ **must** be supplied for the proposed project, including: (3-24-22)()
 - i. A program for keeping existing water works facilities in operation during construction of additional facilities so as to minimize interruption of service. ()
 - ii. Laboratory facilities and equipment. ()
 - iii. Description of chemical feeding equipment. ()
 - iv. Procedures for flushing, disinfection and testing, as needed, prior to placing the project in service. ()

All wells, pipes, tanks, and equipment which can convey or store potable water ~~shall~~ **must** be disinfected in accordance with AWWA Standards, incorporated into these rules at Subsection 504.03. Plans or specifications ~~shall~~ **must** outline the procedure and include the disinfectant dosage, contact time, and method of testing the results of this procedure. (3-24-22)()

v. Materials or proprietary equipment for sanitary or other facilities, including any necessary backflow or back-siphonage protection. ()

d. Complete design criteria, as set forth in these rules. ()

e. The Department may require additional information which is not part of the construction drawings, including, but not limited to, head loss calculations, proprietary technical data, and copies of contracts. ()

08. Notification of Material Deviations. As set forth in Subsection 504.03, during construction or modification, the ~~reviewing authority~~ **Department** must be notified of any material deviation from the approved plans. The reviewing authority's prior written approval is required before any material deviation is allowed. (3-24-22)()

09. Record Plans and Specifications Required. ()

a. ~~Within thirty (30) calendar days of the completion of construction of facilities for which plans are required to be reviewed pursuant to Subsection 504.03, record plans and specifications based on information provided by the construction contractor and field observations made by the engineer or the engineer's designee depicting the actual construction of facilities performed, must be submitted to the Department by the engineer representing the city, county, quasi-municipal corporation or regulated public utility that owns the project, or by the design engineer or owner designated substitute engineer if the facilities will not be owned and operated by a city, county, quasi-municipal corporation or regulated public utility. Such submittal by the professional engineer must confirm material compliance with the approved plans and specifications or disclose any material deviations therefrom. If the construction does not materially deviate from the approved plans and specifications, the owner may have a statement to that effect prepared by an Idaho licensed professional engineer and filed with the Department in lieu of submitting a complete and accurate set of record drawings. Must be submitted to the Department by the design engineer as specified in Section 39-118(3), Idaho Code.~~ (3-24-22)()

b. Record plans and specifications, or a statement submitted in lieu of record plans and specifications, must bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer. ()

c. The Department will accept the seal and signature of an Idaho licensed professional geologist on record plans and specifications, or a statement bearing the seal and signature of an Idaho licensed professional geologist in lieu of record plans and specifications, for record plans and specifications for well construction and results of field inspection and testing, as specified in Section 510. ()

10. Exception. The Department may waive the plan and specification approval required of any ~~particular~~ facility or category of facilities when doing so will have no significant impact on public health or the environment. (3-24-22)()

11. ~~Requirement to Have Approved Plans and Specifications and Department Approval Letter~~ On-Site During Construction. It is the responsibility of the owner to maintain one (1) copy of the approved plans and specifications and the approval letter from the reviewing authority on-site during construction at all times. (3-24-22)()

12. Construction. Except as provided in Subsection 504.03.b., no construction ~~shall~~ **will** commence until all of the necessary approvals have been received from the Department. The owner ~~shall~~ **must** provide for the inspection of the construction of a ~~public drinking water system~~ **PWS** facility by an Idaho licensed professional engineer to the extent required to confirm material compliance with the approved plans and to produce accurate record documents as required by Subsection 504.09. (3-24-22)()

505. -- 509. (RESERVED)

510. ~~FACILITY AND DESIGN STANDARDS:~~ SITING AND CONSTRUCTION OF WELLS.

Written approval by the Department is required before water from any new or reconstructed well may be served to the public. Any supplier of water for a ~~public water system~~ PWS served by one (1) or more wells ~~shall~~ must ensure that the following requirements are met: (3-24-22)()

01. Site Approval. Prior to drilling, the site of a ~~public water system~~ PWS well must be approved in writing by the Department. ~~The Department shall require the supplier of water to submit a~~ A well site evaluation report must be submitted prior to or concurrent with the PER for the well. ~~that~~ The well site evaluation must take into account the proposed size, depth, and location of the well. The evaluation may include, but is not limited to the following types of information: (3-24-22)()

- a. An evaluation of the quality of anticipated ground-water. (3-24-22)()
- b. Identification of the known aquifers and the extent of each aquifer, based on the stratigraphy, sedimentation, and geologic structure beneath the proposed well site. ()
- c. An estimate of hydrologic and geologic properties of each aquifer and confining layers. ()
- d. Prediction of the sources of water to be extracted by the well and the drawdown of existing wells, springs, and surface water bodies that may be caused by pumping the proposed well. This prediction may be based on analytical or numerical models as determined by the Idaho Department of Water Resources permitting process. ()
- e. Demonstration of the extent of the capture zone of the well, based on the well's design discharge and on aquifer geology, using estimates of hydraulic conductivity and storativity. ()
- f. Description of potential sources of contamination including, but not limited to, sewers and sewage treatment/disposal facilities, highways, railroads, landfills, outcroppings of consolidated water-bearing formations, chemical facilities, waste disposal wells, and agricultural uses within five hundred (500) feet of the well site. (3-24-22)()

02. Location. ~~Each well shall be staked by the design engineer or licensed professional geologist prior to drilling, be located a minimum of fifty (50) feet from the nearest property line, be located a minimum of fifty (50) feet from any potential source of contamination, and be no closer to specified sources of contamination than set forth in Subsection 900.01.~~ In vulnerable settings, the Department may require engineering or hydrologic analysis to determine if the required setback distance is adequate to prevent contamination. Each well must be staked by the design engineer or licensed professional geologist prior to drilling and meet the following minimum distances:

<u>Minimum Distances from a Public Water System Well</u>	
<u>Frost free hydrant</u>	<u>5 feet</u>
<u>Property line</u>	<u>50 feet</u>
<u>Gravity wastewater line</u>	<u>50 feet</u>
<u>Any potential source of contamination</u>	<u>50 feet</u>
<u>Pressure wastewater line</u>	<u>100 feet</u>
<u>Class A Municipal Reclaimed Wastewater Pressure distribution line</u>	<u>50 feet</u>

<u>Minimum Distances from a Public Water System Well</u>	
<u>Individual home septic tank</u>	<u>100 feet</u>
<u>Individual home disposal field</u>	<u>100 feet</u>
<u>Individual home seepage pit</u>	<u>100 feet</u>
<u>Privies</u>	<u>100 feet</u>
<u>Livestock</u>	<u>50 feet</u>
<u>Drainfield - standard subsurface disposal module</u>	<u>100 feet</u>
<u>Absorption module - large soil absorption system</u>	<u>150 - 300 feet, see IDAPA 58.01.03</u>
<u>Canals, streams, ditches, lakes, ponds and tanks used to store non-potable substances</u>	<u>50 feet</u>
<u>Storm water facilities disposing storm water originating off the well lot</u>	<u>50 feet</u>
<u>Municipal or industrial wastewater treatment plant</u>	<u>500 feet</u>
<u>Reclamation and reuse of municipal and industrial wastewater sites</u>	<u>See IDAPA 58.01.17</u>
<u>Biosolids application site</u>	<u>1,000 feet</u>

(3-24-22)()

03. Construction Standards. In addition to meeting the requirements of these rules, all wells ~~shall~~ **must** be constructed in accordance with IDAPA 37.03.09, “Well Construction Standards Rules,” and related rules and laws administered by the Idaho Department of Water Resources. All wells ~~shall~~ **must** comply with the drilling permit requirements of Section 42-235, Idaho Code. (3-24-22)()

a. ~~Casing that meets the requirements set forth in Subsection 900.02 (Table 2). The use of plastic well casing for public water system wells may be considered on a case by case basis. Plastic casing shall meet or exceed ASTM Standard F480-02 and ANSI/NSF Standard 61.~~ Casing for steel pipe must meet the following requirements:

STEEL PIPE					
SIZE	DIAMETER (inches)		THICKNESS (inches)	WEIGHT PER FOOT (pounds)	
	External	Internal		Plain Ends (calculated)	With Threads and Couplings (nominal)
6(id)	6.625	6.065	0.280	18.97	19.18
8	8.625	7.981	0.322	28.55	29.35
10	10.750	10.020	0.365	40.48	41.85
12	12.750	12.000	0.375	49.56	51.15
14(od)	14.000	13.250	0.375	54.57	57.00
16	16.000	15.250	0.375	62.58	
18	18.000	17.250	0.375	70.59	
20	20.000	19.250	0.500	78.60	
22	22.000	21.000	0.500	114.81	
24	24.000	23.000	0.500	125.49	
26	26.000	25.000	0.500	136.17	
28	28.000	27.000	0.500	146.85	
30	30.000	29.000	0.500	157.53	
32	32.000	31.000	0.500	168.21	
34	34.000	33.000	0.500	178.89	
36	36.000	35.000	0.500	189.57	

* id = inside diameter
od = outside diameter

(3-24-22)()

b. The use of plastic well casing for PWS wells may be considered on a case-by-case basis. Plastic casing must meet or exceed ASTM Standard F480, current edition, and ANSI/NSF Standard 61. Plastic casing must also meet the following requirements: ()

i. Have a minimum wall thickness equivalent to standard dimension *ratio* 21. However, diameters of 8 inches or greater or deep wells may require greater thickness to meet collapse strength requirements; ()

ii. Must not be used at sites where permeation by hydrocarbons or degradation may occur; ()

iii. Must be assembled using coupling or solvent welded joints. All coupling and solvents must meet ANSI/NSF Standard 14, ASTM F480, or similar requirements; and ()

iv. Must not be driven. ()

bc. ~~Public water system~~ PWS wells ~~shall~~ **must** have no less than fifty-eight (58) feet of annular seal of not less than one and one-half (1 ½) inches thickness as measured from land surface to the bottom of the seal unless: (3-24-22)()

- i. It can be demonstrated to the Department's satisfaction that there is a confining layer at lesser depth that is capable of preventing unwanted water from reaching the intake zone of the well; or ()
- ii. The best and most practical aquifer at a particular site is less than fifty-eight (58) feet deep; or; ()
- iii. The Department specifies a different annular seal depth based on local hydrologic conditions. ()
- ~~iv. More stringent standards are required by applicable Rules of the Idaho Water Resources Board, referenced in Subsection 002.02. (3-24-22)~~
- ed.** Specifications ~~shall~~ **must** include allowable tolerances for plumbness and alignment in accordance with AWWA Standards, incorporated by reference into these rules at Subsection 002.01, or as otherwise approved by the Department. If the well fails to meet these requirements, it may be accepted by the Department if it does not interfere with the installation or operation of the pump or uniform placement of grout. (3-24-22)()
- de.** Geological data ~~shall~~ **must** be collected at each pronounced change in formation and shall be recorded in the driller's log. Supplemental data includes, but is not limited to, accurate geographical location such as latitude and longitude or GIS coordinates, and other information on accurate records of drillhole diameters and depths, assembled order of size and length of casing, screens and liners, grouting depths, formations penetrated, and water levels. (3-24-22)()
- ef.** The owner of each well ~~shall~~ **must** retain all records pertaining to each well until the well has been properly abandoned. (3-24-22)()
- fg.** Wells with intake screens ~~shall~~ **must**:
- i. Be constructed of materials resistant to damage by chemical action of ground-water or cleaning operations. (3-24-22)()
- ii. Have openings based on sieve analysis of formation, ~~or~~ gravel pack materials, ~~or both~~. (3-24-22)()
- iii. Have sufficient length and diameter to provide adequate specific capacity and aperture entrance velocity not to exceed point ~~three one~~ (0.31) feet per second, or as otherwise approved by the Department. (3-24-22)()
- iv. Be installed so that the pumping water level remains above the screen under all operating conditions, or otherwise approved by the Department. Where a bottom plate or sump is utilized, it ~~shall~~ **must** be of the same material as the screen, or as otherwise approved by the Department. Where a washdown assembly, tailpipe or sump is used below the screen, it may be made of a different material than the screen. (3-24-22)()
- gh.** Permanent well casing ~~shall~~ **must** be surrounded by a minimum of one and one-half (1 ½) inches of grout to the depth required by Subsection 510.03.b. ~~of these rules~~, or by the Rules of the ~~Idaho Water Resources Board referenced in Subsection 002.02~~ Idaho Department of Water Resources, whichever is greater. All casing identified in plans and specifications as temporary casing ~~shall~~ **must** be removed prior to well completion. (3-24-22)()
- i. Neat cement grout consisting of cement that conforms to AWWA Standard A-100, and water, with not more than six (6) gallons of water per ninety-four (94) pounds of cement, ~~shall~~ **must** be used for one and one-half (1 ½) inch ~~openings~~ **annular space**. Additives may be used to ~~enhance effectiveness~~ **increase fluidity** and are subject to approval by the ~~reviewing authority~~ Department and the Idaho Department of Water Resources on a case-by-case basis. (3-24-22)()
- ii. Bentonite grout ~~shall~~ **must** have a solids content not less than twenty-five (25) percent by weight

when mixed with water and be specifically manufactured for use in sealing of well casing. Bentonite grout shall not contain weighting agents to increase solids content. Bentonite grout ~~shall~~ **must** not be used above the water table. All bentonite grout ~~shall~~ **must** be installed by positive displacement from the bottom up through a tremmie or float shoe.

(3-24-22)()

iii. Where a dry annular space is to be sealed, a minimum of two (2) inches on all sides of the casing ~~shall~~ **will** be required to place bentonite to depths not greater than one hundred (100) feet, using #8 mesh granular bentonite. All dry pour granular bentonite ~~shall~~ **must** be tagged at appropriate intervals to verify placement. If a bridge occurs, a tremmie pipe ~~shall~~ **must** be washed or jetted through the bridge to allow for pumping of grout. Bentonite chips ~~shall~~ **must** be of sufficient size to accommodate proper placement for the existing subsurface conditions.

(3-24-22)()

iv. Dry granular bentonite used in wells where a dry annular space is to be sealed with depths greater than one hundred (100) feet ~~shall~~ **will** require an annulus of at least three (3) inches on all sides of the casing, or as approved by the ~~reviewing authority~~ **Department** and the Idaho Department of Water Resources. If a bridge occurs, a tremmie pipe ~~shall~~ **must** be washed or jetted through the bridge to allow for pumping of grout. Bentonite chips ~~shall~~ **must** be of sufficient size to accommodate proper placement for the existing subsurface conditions.

(3-24-22)()

v. All chip bentonite seals installed through water ~~shall~~ **must** only be used in annular spaces of at least four (4) inches on all sides of the casing. If a bridge occurs, a tremmie pipe ~~shall~~ **must** be washed or jetted through the bridge to allow for pumping of grout. Bentonite chips ~~shall~~ **must** be of sufficient size to accommodate proper placement for the existing subsurface conditions. Chip bentonite seals installed through water ~~shall~~ **must** be:

(3-24-22)()

- (1) Installed in accordance with manufacturer's specifications; or ()
- (2) Installed by pouring chips over a one-quarter (1/4) inch mesh screen for three-eighths (3/8) inch chips to remove fines to prevent bridging at the water table; or ()
- (3) Installed using coated pellets to retard hydration if approved by the ~~reviewing authority~~ **Department** and the Idaho Department of Water Resources. (3-24-22)()

vi. Concrete may be approved on a case-by-case basis by the ~~reviewing authority~~ **Department** and the Idaho Department of Water Resources. Upon such approval, the approved method ~~shall~~ **must** use a six (6) sack minus one-half (1/2) inch Portland cement concrete and ~~shall~~ **must** be installed by positive displacement from the bottom up through a tremmie pipe.

(3-24-22)()

04. Disinfection. All tools, bits, pipe, and other materials to be inserted in the borehole ~~shall~~ **must** be cleaned and disinfected in accordance with the Well Construction Standards and permitting requirements of the ~~Idaho Water Resources Board, referenced in Subsection 002.02~~ **Idaho Department of Water Resources**. This applies to new well construction and repair of existing wells.

(3-24-22)()

05. Well Completion Report ~~Required~~. Upon completion of a well, and prior to its use as a drinking water source, the following information and data ~~must~~ be submitted by the ~~water system~~ **PWS** to the Department. The well completion report ~~must~~ be submitted to the Department prior to or concurrent with the submittal of the preliminary engineering report for well house construction/modification. The well completion report ~~shall~~ **must** bear the imprint of an Idaho licensed professional engineer's or an Idaho licensed professional geologist's seal that is both signed and dated by the engineer or geologist:

(3-24-22)()

- a. A copy of all well logs; ()
- b. Results of test pumping, as specified in Subsection 510.06; ()
- c. As constructed plans showing at least the following: ()
 - i. Annular seal, including depth and sealant material used and method of application; ()

- ii. Casing perforations, results of sieve analysis used in designing screens installed in sand or gravel aquifers, gravel packs; and ()
 - iii. Recommended pump location. ()
 - d. Other information as may be specified by the Department. ()
 - e. Sampling results for iron, manganese, corrosivity, and other secondary contaminants specified by the Department. Other monitoring requirements are specified in Subsections 510.05.e.i. through 510.05.e.iii. ()
 - i. Community ~~S~~systems must submit ~~R~~results of analysis for total coliform, inorganic chemical contaminants, organic chemicals, and radionuclide contaminants set forth in Subsections 050.01, 050.02, 050.05, 100.01, 100.03, 100.04, 100.05, and 100.06, unless analysis is waived pursuant to Subsection 100.07. (3-24-22)()
 - ii. Non-transient Non-community ~~S~~systems must submit ~~R~~Results of analysis for total coliform and inorganic and organic chemical contaminants listed in Subsections 050.01, 050.02, 100.01, 100.03, 100.04, unless analysis is waived pursuant to Subsection 100.07. (3-24-22)()
 - iii. Transient Non-community ~~S~~systems must submit ~~R~~results of a total coliform, nitrite, and nitrate analysis listed in Subsections 050.01, 100.01 and 100.03. (3-24-22)()
- 06. Test Pumping.** Upon completion of a ground-water source, test pumping ~~shall~~ must be conducted in accordance with the following procedures to meet the specified requirements: (3-24-22)()
- a. The well ~~shall~~ must be test pumped at the desired yield (design capacity) of the well for at least twenty-four (24) consecutive hours after the drawdown trend has stabilized, as determined by the supervising engineer or geologist. Alternatively, the well may be pumped at a rate of one hundred fifty percent (150%) of the desired yield for at least six (6) continuous hours after the drawdown trend has stabilized, as determined by the supervising engineer or geologist. The field pumping equipment must be capable of maintaining a constant rate of discharge during the test. Discharge water must be piped an adequate distance to prevent recharge of the well during the test. If the well fails the test protocol, design of the ~~water system shall~~ PWS must be re-evaluated and submitted to the Department for approval. (3-24-22)()
 - b. Upon completion of well development, the well ~~shall~~ must be tested for sand production. Fifteen (15) minutes after the start of the test pumping (at or above the design production rate), the sand content of a new well ~~shall~~ may not be more than five (5) parts per million. Sand production ~~shall~~ must be measured by a centrifugal sand sampler or other means acceptable to the Department. If sand production exceeds five (5) ppm, the well ~~shall~~ must be screened gravel packed, or re-developed. (3-24-22)()
 - c. The following data ~~shall~~ must be provided: (3-24-22)()
 - i. Static water level ~~in the well prior to test pumping and stabilized drawdown;~~ (3-24-22)()
 - ii. Well yield in gpm and duration of the pump test, including a discussion of any discrepancy between the desired yield and the yield observed during the test; ()
 - iii. Water level in the well recorded at regular intervals during pumping; ()
 - iv. Profile of water level recovery from the pumping level projected to the original static water level. ()
 - v. Depth at which the test pump was positioned in the well; ()
 - vi. Test pump capacity and head characteristics; ()

vii. Sand production data. ()

viii. Results of analysis based on the drawdown and recovery test pertaining to aquifer properties, long term ~~sustained~~ yield, and boundary conditions affecting drawdown. (3-24-22)()

d. The Department may allow the use of other pump test protocols that are generally accepted by engineering firms with specialized experience in well construction, by the well drilling industry, or as described in national standards (such as ANSI/AWWA A100-97), as long as the minimum data specified in Subsection 510.06.c. are provided. The Department welcomes more extensive data about the well, such as step-drawdown evaluations used in determining well capacity for test pumping purposes, zone of influence calculations, and any other information that may be of use in source protection activities or in routine ~~water system~~ PWS operations. (3-24-22)()

e. Where aquifer yield, sustainability, or water quality are questionable, the Department, at its discretion, may require additional site-specific investigations that ~~could~~ include test well construction, long-term pumping tests, or other means to demonstrate that the aquifer yield is sufficient to meet the long-term water requirements of the project. (3-24-22)()

07. **Conversion of Non-Public Water System Wells for Public Water System Use.** Any existing well constructed for use other than as a ~~public water system~~ PWS source may be considered for use as a ~~public water system~~ PWS source on a case-by-case basis. The owner of such a well must demonstrate to the Department's satisfaction that the well site conforms to the requirements of Subsections 510.01, 510.02, and Section 512, the well is constructed in a manner that is protective of public health, and that both the quantity and quality of water produced by the well meet ~~public water system~~ PWS standards set forth in these rules. (3-24-22)()

08. **Observation Monitoring Wells.** If monitoring (observation) wells are used and are intended to remain in service after completion of the water supply well, the observation wells ~~shall~~ must be constructed in accordance with the requirements for permanent wells and be protected at the upper terminal to preclude entrance of foreign materials in accordance with the "Well Construction Standard Rules," IDAPA 37.03.09. ~~See Rules of the Idaho Water Resources Board referenced in Subsection 002.02.~~ (3-24-22)()

09. **Well Abandonment.** ~~Any water supply well that will no longer be used must be abandoned by sealing the borehole carefully to prevent pollution of the ground water, eliminate any physical hazard, conserve aquifer yield, maintain confined head conditions in artesian wells, and prevent mixing of waters from different aquifers. The objective of proper well abandonment procedures is to restore, as far as possible, the original hydrogeologic conditions. The services of a licensed well driller are required. Instructions for abandoning various types of wells may be obtained from the Idaho Department of Water Resources. See Rules of the Idaho Water Resources Board referenced in Subsection 002.02.~~ Well decommissioning (abandonment) must be performed in accordance with Department of Water Resources requirements set forth in IDAPA 37.03.09, "Well Construction Standard Rules." (3-24-22)()

511. ~~FACILITY AND DESIGN STANDARDS: WELL PUMPS, DISCHARGE PIPING, AND APPURTENANCES.~~

01. **Sample Tap Required.** A sample tap suitable for collecting bacteriological samples ~~shall~~ must be provided as required by Subsection 501.09 on the discharge piping from every well at a point where pressure is maintained but prior to any treatment. ~~This sample tap shall be of the smooth-nosed type without interior or exterior threads, shall not be of the mixing or petcock type, and shall not have a screen, aerator, or other such appurtenance. The sample tap for collecting bacteriological samples may be used for other sampling purposes.~~ In addition, threaded hose bib taps may also be used for collecting samples, other than bacteriological samples, if equipped with an appropriate backflow prevention device as may be necessary to protect the ~~public water system~~ PWS from contamination. (3-24-22)()

02. **Discharge Piping.** The discharge line ~~shall~~ must be equipped with the necessary valves and appurtenances to allow a well to be pumped to waste at the ~~design capacity of the~~ scour velocity of the well column via an approved air gap of no less than two (2) pipe diameters, unless otherwise approved by the Department, through an approved non-corrodible screen or equivalent at a location prior to the first service connection, and ~~shall~~ must meet the following requirements: (3-24-22)()

- a. Be designed to minimize friction loss. ()
 - b. Have control valves and appurtenances located above the pump house floor when an above-ground discharge is provided. ()
 - c. Be protected against contamination. ()
 - d. Vertical turbine pumps ~~shall~~ **must** be equipped with an air release-vacuum relief valve, or equivalent, located upstream from the check valve, with exhaust/relief piping terminating in a down-turned position at least eighteen (18) inches above the floor and covered with a twenty-four (24) mesh corrosion resistant screen. (3-24-22)()
 - e. Have all exposed piping, valves and appurtenances protected against physical damage and freezing. ()
 - f. Be properly anchored to prevent movement, and protected against surge or water hammer. ()
 - g. The pump to waste discharge piping ~~shall~~ **must** be valved to ensure that other ~~system~~ **PWS** components that ~~could~~ **may** be negatively affected by the quality of the discharged water are not pressurized by the water that is being pumped to waste. (3-24-22)()
 - h. Where two (2) or more wells are connected to a common well house, the discharge piping ~~shall~~ **must** be designed to ensure that each well can be pumped to waste independently without affecting the ability of the other well or wells to pressurize the ~~system~~ **PWS**. (3-24-22)()
- 03. Pressure Gauge Required.** A pressure gauge ~~shall~~ **must** be provided on ~~all~~ discharge piping. (3-24-22)()
- 04. Flow Meter and Check Valve.** Unless otherwise approved by the Department ~~based on documentation provided by the design engineer~~, an instantaneous and totalizing flow meter equipped with nonvolatile memory ~~shall~~ **must** be installed on the discharge line of each well in accordance with the manufacturer's specifications. Meters installed on ~~systems~~ **PWSs** with variable frequency drives ~~shall~~ **must** be capable of accurately reading the full range of flow rates. An accessible check valve, which is not located in the pump column, ~~shall~~ **must** be installed in the discharge line of each well between the pump and the shut-off valve. Additional check valves ~~shall~~ **must** be located in the pump column as necessary. (3-24-22)()
- 05. Well Vent.** All wells ~~shall~~ **must** be vented, unless it can be demonstrated that the drawdown under maximum pumping conditions will not exceed ten (10) feet. (3-24-22)()
- a. For wells not in a pump house, the open end of the vent ~~shall~~ **must** be screened with a twenty-four (24) mesh or similar non-corrodible screen and terminated downward at least eighteen (18) inches above the final ground surface. (3-24-22)()
 - b. If the well is in a pump house, the open end of the vent ~~shall~~ **must** be screened with a twenty-four (24) mesh or similar non-corrodible screen and must terminate **downward** at least twelve (12) inches above the pump house floor. (3-24-22)()
 - c. Artesian wells equipped with pumps may need venting or an air valve as determined by the Department. ()
- 06. Casings and Sanitary Well Caps.** The following requirements apply to well casings and sanitary caps: ()
- a. Casings ~~shall~~ **must** extend at least eighteen (18) inches above the final ground surface. If the well is located within a pump house, casings ~~shall~~ **must** extend least twelve (12) inches above the pump house floor. For a well located in an area subject to flooding, the Department may require an extension of the casing above the one

hundred (100) year or highest known flood level, whichever is higher. (3-24-22)()

b. Wells ~~shall~~ **must** be cased and provided with an approved cap in such a manner that ~~surface water contamination~~ cannot enter the well. (3-24-22)()

c. For community ~~water systems~~ **PWSs**, a permanent means for measuring water level within the casing must be provided. For other ~~water systems~~ **PWSs**, a temporary means to measure water levels ~~should~~ **may** be made available. All equipment required for conducting water level measurements ~~shall~~ **must** be purchased and made available to the ~~water system~~ **PWS** operator at the time the well is put into service. Where pneumatic or electronic water level measuring equipment is used, it ~~shall~~ **must** be made using corrosion resistant materials attached firmly to the drop pipe or pump column and in such a manner as to prevent entrance of foreign materials. (3-24-22)()

07. Well Houses. For regulatory purposes, a well house is considered a pump house as defined in Section 003. Well houses must meet the requirements for pump houses as set forth in Section 541. All above ground discharge piping ~~shall~~ **must** be contained in a well house or otherwise protected from freezing. (3-24-22)()

08. Pitless Adapters and Units. ~~Pitless adapters or pitless units:~~ (3-24-22)()

a. ~~Shall be of the type m~~Marked approved by the National Sanitation Foundation or Pitless Adapter Division of the Water Systems Council. (3-24-22)()

b. ~~Shall be d~~Designed, constructed and installed to be watertight including the cap, cover, casing extension and other attachments. (3-24-22)()

c. ~~Shall be f~~Field tested for leaks before being put into service. The procedure outlined in "Manual of Individual and Non-Public Water Supply Systems," referenced in Subsection 002.02, or other procedure approved by the Department ~~shall~~ **Must** be followed. (3-24-22)()

d. ~~Pitless adapters with a two (2) inch or smaller discharge line shall be p~~**If the discharge line is two (2) inches or smaller, be** provided with a swing joint outside the pitless adapter unit to reduce strain, deformation, and possible leakage of the pitless seal caused by settling soils in the trench. The orientation of swing joints ~~shall~~ **must** be such that any settling that occurs will tighten the threads. The hole in the casing ~~shall~~ **must** be cut with a saw rather than a torch with an opening large enough to allow seating of gaskets. (3-24-22)()

e. ~~Shall be p~~Provided with a contamination-proof entrance connection for electrical cable. (3-24-22)()

f. ~~In the case of p~~Pitless adapters: (3-24-22)()

i. Threaded adapters ~~shall~~ **must** be installed by drilling a hole not more than one quarter (1/4) inch larger than the outer diameter of the pitless shank. No torch-cut holes ~~shall~~ **will** be accepted. The orientation of swing joints ~~shall~~ **must** be such that any settling that occurs will tighten the threads. (3-24-22)()

ii. The only field welding permitted will be that needed to connect a pitless adapter to the casing. ()

g. ~~In the case of p~~Pitless units **must be:** (3-24-22)()

i. ~~Shall be s~~Shop-fabricated from the point of connection with the well casing to the unit cap or cover. (3-24-22)()

ii. ~~Shall be e~~Constructed of materials and weight at least equivalent to and compatible with the well casing. (3-24-22)()

iii. ~~Shall be t~~Threaded or welded to the well casing. Threaded units ~~shall~~ **must** be installed by drilling a hole not more than one quarter (1/4) inch larger than the outer diameter of the pitless shank. No torch-cut holes ~~shall~~ **will** be accepted. If the connection to the casing is by field weld, the shop-assembled unit must be designed

specifically for field welding to the casing. (3-24-22)()

iv. ~~Shall terminate~~ Terminate at least eighteen (18) inches above final ground elevation ~~or three (3) feet above the 100-year flood level or the highest known flood elevation, whichever is higher, or as otherwise approved by the Department. For a well located in an area subject to flooding, the Department may require an extension of the casing above the one hundred (100) year or highest known flood level, whichever is higher.~~ (3-24-22)()

v. ~~Shall be provided~~ Provided with access to disinfect the well. (3-24-22)()

vi. ~~Shall have field connection~~ Field connection ~~ed~~ to the lateral discharge from the pitless unit of threaded, flanged, or mechanical joint connection. (3-24-22)()

h. After installation of a pitless adapter or unit, the disturbed well seal ~~shall must~~ be repaired or replaced to meet original seal specifications unless otherwise ~~proposed by the design engineer and~~ approved by the Department. The engineering proposal ~~shall must~~ ensure that the material surrounding the final seal is moisture controlled and compacted such that it equals or exceeds the characteristics of the native soil prior to being disturbed. (3-24-22)()

09. Wells Not Allowed in Pits. Wells ~~shall must~~ not be located in pits. Exceptions to this requirement will be granted by the Department if the well was constructed prior to November 5, 1964, and the installation is constructed or reconstructed in accordance with the requirements of the Department to provide watertight construction of pit walls and floors, floor drains and acceptable pit covers. (3-24-22)()

10. Discharge Pumps. Discharge pumps ~~shall be are~~ subject to the following requirements: (3-24-22)()

a. Line shaft pumps ~~shall must~~: (3-24-22)()

i. Have the casing firmly connected to the pump structure or have the casing inserted into a recess extending at least one-half (1/2) inch into the pump base. ()

ii. Have the pump foundation and base designed to prevent water from coming into contact with the joint. ()

iii. Use lubricants that meet ANSI/NSF Standard 61. ()

b. ~~When a submersible pump is used~~: (3-24-22)()

i. The top of the casing ~~shall must~~ be effectively sealed against the entrance of water under all conditions of vibration or movement of conductors or cables. (3-24-22)()

ii. The electrical cable ~~shall must~~ be firmly attached to the drop pipe at twenty-one (21) foot intervals or less, or at each coupling or joint. (3-24-22)()

512. FACILITY AND DESIGN STANDARDS- WELL LOT.

A well lot ~~shall must~~ be provided for wells constructed after November 1, 1977. The well lot ~~shall must~~ be owned in fee simple by the supplier of water or controlled by lease or easement with a term of not less than the useful life of the well and be large enough to provide a minimum distance of fifty (50) feet between the well and the nearest property line. (3-24-22)()

01. Use of Chemicals on the Well Lot. No pesticides, herbicides, or fertilizers ~~shall may~~ be applied to a well lot without prior approval from the Department. (3-24-22)()

02. Storage of Hazardous Materials on the Well Lot. No pesticides, herbicides, fertilizers, portable containers of petroleum products, or other materials known to be toxic or hazardous ~~shall may~~ be stored on a well lot, except that: (3-24-22)()

a. An internal combustion engine to drive either a generator for emergency standby power or a pump to provide fire flows, and an associated fuel tank, may be placed on the well lot. ()

b. A propane or natural gas powered generator is preferable to reduce risk of fuel spillage. ()

c. If a diesel or gasoline-fueled engine is used, the fuel tank and connecting piping must be approved by the Underwriter's Laboratory, Inc., double-walled, meet the requirements of the local fire jurisdiction, and include both spill prevention and overfill protection features. The tank must be above ground and may be contained within the structural base of the generator unit. A spill containment structure must surround all fuel tanks and be sized to contain at least one hundred ten percent (110%) of the fuel tank volume. The Department may require additional containment capacity in settings where accumulation of snow, ice, or rain water may be expected to diminish the usable capacity of the structure. A licensed ~~water system~~ PWS operator ~~shall~~ must be present during filling of the tank following a period of usage, or during periodic extraction and replacement of outdated fuel. (3-24-22)()

d. ~~Should~~If the internal combustion engine ~~be~~ is located within the pump house, the floor of the pump house ~~shall~~ must be constructed so as to contain all petroleum drips and spills so that they will not be able to reach the floor drain(s). Engine exhaust ~~shall~~ must be directly discharged outside the pump house. (3-24-22)()

~~e. A spill containment structure shall surround all fuel tanks and be sized to contain at least one hundred ten percent (110%) of the fuel tank volume. The Department may require additional containment capacity in settings where accumulation of snow, ice, or rain water could be expected to diminish the usable capacity of the structure. (3-24-22)~~

~~03. Location of Hydrants. Hydrants of the frost free type shall be placed in the buried piping system at a minimum of five (5) feet away from the well casing to prevent drain water from accumulating and compromising the grout seal surrounding the well casing. (3-24-22)~~

~~043. Parking Lots and Vehicle Storage. No ~~public~~ parking or vehicle storage shall be ~~is not~~ allowed on the well lot, except that operation/maintenance vehicles may be ~~temporary~~ temporarily parked on the well lot during the normal course of business. (3-24-22)()~~

~~513. FACILITY AND DESIGN STANDARDS: NUMBER OF GROUND-WATER SOURCES REQUIRED – EXISTING SYSTEMS.~~

~~Existing community ~~water systems~~ PWSs served by ground-water and intending to serve more than twenty-five (25) connections or equivalent dwelling units are subject to the following requirements for the number of ground-water sources required. (3-24-22)()~~

~~01. Existing System with All Sources Constructed Prior to July 1, 1985. A community ~~water system~~ PWS served by ground-water and with all existing sources constructed prior to July 1, 1985 will be required to comply with Subsection 501.17 upon substantially modifying the ~~system~~ PWS after July 2002. (3-24-22)()~~

~~02. Existing System with Any Sources Constructed After July 1, 1985. A community ~~water system~~ PWS served by ground-water with any sources constructed after July 1, 1985 is required to comply with Subsection 501.17 when a material modification is made to the ~~system~~ PWS which increases the population served or number of service connections, increases the length of transmission and distribution water mains, or increases the peak or average water demand after May 8, 2009, which triggers the PWS to be classified as substantially modified. (3-24-22)()~~

(BREAK IN CONTINUITY OF SECTIONS)

~~515. FACILITY AND DESIGN STANDARDS: SURFACE SOURCES AND GROUND-WATER SOURCES UNDER THE DIRECT INFLUENCE OF SURFACE WATER.~~

~~Written approval by the Department is required before water from any new surface source or ground-water source that is under the direct influence of surface water may be served to the public. Infiltration collection lines or galleries are considered ground-water under the direct influence of surface water unless demonstrated otherwise. Infiltration~~

galleries that are not directly influenced by surface water ~~shall~~ **must** meet the requirements of Section 514. The area around infiltration lines ~~shall~~ **must** be under the control of the water purveyor for a distance acceptable to the Department. (3-24-22)()

- 01. Intake Structures.** Design of intake structures ~~shall~~ **must** provide for: (3-24-22)()
 - a.** Withdrawal of water from more than one (1) level if quality varies with depth. ()
 - b.** Separate facilities for release of less desirable water held in storage. ()
 - c.** Where frazil ice may be a problem, holding the velocity of flow into the intake structure to a minimum, generally not to exceed point five (0.5) feet per second. Frazil ice is made up of randomly distributed ice crystals that are formed in flowing water that has cooled below thirty-two (32) degrees Fahrenheit and is prevented from forming into ice sheets by the movement of the water. ()
 - d.** Inspection manholes every one thousand (1000) feet for pipe sizes large enough to permit visual inspection. ()
 - e.** Cleaning the intake line as needed. ()
 - f.** Adequate protection against rupture by dragging anchors, ice, or other hazards. ()
 - g.** Ports located above the bottom of the stream, lake or impoundment, but at sufficient depth to be kept submerged at low water levels. ()
 - h.** Where shore wells are not provided, a diversion device capable of keeping large quantities of fish or debris from entering an intake structure. ()
 - i.** If necessary, provisions ~~shall~~ **must** be made in the intake structure to control the influx of nuisance aquatic organisms. Specific control methods must be approved by the ~~reviewing authority~~ **Department**. (3-24-22)()
 - j.** When buried surface water collectors are used, sufficient intake opening area must be provided to minimize inlet headloss. Particular attention ~~shall~~ **must** be given to the selection of backfill material in relation to the collector pipe slot size and gradation of the native material over the collector system. (3-24-22)()
- 02. Raw Water Pumps.** Raw water pumping wells ~~shall~~ **must**: (3-24-22)()
 - a.** Have motors and electrical controls located above grade (except for submersible pumps); and protected from flooding as required by the ~~reviewing authority~~ **Department**. (3-24-22)()
 - b.** Be accessible and designed to prevent flotation. ()
 - c.** Be equipped with removable or traveling screens before the pump suction well. ()
 - d.** Provide for introduction of chlorine or other chemicals in the raw water transmission main if necessary for quality control. ()
 - e.** Where practical, have intake valves and provisions for back flushing or cleaning by a mechanical device and testing for leaks. ()
 - f.** Have provisions for withstanding surges where necessary. ()
- 03. Off-stream Raw Water Storage.** An off-stream raw water storage reservoir is a facility into which water is pumped during periods of good quality and high stream flow for future release to treatment facilities. These off-stream raw water storage reservoirs ~~shall~~ **must** be constructed to assure that: (3-24-22)()

- a. Water quality is protected by controlling runoff into the reservoir. ()
- b. Dikes are structurally sound and protected against wave action and erosion. ()
- c. Intake structures and devices meet requirements of Subsection 515.01. ()
- d. Point of influent flow is separated from the point of withdrawal. ()
- e. Separate pipes are provided for influent to and effluent from the reservoir. ()
- 04. **Reservoirs.** Impoundments and reservoirs ~~shall~~ must provide, where applicable: (3-24-22)()
 - a. Removal of brush and trees to high water elevation. ()
 - b. Protection from floods during construction. (3-24-22)()
 - c. ~~Abandonment of all wells~~ Wells which will be inundated, by the reservoir must be abandoned in accordance with requirements of the Idaho Department of Water Resources. See Rules of the Idaho ~~Water Resources Board~~ Department of Water Resources referenced in Subsection 002.02. (3-24-22)()

(BREAK IN CONTINUITY OF SECTIONS)

521. ~~FACILITY AND DESIGN STANDARDS: SURFACE WATER TREATMENT: FILTRATION USING RAPID RATE GRAVITY FILTERS.~~

- 01. **Pretreatment.** The use of rapid rate gravity filters ~~shall~~ requires pretreatment in the form of coagulation, flocculation, and sedimentation. (3-24-22)()
- 02. **Rate of Filtration.** The filter rate must be proposed and justified by the design engineer ~~to the satisfaction of~~ in the Department ~~prior to the preparation of final plans and specifications~~ approved PER. (3-24-22)()
- 03. **Number of Units.** A minimum of two (2) units for redundancy ~~shall~~ must be provided for filtration such that plant design capacity can be maintained with any component out of service for maintenance or repairs. Where declining rate filtration is provided, the variable aspect of filtration rates, and the number of filters must be considered when determining the design capacity for the filters. (3-24-22)()
- 04. **Structure and Hydraulics.** The filter structure ~~shall~~ must be designed to provide for: (3-24-22)()
 - a. ~~Vertical walls within the filter.~~ There ~~shall~~ may be no protrusion of the vertical filter walls into the filter media. (3-24-22)()
 - b. Cover by superstructure with sufficient headroom to permit normal inspection and operation. ()
 - c. Minimum depth of filter box of eight and one-half (8.5) feet. ()
 - d. Minimum water depth over the surface of the filter media of three (3) feet. ()
 - e. Trapped effluent to prevent backflow of air to the bottom of the filters. ()
 - f. Prevention of floor drainage to the filter with a minimum four (4) inch curb around the filters. ()

- g.** Prevention of flooding by providing overflow. ()
- h.** Maximum velocity of treated water entering the filters of two (2) feet per second. ()
- i.** Cleanouts and straight alignment for influent pipes or conduits where solids loading is heavy, or following lime-soda softening. ()
- j.** Washwater drain capacity to carry maximum flow. ()
- k.** Walkways around filters to be not less than twenty-four (24) inches wide and equipped with safety handrails or walls. ()
- l.** Construction so as to prevent cross connections and common walls between potable water and non-potable fluids. ()
- 05. Wash~~w~~ Water Troughs.** Washwater troughs ~~shall~~ **must** be constructed to have: ~~(3-24-22)~~()

 - a.** The bottom elevation above the maximum level of expanded media during washing. ()
 - b.** A two (2) inch freeboard at the maximum rate of wash. ()
 - c.** The top edge level and all at the same elevation. ()
 - d.** Spacing so that each trough serves the same number of square feet of filter area. ()
 - e.** Maximum horizontal travel of suspended particles to reach the trough not to exceed three (3) feet. ()
- 06. Filter Material.** The media ~~shall~~ **must** be clean silica sand or other natural or synthetic media free from detrimental chemical or bacterial contaminants, approved by the Department, and having the following characteristics: ~~(3-24-22)~~()

 - a.** A total depth of not less than twenty-four (24) inches and generally not more than thirty (30) inches. ()
 - b.** An effective size range of the smallest material no greater than forty-five hundredths (0.45) of a millimeter to fifty-five hundredths (0.55) of a millimeter. ()
 - c.** A uniformity coefficient of the smallest material not greater than one and sixty-five hundredths (1.65). ()
 - d.** A minimum of twelve (12) inches of media with an effective size range no greater than forty-five hundredths (0.45) of a millimeter to fifty-five hundredths (0.55) of a millimeter and a specific gravity greater than other filtering materials within the filter. ()
 - e.** Types of filter media are as follows: ()

 - i.** Clean, crushed anthracite or a combination of anthracite and other media may be considered on the basis of experimental data specific to the project. The anthracite ~~shall~~ **must** have the following characteristics: ~~(3-24-22)~~()

 - (1) Effective size of forty-five hundredths (0.45) of a millimeter to fifty-five hundredths (0.55) of a millimeter with uniformity coefficient not greater than sixty-five hundredths (1.65) when used alone. ()
 - (2) Effective size of eight tenths (0.8) of a millimeter to one and two-tenths (1.2) millimeters with a uniformity coefficient not greater than one and eighty-five hundredths (1.85) when used as a cap. ()

(3) Effective size for anthracite used as a single media on potable ground-water for iron and manganese removal only ~~shall~~ **must** be a maximum of eight tenths (0.8) of a millimeter (effective sizes greater than this may be approved based upon onsite pilot plant studies or other demonstration acceptable to the Department). See Subsection 501.19 for general information on conducting pilot studies. (3-24-22)()

ii. Sand media ~~shall~~ **must** have the following characteristics: (3-24-22)()

(1) Effective size of forty-five hundredths (0.45) of a millimeter to fifty-five hundredths (0.55) of a millimeter. ()

(2) Uniformity coefficient of not greater than one and sixty-five hundredths (1.65). ()

(3) Larger size sand media may be allowed by the Department where full-scale tests have demonstrated that treatment goals can be met under all conditions. ()

iii. Granular activated carbon (GAC) as a single media may be considered for filtration only after pilot or full-scale testing and with prior approval of the Department. ~~See in accordance with~~ Subsection 501.19 ~~for general information on conducting pilot studies.~~ The design ~~shall~~ **must** include the following: (3-24-22)()

(1) The media must meet the basic specifications for filter media as given in Subsections 521.06.a. through d., except that larger size media may be allowed where full scale tests have demonstrated that treatment goals can be met under all conditions. ()

(2) There must be a means for periodic treatment of filter material for control of bacterial and other growth. ()

(3) Provisions must be made for frequent replacement or regeneration. ()

iv. Other media will be considered based on experimental data and operating experience. ()

v. A three (3) inch layer of torpedo sand ~~shall~~ **must** be used as a supporting media for filter sand where supporting gravel is used, and ~~shall~~ **must** have an effective size of eight-tenths (0.8) millimeters to two (2.0) millimeters, and a uniformity coefficient not greater than one and seven-tenths (1.7). (3-24-22)()

vi. Gravel, when used as the supporting media, ~~shall~~ **must** consist of cleaned and washed, hard, durable, rounded silica particles and ~~shall~~ **must** not include flat or elongated particles. The coarsest gravel ~~shall~~ **must** be two and one-half (2.5) inches in size when the gravel rests directly on a lateral system and must extend above the top of the perforated laterals. Not less than four (4) layers of gravel ~~shall~~ **must** be provided in accordance with the size and depth distribution specified in the table below. Reduction of gravel depths and other size gradations may be considered upon justification to the ~~reviewing authority for slow sand filtration or~~ **Department** when proprietary filter bottoms are specified.

Size of Gravel	Depth
2 ½ to 1 ½ inches	5 to 8 inches
1 ½ to ¾ inches	3 to 5 inches
¾ to ½ inches	3 to 5 inches
½ to 3/16 inches	2 to 3 inches
3/16 to 3/32 inches	2 to 3 inches

(3-24-22)()

07. Filter Bottoms and Strainer Systems. Departure from the standards set out in Subsection 521.07 may be acceptable for high rate filters and for proprietary bottoms. Porous plate bottoms ~~shall~~ **must** not be used where

iron or manganese may clog them or with waters softened by lime. The design of manifold-type collection systems ~~shall~~ must: (3-24-22)()

- a. Minimize loss of head in the manifold and laterals. ()
- b. Ensure even distribution of wash water and even rate of filtration over the entire area of the filter. ()
- c. Provide the ratio of the area of the final openings of the strainer systems to the area of the filter at about three-thousandths (0.003), ()
- d. Provide the total cross-sectional area of the laterals at ~~about~~ twice the total area of the final openings. (3-24-22)()
- e. Provide the cross-sectional area of the manifold at one and one-half (1.5) to two (2) times the total area of the laterals. ()
- f. Lateral perforations without strainers ~~shall~~ must be directed downward. (3-24-22)()

08. Surface or Subsurface Wash. Surface or subsurface wash facilities are required except for filters used exclusively for iron or manganese removal, and may be accomplished by a system of fixed nozzles or a revolving-type apparatus. All devices ~~shall~~ must be designed with: (3-24-22)()

- a. Provision for water pressures of at least forty-five (45) pounds per square inch. ()
- b. A properly installed vacuum breaker or other approved device to prevent back siphonage if connected to the treated water system. ()
- c. Rate of flow of two (2.0) gallons per minute per square foot of filter area with fixed nozzles or one-half (0.5) gallon per minute per square foot with revolving arms. ()
- d. Air wash can be considered based on experimental data and operating experiences. ()

09. Air Scouring. Air scouring can be considered in place of surface wash provided the following conditions are met: ()

- a. Air flow for air scouring the filter must be three (3) to five (5) standard cubic feet per minute square foot of filter area when the air is introduced in the underdrain; a lower air rate must be used when the air scour distribution system is placed above the underdrains. ()
- b. A method for avoiding excessive loss of the filter media during backwashing must be provided. ()
- c. Air scouring must be followed by a fluidization wash sufficient to re-stratify the media. ()
- d. Air must be free from contamination. ()
- e. Air scour distribution systems ~~shall~~ must be placed below the media and supporting bed interface with the following exception: if placed at the interface the air scour nozzles ~~shall~~ must be designed to prevent media from clogging the nozzles or entering the air distribution system. (3-24-22)()
- f. Piping for the air distribution system ~~shall~~ must not be flexible hose which will collapse when not under air pressure and ~~shall~~ must not be a relatively soft material which may erode at the orifice opening with the passage of air at high velocity. (3-24-22)()
- g. Air delivery piping ~~shall~~ must not pass down through the filter media nor ~~shall~~ may there be any arrangement in the filter design which ~~would~~ allow s short circuiting between the applied unfiltered water and the

filtered water.

(3-24-22)()

h. The backwash water delivery system must be capable of fifteen (15) gallons per minute per square foot of filter surface area (37 m/hr); however, when air scour is provided the backwash water rate must be variable and ~~should~~ not exceed eight (8) gallons per minute per square foot (20 m/hr) unless operating experience shows that a higher rate is necessary to remove scoured particles from filter media surfaces.

(3-24-22)()

i. The filter underdrains ~~shall~~ **must** be designed to accommodate air scour piping when the piping is installed in the underdrain.

(3-24-22)()

10. **Filter Appurtenances.** The following ~~shall~~ **must** be provided for every filter: (3-24-22)()

a. Influent and effluent sampling taps. ()

b. A gauge capable of indicating loss of head. ()

c. A meter indicating rate-of flow. A modified rate controller which limits the rate of filtration to a maximum rate may be used. However, equipment that simply maintains a constant water level on the filters is not acceptable, unless the rate of flow onto the filter is properly controlled. A pump or a flow meter in each filter effluent line may be used as the limiting device for the rate of filtration only if approved by the Department on a site-specific basis.

()

11. **Backwash.** Provisions ~~shall~~ **must** be made for washing filters as follows: (3-24-22)()

a. A minimum backwash rate such that a fifty (50) percent expansion of the filter bed is achieved. ()

b. Filtered water provided at the required rate by wash water tanks, a wash water pump, from the high service main, or a combination of these. ()

c. Wash water pumps in duplicate unless an alternate means of obtaining wash water is available. ()

d. Not less than fifteen (15) minutes wash of one filter at the design rate of wash. ()

e. A wash water regulator or valve on the main wash water line to obtain the desired rate of filter wash with the wash water valves on the individual filters open wide. ()

f. A rate-of-flow indicator, preferably with a totalizer, on the main wash water line, located so that it can be easily read by the operator during the washing process. ()

g. Design to prevent rapid changes in backwash water flow. Backwash ~~shall~~ **must** be operator initiated. Automated systems ~~shall~~ **must** be operator adjustable. (3-24-22)()

12. **Roof Drainage.** Roof drains ~~shall~~ **must** not discharge into the filters or basins and conduits preceding the filters. (3-24-22)()

(BREAK IN CONTINUITY OF SECTIONS)

529. ~~FACILITY AND DESIGN STANDARDS:~~ **REQUIRED** DISINFECTION OF DRINKING WATER, ULTRAVIOLET LIGHT.

01. **General.** ()

a. Ultraviolet (UV) light technology is a primary disinfectant typically used for Cryptosporidium,

Giardia lamblia, and virus inactivation of both surface water and ground-water supplies. Reactor performance in terms of inactivation of any particular organism is a function of the delivered dose which is determined by validation testing. PWSs that are required to maintain a disinfectant residual in the distribution system must supplement UV disinfection with a chemical disinfectant. (3-24-22)()

b. UV disinfection credit will be awarded for filtered ~~systems~~ PWSs and unfiltered ~~systems~~ PWSs if the ~~system~~ unfiltered PWS meets the requirements ~~for unfiltered systems~~ in 40 CFR 141.71. ~~Systems~~ PWSs will receive Cryptosporidium, Giardia lamblia, and virus treatment credits by achieving the corresponding UV dose values for the appropriate target pathogen and log reduction shown in Subsection 529.03, calculated to take into account the validation factor and reduction equivalent dose. The target pathogen and the target log inactivation ~~shall~~ be is used to identify the corresponding required UV dose. (3-24-22)()

c. For ~~water systems~~ PWSs using UV light to meet microbial treatment requirements, at least ninety-five percent (95%) of the water delivered to the public every month must be treated by UV reactors operating within validated conditions for the required UV dose. (3-24-22)()

d. When reviewing proposed UV disinfection projects, the Department will use the USEPA UV Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule referenced in Subsection 002.02 (UV Disinfection Guidance Manual) for guidance. ()

02. Pilot Studies and Validation. ()

a. The Department may allow on-site pilot studies on a case-by-case basis in accordance with Subsection 501.19. Pilot studies are usually used to determine how much fouling occurs on site, to evaluate UV system reliability (e.g. UV sensors, UV transmittance (UVT) monitors, ballast reliability) and to provide operators experience running a UV system. They may also be used to assess lamp aging or impacts of power quality. See Subsection 501.19 for general information on conducting pilot studies. (3-24-22)()

b. Validation testing determines the operating conditions and monitoring algorithms that the UV system will use to define how much UV dose is being delivered by the reactor during operation. The validated dose as determined through validation testing is compared to the required dose in the UV Dose Table (Subsection 529.03) to determine inactivation credit. The validated dose is calculated by dividing the determined reduction equivalent dose by a validation factor to account for biases and experimental uncertainty. UV light treatment reactors ~~shall~~ must be validated by a third party entity approved by the Department. At a minimum, validation testing must account for the following: UV absorbance of the water; lamp fouling and aging; measurement uncertainty of on-line UV sensors; UV dose distributions arising from the velocity profiles through the reactor; failure of UV lamps and other critical system components; inlet and outlet piping configuration of the UV reactor; lamp and UV sensor locations; and other parameters required by the Department. The Department may allow alternative test microbes such as MS2 phage where the UV dose response better matches that of Cryptosporidium and Giardia lamblia to provide more accurate and efficient UV dose monitoring. Additional guidance is available in the UV Disinfection Guidance Manual, referenced in Subsection 002.02, or another validation standard as approved by the Department. (3-24-22)()

c. Validation testing ~~shall~~ must be conducted on full scale testing of a reactor that conforms uniformly to the UV reactors used by the ~~system~~ PWS and inactivation of a test microorganism whose dose response characteristics have been quantified with a low pressure mercury vapor lamp. (3-24-22)()

d. Validation testing must determine and establish validated operating conditions under which the reactor delivers the required UV dose in Subsection 529.03. Validated operating conditions include: ()

i. Flow rate; ()

ii. UV Intensity as measured by a UV sensor; ()

iii. UV lamp operating status. ()

e. The ~~d~~Department may approve an alternative approach to validation testing. (3-24-22)()

03. **UV Dose Table.** The treatment credits listed in the dose table are based on UV light at a wavelength of two hundred fifty-four (254) nm as produced by a low pressure mercury vapor lamp. To receive treatment credit for other lamp types, the ~~system shall~~ **PWS must** demonstrate an equivalent germicidal dose through validation testing.

UV Dose Table (millijoules per square centimeter)			
Log	Cryptosporidium	Giardia lamblia	Virus
0.5	1.6	1.5	39
1.0	2.5	2.1	58
1.5	3.9	3.0	79
2.0	5.8	5.2	100
2.5	8.5	7.7	121
3.0	12	11	143
3.5	15	15	163
4.0	22	22	186

(3-24-22)()

04. **Reactor Design.** Inlet and outlet conditions ~~shall~~ **must** ensure that UV dose delivery at the plant is equal to or exceeds that utilized during validation. At a minimum, design criteria ~~shall need to~~ address target pathogen(s), required log inactivation and UV dose, flow rate, UVT, and lamp aging and fouling factors. UVT and flow rate ~~shall are to~~ be selected to account for seasonal changes in UVT. Lamp aging and fouling factors ~~shall must~~ be supported by documentation or pilot study data. Recommended approaches of the UV Disinfection Guidance Manual, referenced in Subsection 002.02, ~~shall are to~~ be used in meeting this requirement. (3-24-22)()

a. The reactor systems must be designed to monitor and record parameters to verify the operation within the validated operating conditions approved by the Department. The ~~system PWS~~ must be equipped with facilities to monitor and record UV intensity as measured by a UV sensor, flow rate, lamp status, UVT, and other parameters designated by the Department. (3-24-22)()

b. The ultraviolet treatment device ~~shall must~~ be designed to provide a UV light dose equal to or greater than that specified in the UV Dose Table for the required log reduction. The UV Disinfection Guidance Manual, referenced in Subsection 002.02, ~~shall must~~ be utilized in evaluating the appropriate dose required for the target microbe. The reactor ~~shall also will need to~~ deliver the target dose while operating within the validated operating conditions for that particular unit. (3-24-22)()

c. The ultraviolet treatment assemblies ~~shall must~~ be designed to allow for cleaning and replacement of the lamp, lamp sleeves, and sensor window or lens. (3-24-22)()

d. All ultraviolet treatment device designs ~~shall must~~ evaluate lamp fouling and aging issues and manufacturer's recommendations regarding fouling, aging, and replacement ~~shall will~~ be discussed in the Operation and Maintenance Manual. (3-24-22)()

e. For in-situ cleaning of the lamp sleeve, the design ~~shall must~~ protect the potable water from cleaning solutions. (3-24-22)()

f. When off-line chemical cleaning systems are used, the UV enclosure ~~shall must~~ be removed from service, drained, flushed with an NSF/ANSI Standard 60 certified solution, drained, and rinsed before being placed back in service. (3-24-22)()

g. On-line systems that use wipers or brushes may use chemical solutions provided they are NSF/

ANSI Standard 60 certified. ()

h. An automatic shutdown valve ~~shall~~ must be installed in the water supply line from the ultraviolet treatment device such that if power is not provided to the reactor or valve, the valve ~~shall~~ will be in the closed position. (3-24-22)()

i. The design of the inlet and outlet piping configuration and the locations of expansions, bends, tees and valves ~~shall~~ will assure that the UV dose delivery is equal to or greater than the required UV dose. Approach length prior to each reactor included in the credited dose calculations, downstream length following each reactor, and locations of any cleaning device/mechanism ~~shall~~ must be based on validation testing. (3-24-22)()

j. For parallel trains, the flow to each reactor ~~shall~~ must be equally distributed and metered or otherwise account for uneven flows in the design to ensure that the required UV dose is delivered to each train under varying flow conditions. (3-24-22)()

k. Valves ~~shall~~ must be provided to allow isolating and removing from service each UV reactor. (3-24-22)()

l. Reactors ~~shall~~ will be provided with air relief and pressure control valves per manufacturer requirements. (3-24-22)()

m. UVT analyzers ~~shall~~ must be provided if UVT is part of the dose monitoring strategy. It is recommended that UVT be monitored on a regular basis for all ~~systems~~ PWSs to assess UVT variability. (3-24-22)()

n. A single train with a standby reactor or a sufficient number of parallel ultraviolet treatment devices ~~shall~~ must be installed to ensure that adequate disinfection is provided when one unit is out of service. The Department may approve an alternate method that provides adequate disinfection such as standby chlorination. Any ~~system~~ PWS that produces water on an irregular schedule may provide documentation for the Department's review and approval that a single reactor ~~would be~~ is an acceptable design by demonstrating there ~~would be~~ is adequate ~~for~~ time for maintenance and cleaning during operation shutdowns. (3-24-22)()

o. No bypass of the ultraviolet treatment process may be installed unless an alternate method of providing adequate disinfection is provided. ()

05. Controls. ()

a. A delay mechanism ~~shall~~ must be installed to provide sufficient lamp warm-up prior to allowing water to flow from the ultraviolet treatment unit. (3-24-22)()

b. An automatic shutdown ~~shall~~ must be designed to activate the shutdown valve in cases where the ultraviolet light dose falls below the approved design dose or outside of the validated specifications. (3-24-22)()

06. Reliability. The ~~system~~ PWS must be capable of producing the plant design capacity at all times. (3-24-22)()

a. ~~Standby equipment.~~ Unless otherwise approved by the Department ~~based on documentation provided by the design engineer~~ and in accordance with Subsection 529.04.n., a minimum of two (2) reactors is required to maintain disinfection when one unit is taken out of service. Each reactor must be sized to deliver the required UV dose under the operating conditions of flow and UVT that occur at the plant. The conditions ~~shall~~ must fall within the validated range of the reactor as determined during validation testing. (3-24-22)()

b. ~~Power supply.~~ The quality and reliability of the power supply ~~shall~~ must be analyzed and back-up power supplies ~~shall~~ will be discussed in the contingency plan. (3-24-22)()

c. ~~Validated operating conditions.~~ If UVT is above the validated range of UVT, the UV dose

monitoring algorithm ~~shall~~ **must** default to the maximum of the validated range. If UVT is below the validated range, the UV system operation ~~shall~~ **must** be recorded as outside of the validated operating conditions. When UVT falls outside of ranges identified in the validated operating conditions, the contingency plan ~~shall~~ **will** be enacted if UVT is part of the dose monitoring strategy. (3-24-22)()

d. Contingency plan. A contingency plan for total UV disinfection failure, loss of power, or in the event that water quality changes produce water quality unsuitable for UV disinfection ~~shall~~ **must** be described in the preliminary engineering report **PER**. (3-24-22)()

07. Monitoring. ~~Water systems~~ **PWSs** using UV light must monitor for the parameters necessary to demonstrate operation within the validated conditions of the required UV dose. **PWSs owners** must check the calibration of UV sensors and online UVT monitors and recalibrate in accordance with a protocol approved by the Department. At a minimum, the following parameters must be monitored: (3-24-22)()

a. Flow rate. If the flow rate is below the validated range, then the UV dose monitoring algorithm ~~shall~~ **must** default to the validated range. If the flow rate is above the validated range, then the UV system operation ~~shall~~ **will** be recorded as outside of the validated operating conditions; (3-24-22)()

- b.** UV intensity as measured by UV sensors; ()
- c.** UVT if UVT is part of the dose monitoring strategy; and ()
- d.** Lamp status. ()

08. Alarms. The settings or predetermined set points for the alarms ~~shall~~ **must** be specified in the preliminary engineering report **PER**. The report ~~shall~~ **must** also specify the alarms that ~~shall~~ **will** activate the contingency plan response. At a minimum, the following alarms are required: (3-24-22)()

- a.** Low UV intensity; ()
- b.** High turbidity if required by the Department; ()
- c.** Low UVT; ()
- d.** Low UV dose; ()
- e.** Lamp failure; ()
- f.** UVT monitor failure; ()
- g.** UV sensor failure; ()
- h.** Low water level; and ()
- i.** High flow rate. ()

09. Initial Startup. The following items ~~shall~~ **must** be tested and verified before UV disinfected water is distributed: (3-24-22)()

- a.** Electrical components; ()
- b.** Water level; ()
- c.** Flow split between reactor trains if applicable; ()
- d.** Controls and alarms; and ()

- e. Instrument calibration. ()

10. Operation and Maintenance Manual. A project specific operation and maintenance manual ~~shall~~ **must** be provided as required in Subsection 501.12. See definition of Operation and Maintenance Manual in Section 003 for the typical contents of an operation and maintenance manual and the included operations plan. The operations plan in the operation and maintenance manual ~~shall~~ **must** include, but is not limited to, the following information:

(3-24-22)()

a. ~~Lamp aging and replacement intervals.~~ Lamp replacement intervals may be based on the degree of lamp aging as indicated by the UV sensors; (3-24-22)()

- b. Lamp fouling analysis and cleaning procedures; ()

- c. Lamp replacement; and ()

- d. Lamp breakage. ()

530. ~~FACILITY AND DESIGN STANDARDS: DISINFECTION OF DRINKING WATER, DISINFECTING AGENTS.~~

~~Disinfection may be accomplished~~ **PWS owners may accomplish** with gas and liquid chlorine, calcium or sodium hypochlorites, chlorine dioxide, ozone, or ultraviolet light. Other disinfecting agents will be considered, providing reliable application equipment is available and testing procedures for a residual are recognized in “Standard Methods for the Examination of Water and Wastewater,” referenced in Subsection 002.02, or an equivalent means of measuring effectiveness exists. The required amount of primary disinfection needed ~~shall will~~ be specified by the Department. Consideration must be given to the formation of disinfection by-products (DBP) when selecting the disinfectant. See Section 531, ~~Facility Design Standards~~ Design Standards for Chemical Application. For ~~public water systems~~ **PWSs** using only ground-water and that voluntarily chlorinate, see Subsection 552.04.

(3-24-22)()

- 01. Chlorination.** ()

a. In addition to the requirements of Section 531, chlorination equipment ~~shall~~ **must** meet the following requirements: (3-24-22)()

i. Solution-feed gas chlorinators or hypochlorite feeders of the positive displacement type must be provided. ()

ii. Standby or backup equipment of sufficient capacity ~~shall will~~ be available to replace the largest unit. Spare parts ~~shall will~~ be on hand to replace parts subject to wear and breakage. (3-24-22)()

iii. Automatic proportioning chlorinators are required where the rate of flow or chlorine demand is not reasonably constant. ()

iv. Each eductor (submerged jet pump) must be selected for the point of application with particular attention given to the quantity of chlorine to be added, the maximum injector waterflow, the total discharge back pressure, the injector operating pressure, and the size of the chlorine solution line. ()

v. The chlorine solution injector/diffuser must be compatible with the point of application to provide a rapid and thorough mix with all the water being treated. ()

vi. Automatic switch-over of chlorination treatment units ~~shall will~~ be provided, where necessary, to assure continuous disinfection. (3-24-22)()

- b. Effective contact time and point of application requirements are as follows: ()

i. Effective contact time sufficient to achieve the inactivation of target pathogens under the expected range of raw water pH and temperature variation must be demonstrated through tracer studies or other evaluations or

calculations acceptable to the Department. Improving Clearwell Design for CT Compliance, referenced in Section 002.02, contains information that may be used as guidance for these calculations. Additional baffling can be added to new or existing basins to minimize short circuiting and increase contact time. ()

ii. At least two (2) contactors ~~shall~~ **must** be provided which are each capable of providing the required effective contact time at one-half (1/2) of the plant design capacity. Alternatively, a single contactor that can provide effective contact time at plant design capacity may be designed with separate sections and bypass piping to allow sections to be cleaned or maintained individually during low flow conditions. Any ~~system~~ **PWS** that produces water on an irregular schedule may provide documentation for the Department's review and approval that a single contactor ~~would be~~ **is** an acceptable design by demonstrating there ~~would be~~ **is** adequate time for maintenance and cleaning during operation shutdowns. (3-24-22)()

iii. At plants treating surface water, except slow sand filtration systems: (3-24-22)

(+) ~~Unless otherwise approved by the Department, in addition to the injection point prior to the disinfection contact tank, injection points shall, including all appurtenant chemical feed piping, must~~ also be provided for applying the disinfectant to the raw water, settled water, and water entering the distribution system. (3-24-22)()

(2) ~~Unless otherwise approved by the Department, chemical piping or tubing shall be installed from the disinfectant feed system to each injection system during the initial construction.~~ (3-24-22)

iv. For pipeline contactors, provision ~~shall~~ **must** be made to drain accumulated sediment from the bottom of the contactor if the discharge from the contactor is not located at the bottom. (3-24-22)()

c. Chlorine residual test equipment recognized in the "Standard Methods for the Examination of Water and Wastewater," referenced in Subsection 002.02, ~~shall~~ **must** be provided for use by the operator. All surface water treatment plants that serve a population greater than three thousand three hundred (3,300) must have equipment to measure chlorine residuals continuously entering the distribution system. A sample tap ~~shall~~ **must** be provided to measure chlorine residual and ~~shall~~ **will** be located at a point after receiving the required contact time and at or prior to the first service connection. (3-24-22)()

d. Chlorinator piping requirements: ()

i. ~~Cross-connection protection:~~ The chlorinator water supply piping ~~shall~~ **must** be designed to prevent contamination of the treated water supply by sources of questionable quality. At all facilities treating surface water, pre- and post-chlorination systems must be independent to prevent possible siphoning of partially treated water into the clear well. The water supply to each eductor ~~shall~~ **must** have a separate shut-off valve. No master shut-off valve will be allowed. (3-24-22)()

ii. The pipes carrying elemental liquid or dry gaseous chlorine under pressure must be Schedule 80 seamless steel tubing or other materials recommended by the Chlorine Institute (never use PVC). Rubber, PVC, polyethylene, or other materials recommended by the Chlorine Institute must be used for chlorine solution piping and fittings. Nylon products are not acceptable for any part of the chlorine solution piping system. ()

02. Disinfection with Ozone. ~~Systems~~ **PWSs** that are required to maintain a disinfectant residual in the distribution system ~~shall~~ **must** supplement ozone disinfection with a chemical disinfectant. (3-24-22)()

a. The following are requirements for feed gas preparation: ()

i. Feed gas can be air, oxygen enriched air, or high purity oxygen. Sources of high purity oxygen include purchased liquid oxygen conforming with AWWA Standard B-304; on site generation using cryogenic air separation; or temperature, pressure or vacuum swing (adsorptive separation) technology. In all cases, the design engineer must ensure that the maximum dew point of -76°F (-60°C) will not be exceeded at any time. ()

ii. Air compression: ()

(1) Air compressors ~~shall~~ will be of the liquid-ring or rotary lobe, oil-less, positive displacement type for smaller systems or dry rotary screw compressors for larger systems. (3-24-22)()

(2) The air compressors ~~shall~~ will have the capacity to simultaneously provide for maximum ozone demand, provide the air flow required for purging the desiccant dryers (where required) and allow for standby capacity. (3-24-22)()

(3) Air feed for the compressor ~~shall~~ will be drawn from a point protected from rain, condensation, mist, fog and contaminated air sources to minimize moisture and hydrocarbon content of the air supply. (3-24-22)()

(4) A compressed air after-cooler, entrainment separator, or a combination of the two (2) with automatic drain ~~shall~~ will be provided prior to the dryers to reduce the water vapor. (3-24-22)()

(5) A back-up air compressor must be provided so that ozone generation is not interrupted in the event of a break-down. ()

iii. Air drying: ()

(1) Dry, dust-free and oil-free feed gas must be provided to the ozone generator. Dry gas is essential to prevent formation of nitric acid, to increase the efficiency of ozone generation and to prevent damage to the generator dielectrics. Sufficient drying to a maximum dew point of -76°F (-60°C) must be provided at the end of the drying cycle. ()

(2) Drying for high pressure systems may be accomplished using heatless desiccant dryers only. For low pressure systems, a refrigeration air dryer in series with heat-reactivated desiccant dryers ~~shall~~ will be used. (3-24-22)()

(3) A refrigeration dryer capable of reducing inlet air temperature to 40°F (4°C) ~~shall~~ will be provided for low pressure air preparation systems. The dryer can be of the compressed refrigerant type or chilled water type. (3-24-22)()

(4) For heat-reactivated desiccant dryers, the unit ~~shall~~ must contain two (2) desiccant filled towers complete with pressure relief valves, two (2) four-way valves and a heater. In addition, external type dryers ~~shall~~ must have a cooler unit and blowers. The size of the unit ~~shall~~ will be such that the specified dew point will be achieved during a minimum adsorption cycle time of sixteen (16) hours while operating at the maximum expected moisture loading conditions. (3-24-22)()

(5) Multiple air dryers ~~shall~~ will be provided so that the ozone generation is not interrupted in the event of dryer breakdown. (3-24-22)()

(6) Each dryer ~~shall~~ will be capable of venting “dry” gas to the atmosphere, prior to the ozone generator, to allow start-up when other dryers are “on-line.” (3-24-22)()

iv. Air filters: ()

(1) Air filters ~~shall~~ will be provided on the suction side of the air compressors, between the air compressors and the dryers and between the dryers and the ozone generators. (3-24-22)()

(2) The filter before the desiccant dryers ~~shall~~ will be of the coalescing type and be capable of removing aerosol and particulates larger than 0.3 microns in diameter. The filter after the desiccant dryer ~~shall~~ will be of the particulate type and be capable of removing all particulates greater than 0.1 microns in diameter, or smaller if specified by the generator manufacturer. (3-24-22)()

v. Piping in the air preparation system can be common grade steel, seamless copper, stainless steel or galvanized steel. The piping must be designed to withstand the maximum pressures in the air preparation system. ()

- b. The following requirements apply to the ozone generator: ()
- i. Capacity. ()
- (1) The production rating of the ozone generators ~~shall~~ must be stated in pounds per day and kWhr per pound at a maximum cooling water temperature and maximum ozone concentration. (3-24-22)()
- (2) The design ~~shall~~ will ensure that the minimum concentration of ozone in the generator exit gas will not be less than one (1) percent (by weight). (3-24-22)()
- (3) Generators ~~shall~~ will be sized to have sufficient reserve capacity so that the ~~system~~ PWS does not operate at peak capacity for extended periods of time resulting in premature breakdown of the dielectrics. (3-24-22)()
- (4) The production rate of ozone generators will decrease as the temperature of the coolant increases. If there is to be a variation in the supply temperature of the coolant throughout the year, then pertinent data ~~shall~~ will be used to determine production changes due to the temperature change of the supplied coolant. The design ~~shall~~ will ensure that the generators can produce the required ozone at maximum coolant temperature. (3-24-22)()
- (5) Appropriate ozone generator backup equipment must be provided. ()
- ii. ~~Electrical.~~ The generators can be low, medium or high frequency type. Specifications ~~shall~~ will require that the transformers, electronic circuitry and other electrical hardware be proven, high quality components designed for ozone service. (3-24-22)()
- iii. ~~Cooling.~~ Adequate cooling ~~shall~~ must be provided. The cooling water must be properly treated to minimize corrosion, scaling and microbiological fouling of the water side of the tubes. Where cooling water is treated, cross connection control ~~shall~~ must be provided to prevent contamination of the potable water supply. (3-24-22)()
- iv. ~~Materials.~~ To prevent corrosion, the ozone generator shell and tubes ~~shall~~ must be constructed of Type 316L stainless steel. (3-24-22)()
- c. The following requirements apply to ozone contactors: ()
- i. Bubble diffusers. ()
- (1) Where disinfection is the primary application, a minimum of two (2) contact chambers, each equipped with baffles to prevent short circuiting and induce countercurrent flow, ~~shall~~ will be provided. Ozone ~~shall~~ must be applied using porous-tube or dome diffusers. (3-24-22)()
- (2) The minimum contact time ~~shall~~ will be ten (10) minutes. A shorter contact time (CT) may be approved by the Department if justified by appropriate design and "CT" considerations. (3-24-22)()
- (3) Where taste and odor control is of concern, multiple application points and contactors ~~shall~~ will be considered. (3-24-22)()
- (4) Contactors ~~shall~~ will be separate closed vessels that have no common walls with adjacent rooms. The contactor must be kept under negative pressure and sufficient ozone monitors ~~shall~~ will be provided to protect worker safety. (3-24-22)()
- (5) Contact vessels can be made of reinforced concrete, stainless steel, fiberglass or other material which will be stable in the presence of residual ozone and ozone in the gas phase above the water level. If contact vessels are made of reinforced concrete, all reinforcement bars ~~shall~~ must be covered with a minimum of one and one-half (1.5) inches of concrete. (3-24-22)()

(6) Where necessary, a system ~~shall is to~~ be provided between the contactor and the off-gas destruct unit to remove froth from the air and return the other to the contactor or other location acceptable to the ~~reviewing authority~~ Department. If foaming is expected to be excessive, then a potable water spray system ~~shall must~~ be placed in the contactor head space. (3-24-22)()

(7) All openings into the contactor for pipe connections, hatchways, etc. ~~shall must~~ be properly sealed using welds or ozone resistant gaskets such as Teflon or Hypalon. (3-24-22)()

(8) Multiple sampling ports ~~shall must~~ be provided to enable sampling of each compartment's effluent water and to confirm "CT" calculations. (3-24-22)()

(9) A pressure/vacuum relief valve ~~shall must~~ be provided in the contactor and piped to a location where there will be no damage to the destruction unit. (3-24-22)()

(10) The depth of water in bubble diffuser contactors ~~shall must~~ be a minimum of eighteen (18) feet. The contactor ~~shall must~~ also have a minimum of three (3) feet of freeboard to allow for foaming. (3-24-22)()

(11) All contactors ~~shall will~~ have provisions for cleaning, maintenance and drainage of the contactor. Each contactor compartment ~~shall must~~ also be equipped with an access hatchway. (3-24-22)()

(12) Aeration diffusers ~~shall must~~ be fully serviceable by either cleaning or replacement. (3-24-22)()

ii. Other contactors, such as the venturi or aspirating turbine mixer contactor, may be approved by the Department provided adequate ozone transfer is achieved and the required contact times and residuals can be met and verified. ()

d. The following requirements apply to ozone destruction units: ()

i. A system for treating the final off-gas from each contactor must be provided in order to meet safety and air quality standards. Acceptable systems include thermal destruction and thermal/catalytic destruction units. ()

ii. The maximum allowable ozone concentration in the discharge is 0.1 ppm (by volume). ()

iii. At least two (2) units ~~shall will~~ be provided which are each capable of handling the entire gas flow. (3-24-22)()

iv. Exhaust blowers ~~shall must~~ be provided in order to draw off-gas from the contactor into the destruct unit. (3-24-22)()

v. Catalysts must be protected from froth, moisture and other impurities which may harm the catalyst. ()

vi. The catalyst and heating elements ~~shall will~~ be located where they can easily be reached for maintenance. (3-24-22)()

e. ~~Piping materials:~~ Only low carbon 304L and 316L stainless steels ~~shall may~~ be used for ozone service with 316L preferred. (3-24-22)()

f. The following requirements apply to joints and connections: ()

i. Connections on piping used for ozone service are to be welded where possible. ()

ii. Connections with meters, valves or other equipment are to be made with flanged joints with ozone resistant gaskets, such as Teflon or Hypalon. Screwed fittings ~~shall may~~ not be used because of their tendency to leak. (3-24-22)()

iii. A positive closing plug or butterfly valve plus a leak-proof check valve ~~shall~~ **must** be provided in the piping between the generator and the contactor to prevent moisture reaching the generator. (3-24-22)()

g. The following ~~requirements apply to~~ instrumentation **must be provided**: (3-24-22)()

i. Pressure gauges ~~shall be provided~~ at the discharge from the air compressor, at the inlet to the refrigeration dryers, at the inlet and outlet of the desiccant dryers, at the inlet to the ozone generators and contactors, and at the inlet to the ozone destruction unit. (3-24-22)()

ii. ~~Each generator shall have a~~ trip which shuts down the generator when the wattage exceeds a certain preset level. (3-24-22)()

iii. Dew point monitors ~~shall be provided~~ for measuring the moisture of the feed gas from the desiccant dryers. Where there is potential for moisture entering the ozone generator from downstream of the unit or where moisture accumulation can occur in the generator during shutdown, post-generator dew point monitors ~~shall~~ **must** be used. (3-24-22)()

iv. Air flow meters ~~shall be provided~~ for measuring air flow from the desiccant dryers to each of the other ozone generators, air flow to each contactor, and purge air flow to the desiccant dryers. (3-24-22)()

v. Temperature gauges ~~shall be provided~~ for the inlet and outlet of the ozone cooling water and the inlet and outlet of the ozone generator feed gas and, if necessary, for the inlet and outlet of the ozone power supply cooling water. (3-24-22)()

vi. Water flow meters ~~shall be installed~~ to monitor the flow of cooling water to the ozone generators and, if necessary, to the ozone power supply. (3-24-22)()

vii. Ozone monitors ~~shall be installed~~ to measure zone concentration in both the feed-gas and off-gas from the contactor and in the off-gas from the destruct unit. For disinfection systems, monitors ~~shall also be provided~~ for monitoring ozone residuals in the water. The number and location of ozone residual monitors ~~shall~~ **must** be such that the amount of time that the water is in contact with the ozone residual can be determined. (3-24-22)()

viii. A minimum of one ambient ozone monitor ~~shall be~~ installed in the vicinity of the contactor and a minimum of one ~~shall be~~ installed in the vicinity of the generator. Ozone monitors ~~shall also~~ **must** be installed in any areas where ozone gas may accumulate. (3-24-22)()

h. Safety requirements are as follows: ()

i. The maximum allowable ozone concentration in the air to which workers may be exposed must not exceed one-tenth part per million (0.1 ppm) by volume. ()

ii. Noise levels resulting from the operating equipment of the ozonation system ~~shall~~ **must** be controlled to within acceptable limits by special room construction and equipment isolation. (3-24-22)()

iii. **PWS owners must provide e**Emergency exhaust fans ~~must be provided~~ in the rooms containing the ozone generators to remove ozone gas if leakage occurs. (3-24-22)()

iv. **PWS owners must post a** sign ~~shall be posted~~ indicating "No smoking, oxygen in use" at all entrances to the treatment plant. In addition, no flammable or combustible materials ~~shall~~ **may** be stored within the oxygen generator areas. (3-24-22)()

03. Disinfection with Chlorine Dioxide. Chlorine dioxide may be considered as a primary and residual disinfectant, a pre-oxidant to control tastes and odors, to oxidize iron and manganese, and to control hydrogen sulfide and phenolic compounds. When choosing chlorine dioxide, consideration must be given to formation of the regulated by-products, chlorite and chlorate. ()

a. Chlorine dioxide generation equipment ~~shall~~ must be factory assembled pre-engineered units with a minimum efficiency of ninety-five (95) percent. The excess free chlorine ~~shall~~ may not exceed three (3) percent of the theoretical stoichiometric concentration required. (3-24-22)()

b. Other design requirements include: ()

i. The design ~~shall~~ must comply with all applicable portions of Subsections 530.01.a. through 530.01.d. (3-24-22)()

ii. The maximum residual disinfectant level allowed ~~shall be~~ is zero point eight (0.8) milligrams per liter (mg/l), even for short term exposures. (3-24-22)()

iii. Notification of a change in disinfection practices and the schedule for the changes ~~shall~~ must be made known to the public; particularly to hospitals, kidney dialysis facilities and fish breeders, as chlorine dioxide and its by-products may have effects similar to chloramines. (3-24-22)()

04. Other Disinfecting Agents. Proposals for use of disinfecting agents other than those listed ~~shall~~ must be submitted to the Department for approval ~~prior to preparation of final plans and specifications. in the preliminary engineering report required under Section 503.~~ (3-24-22)()

531. ~~FACILITY AND DESIGN STANDARDS:~~ DESIGN STANDARDS FOR CHEMICAL APPLICATION.

01. General Equipment Design. General equipment design ~~shall~~ must be such that: (3-24-22)()

a. Feeders will be able to supply, at all times, the necessary amounts of chemicals at an accurate rate, throughout the range of feed. ()

b. Chemical-contact materials and surfaces are resistant to the aggressiveness of the chemical solution. ()

c. Corrosive chemicals are introduced in such a manner as to minimize potential for corrosion. ()

d. Chemicals that are incompatible are not stored or handled together. At facilities where more than one (1) chemical is stored or handled, tanks and pipelines ~~shall~~ must be clearly labeled to identify the chemical they contain. (3-24-22)()

e. All chemicals are conducted from the feeder to the point of application in separate conduits. ()

f. Chemical feeders are as near as practical to the feed point. ()

g. Chemical feeders and pumps ~~shall~~ must operate at no lower than twenty percent (20%) of the feed range unless two fully independent adjustment mechanisms such as pump pulse rate and stroke length are fitted, ~~when the pump~~ shall must operate at no lower than ten percent (10%) of the rated maximum. (3-24-22)()

h. Spare parts ~~shall~~ must be on hand for parts of feeders that are subject to frequent wear and damage. (3-24-22)()

i. Redundant chemical feeders with automatic switchover ~~shall~~ must be provided when necessary to ensure adequate treatment. If the water treatment system includes at least two (2) process trains of equipment so that the plant design capacity can be maintained with any component out of service, redundant chemical feeders are not required on each process train. (3-24-22)()

02. Facility Design. ()

- a. Where chemical feed is necessary for the protection of the supply, such as disinfection, coagulation or other essential processes, a minimum of two feeders ~~shall~~ **must** be provided and a separate feeder ~~shall~~ **will** be used for each chemical applied. (3-24-22)()
- b. Chemical application control systems ~~shall~~ **must** meet the following requirements: (3-24-22)()
- i. Feeders may be manually or automatically controlled, with automatic controls being designed so as to allow override by manual controls. ()
- ii. Chemical feeders ~~shall~~ **will** be ~~controlled~~ **energized** by a flow sensing device so that injection of the chemicals will not continue when the flow of water stops. (3-24-22)()
- iii. Automatic proportioning ~~chlorinators~~ **chemical feeders** are required where the rate of flow ~~or chlorine demand~~ is not reasonably constant. (3-24-22)()
- iv. A means to measure water flow must be provided in order to determine chemical feed rates. ()
- v. Provisions ~~shall~~ **will** be made for measuring the quantities of chemicals used. (3-24-22)()
- vi. Weighing scales ~~shall~~ **will** be provided for weighing cylinders at all plants utilizing chlorine gas, fluoride solution feed. (3-24-22)()
- vii. Weighing scales ~~shall~~ **must** be capable of providing reasonable precision in relation to average daily dose. (3-24-22)()
- viii. Where conditions warrant, for example with rapidly fluctuating intake turbidity, coagulant and coagulant aid addition may be made according to turbidity, streaming current or other sensed parameter. ()
- c. Dry chemical feeders ~~shall~~ **will** measure chemicals volumetrically or gravimetrically, provide adequate solution water and agitation of the chemical in the solution pot, and completely enclose chemicals to prevent emission of dust to the operating room. (3-24-22)()
- d. Positive displacement type solution feed pumps must be capable of operating at the required maximum head conditions found at the point of injection. ()
- e. Liquid chemical feeders ~~shall~~ **must** be such that chemical solutions cannot be siphoned or overfed into the water supply, by assuring discharge at a point of positive pressure, or providing vacuum relief, or providing a suitable air gap, or providing other suitable means or combinations as necessary. (3-24-22)()
- f. Cross connection control must be provided to assure that the following requirements are satisfied. ()
- i. The service water lines discharging to solution tanks ~~shall~~ **must** be properly protected from backflow. (3-24-22)()
- ii. No direct connection exists between any sewer and a drain or overflow from the feeder, solution chamber or tank by providing that all drains terminate at least six (6) inches or two pipe diameters, whichever is greater, above the overflow rim of a receiving sump, conduit or waste receptacle. ()
- g. Chemical feed equipment ~~shall~~ **must** be readily accessible for servicing, repair, and observation of operation. (3-24-22)()
- h. In-plant water supply for chemical mixing ~~shall~~ **must** be: (3-24-22)()
- i. Ample in quantity and adequate in pressure. ()

- ii. Provided with means for measurement when preparing specific solution concentrations by dilution. ()
- iii. Properly treated for hardness, when necessary. ()
- iv. Properly protected against backflow. ()
- v. Obtained from a location sufficiently downstream of any chemical feed point to assure adequate mixing. ()
- i. Chemical storage facilities ~~shall~~ must satisfy the following requirements: (3-24-22)()
 - i. Storage tanks and pipelines for liquid chemicals ~~shall~~ must be specified for use with individual chemicals and not used for different chemicals. Off-loading areas must be clearly labeled to prevent accidental cross-contamination. (3-24-22)()
 - ii. Chemicals ~~shall~~ will be stored in covered or unopened shipping containers, unless the chemical is transferred into an approved storage unit. (3-24-22)()
- j. Bulk liquid storage tanks ~~shall~~ must comply with the following requirements: (3-24-22)()
 - i. A means which is consistent with the nature of the chemical ~~solution shall~~ stored will be provided in a ~~solution~~ liquid storage tank to maintain a uniform strength of solution. Continuous agitation ~~shall~~ will be provided to maintain slurries in suspension. (3-24-22)()
 - ii. Means ~~shall~~ will be provided to measure the liquid level in the tank. (3-24-22)()
 - iii. Bulk liquid storage tanks ~~shall~~ will be kept covered. Bulk liquid storage tanks with access openings ~~shall~~ will have such openings curbed and fitted with overhanging covers. (3-24-22)()
 - iv. Subsurface locations for bulk liquid storage tanks ~~shall~~ will be free from sources of possible contamination, and assure positive drainage for ground-waters, accumulated water, chemical spills and overflows. (3-24-22)()
 - v. Bulk liquid storage tanks ~~shall~~ will be vented, but ~~shall~~ may not vent through vents common with other chemicals or day tanks. Acid storage tanks must be vented to the outside atmosphere, but not through vents in common with other chemicals or day tanks. (3-24-22)()
 - vi. Each bulk liquid storage tank ~~shall~~ will be provided with a valved drain, protected against backflow and cross-connections. (3-24-22)()
 - vii. Bulk liquid storage tanks ~~shall~~ will have an overflow, when provided, that is turned downward with the end screened with a twenty-four (24) mesh or similar non-corrodible screen, have a free fall discharge, and be located where noticeable. (3-24-22)()
 - viii. Where chemical feed is necessary for the protection of the supply, a means to assure continuity of chemical supply while servicing a bulk liquid storage tank will be provided. ()
 - viiiix. Bulk liquid storage tanks ~~shall~~ will be provided with secondary containment so that chemicals from equipment failure, spillage, or accidental drainage ~~shall be fully contained will not enter the water in conduits, treatment, or storage basins~~. A common receiving basin may be provided for each group of compatible chemicals. The bulk liquid storage tank basin or the common receiving basin ~~shall~~ will provide a secondary containment volume sufficient to hold one hundred ten percent (110%) of the volume of the largest storage tank. Piping ~~shall~~ will be designed to minimize or contain chemical spills in the event of pipe ruptures. (3-24-22)()
 - ix. ~~Where chemical feed is necessary for the protection of the supply, a means to assure continuity of~~

~~chemical supply while servicing a bulk liquid storage tank shall be provided.~~ (3-24-22)

k. Day tanks ~~are subject to the requirements in Subsections 531.02.k.i. through 531.02.k.iv. will be provided where bulk storage of liquid chemical is provided. However, upon approval by the Department, chemicals may be fed directly from shipping containers no larger than fifty-five (55) gallons.~~ For the purposes of Section 531, day tanks are defined as liquid chemical tanks holding no more than a thirty (30) hour chemical supply. (3-24-22)()

i. Day tanks ~~shall be provided where bulk storage of liquid chemicals are provided. The Department may allow chemicals to be fed directly from shipping containers no larger than fifty five (55) gallons are subject to the requirements in Subsections 531.02.j.i. through 531.02.j.vii. except shipping containers do not require overflow pipe and drains.~~ (3-24-22)()

ii. Day tanks shall meet all the requirements of Subsection 531.02.j., with the exception of Subsection 531.02.j.viii. Shipping containers do not require overflow pipes or drains as required by Subsection 531.02.j. and are not subject to the requirements of Subsection 531.02.j.viii. (3-24-22)

iii. Where feasible, secondary containment ~~shall will~~ be provided so that chemicals from equipment failure, spillage, or accidental drainage of day tanks ~~shall will~~ be fully contained. A common receiving basin may be provided for each group of compatible chemicals. The common receiving basin ~~shall will~~ provide a secondary containment volume sufficient to hold the volume of the largest storage tank. If secondary containment is not feasible, day tanks ~~shall will~~ be located and protective curbing provided so that chemicals from equipment failure, spillage, or accidental drainage of day tanks ~~shall will~~ not enter the water in conduits, treatment, or storage basins. Secondary containment is not required for a day tank if an Idaho licensed professional engineer demonstrates to the Department that the chemical concentration and volume, if spilled, will not be a safety hazard to employees, will not be hazardous to the public health, and will not harm the environment. (3-24-22)()

~~iv.iii.~~ Day tanks and the tank refilling line entry points ~~shall will~~ be clearly labeled with the name of the chemical contained. (3-24-22)()

iv. Filling of day tanks may not be automated unless otherwise approved by the Department. ()

l. Provisions ~~shall must~~ be made for measuring quantities of chemicals used to prepare feed solutions. (3-24-22)()

m. Vents from feeders, storage facilities and equipment exhaust ~~shall must~~ discharge to the outside atmosphere above grade and remote from air intakes. (3-24-22)()

03. **Chemicals.** Chemical shipping containers ~~shall must~~ be fully labeled to include chemical name, purity and concentration, supplier name and address, and evidence of ANSI/NSF certification where applicable. (3-24-22)()

04. **Safety Requirements for Chemical Facilities.** ()

a. The following requirements apply to chlorine gas feed and storage rooms: ()

i. Each storage room ~~shall will~~ be enclosed and separated from other operating areas. They ~~shall will~~ be constructed in such a manner that all openings between the chlorine room and the remainder of the plant are sealed, and provided with doors equipped with panic hardware, assuring ready means of exit and opening outward only to the building exterior. (3-24-22)()

ii. Each room ~~shall will~~ be provided with a shatter resistant inspection window installed in an interior wall. (3-24-22)()

iii. Each room ~~shall will~~ have a ventilating fan with a capacity which provides one (1) complete air change per minute when the room is occupied. Where this is not appropriate due to the size of the room, a lesser rate may be allowed by the Department on a site specific basis. (3-24-22)()

- iv. The ventilating fan ~~shall will~~ take suction near the floor as far as practical from the door and air inlet, with the point of discharge ~~so~~ located as ~~not to contaminate~~ far away as possible from doors, air inlets to any rooms or structures ~~or occupied areas~~. Air inlets ~~shall will~~ be through louvers near the ceiling. (3-24-22)()
- v. Louvers for chlorine room air intake and exhaust ~~shall will~~ facilitate airtight closure. (3-24-22)()
- vi. Separate switches for the fan and lights ~~shall will~~ be located outside of the chlorine room and at the inspection window. Outside switches ~~shall will~~ be protected from vandalism. A signal light indicating fan operation ~~shall will~~ be provided at each entrance when the fan can be controlled from more than one (1) point. (3-24-22)()
- vii. Vents from feeders and storage ~~shall will~~ discharge to the outside atmosphere, above grade. (3-24-22)()
- viii. Where provided, floor drains ~~shall will~~ discharge to the outside of the building and ~~shall will~~ not be connected to any internal drainage systems or external drainage systems unless the external drainage systems drain to an approved discharge point. (3-24-22)()
- ix. Chlorinator rooms ~~shall will~~ be heated to sixty degrees Fahrenheit (60°F) and be protected from excessive heat. Cylinders and gas lines ~~shall will~~ be protected from temperatures above that of the feed equipment. (3-24-22)()
- x. Pressurized chlorine feed lines ~~shall may~~ not carry chlorine gas beyond the chlorinator room. (3-24-22)()
- xi. Critical isolation valves ~~shall will~~ be conspicuously marked and access kept unobstructed. (3-24-22)()
- xii. All chlorine rooms, buildings, and areas ~~shall will~~ be posted with a prominent danger sign warning of the presence of chlorine. (3-24-22)()
- xiii. Full and empty cylinders of chlorine gas ~~shall will~~ be isolated from operating areas and stored in definitely assigned places away from elevators, stairs, or gangways. They ~~shall will~~ be restrained in position to prevent being knocked over or damaged by passing or falling objects. In addition, they ~~shall will~~ be stored in rooms separate from ammonia storage, out of direct sunlight, and at least twenty (20) feet from highly combustible materials. Cylinders ~~shall may~~ not be kept in unventilated enclosures such as lockers and cupboards. (3-24-22)()
- b. Where acids and caustics are used, they ~~shall must~~ be kept in closed corrosion-resistant shipping containers or storage units. Acids and caustics ~~shall may~~ not be handled in open vessels, but ~~shall will~~ be pumped in undiluted form from original containers through suitable hose to the point of treatment or to a covered day tank. (3-24-22)()
- c. ~~Sodium chlorite for chlorine dioxide generation.~~ Proposals for the storage and use of sodium chlorite ~~shall must~~ be approved by the Department prior to the preparation of final plans and specifications. Provisions ~~shall must~~ be made for proper storage and handling of sodium chlorite to eliminate any danger of fire or explosion associated with its oxidizing nature. (3-24-22)()
- i. Chlorite (sodium chlorite) ~~shall will~~ be stored by itself in a separate room. It must be stored away from organic materials. The storage structure ~~shall will~~ be constructed of noncombustible materials. If the storage structure must be located in an area where a fire may occur, water must be available to keep the sodium chlorite area cool enough to prevent heat-induced explosive decomposition of the chlorite. (3-24-22)()
- ii. Care ~~shall will~~ be taken to prevent spillage. An emergency plan of operation ~~shall will~~ be available for the clean up of any spillage. Storage drums ~~shall will~~ be thoroughly flushed prior to recycling or disposal.

(3-24-22)()

d. Where ammonium hydroxide is used, an exhaust fan ~~shall~~ must be installed to withdraw air from high points in the room and makeup air ~~shall~~ must be allowed to enter at a low point. The feed pump, regulators, and lines ~~shall~~ must be fitted with pressure relief vents discharging outside the building away from any air intake and with water purge lines leading back to the headspace of the bulk storage tank. (3-24-22)()

e. Where anhydrous ammonia is used, the storage and feed systems (including heaters where required) ~~shall~~ must be enclosed and separated from other work areas and constructed of corrosion resistant materials. (3-24-22)()

i. Pressurized ammonia feed lines ~~shall~~ will be restricted to the ammonia room. (3-24-22)()

ii. An emergency air exhaust system, as described in Subsection 531.04.a., but with an elevated intake, ~~shall~~ must be provided in the ammonia storage room. (3-24-22)()

iii. Leak detection systems ~~shall~~ must be fitted in all areas through which ammonia is piped. (3-24-22)()

iv. Special vacuum breaker/regulator provisions must be made to avoid potentially violent results of backflow of water into cylinders or storage tanks. ()

v. Consideration ~~shall~~ must be given to the provision of an emergency gas scrubber capable of absorbing the entire contents of the largest ammonia storage unit whenever there is a risk to the public as a result of potential ammonia leaks. (3-24-22)()

05. Operator Safety. The Idaho General Safety and Health Standards, referenced in Subsection 002.02, may be used as guidance in designing facilities to ensure the safety of operators. ~~The following requirements are in addition to the requirements of Subsection 501.12.~~ Facilities must meet applicable regulations from the Occupational Health and Safety Administration. (3-24-22)()

~~a. Respiratory protection equipment, meeting the requirements of the National Institute for Occupational Safety and Health (NIOSH) shall be available where chlorine gas is handled, and shall be stored at a convenient heated location, but not inside any room where chlorine is used or stored. The units shall use compressed air, have at least a thirty (30) minute capacity, and be compatible with or exactly the same as units used by the fire department responsible for the plant. (3-24-22)~~

~~b. Chlorine leak detection. A bottle of concentrated ammonium hydroxide (fifty six (56) per cent ammonia solution) shall be available for chlorine leak detection. Where ton containers are used, a leak repair kit approved by the Chlorine Institute shall be provided. (3-24-22)~~

~~c. Protective equipment. (3-24-22)~~

~~i. At least one pair of rubber gloves, a dust respirator of a type certified by NIOSH for toxic dusts, an apron or other protective clothing, and goggles or face mask shall be provided for each operator. (3-24-22)~~

~~ii. A deluge shower and eyewashing device shall be installed where strong acids and alkalis are used or stored. A water holding tank that will allow water to come to room temperature shall be installed in the water line feeding the deluge shower and eyewashing device. Other methods of water tempering will be considered on an individual basis. (3-24-22)~~

~~iii. For chemicals other than strong acids and alkalis, an appropriate eye washing device or station shall be provided. (3-24-22)~~

~~iv. Other protective equipment shall be provided as necessary. (3-24-22)~~

06. Design Requirements for Specific Applications. In addition to Subsection 531.01 through

531.03, the following design requirements apply for the specific applications within Subsection 531.06 of this rule.

()

a. ~~Sodium chlorite for chlorine dioxide generation.~~ Positive displacement feeders ~~shall will~~ be provided for sodium chlorite used for chlorine dioxide generation. Tubing for conveying sodium chlorite or chlorine dioxide solutions ~~shall must~~ be Type 1 PVC, polyethylene or materials recommended by the manufacturer. Chemical feeders may be installed in chlorine rooms if sufficient space is provided. Otherwise, facilities meeting the requirements of chlorine rooms ~~shall will~~ be provided. Feed lines ~~shall will~~ be installed in a manner to prevent formation of gas pockets and ~~shall will~~ terminate at a point of positive pressure. Check valves ~~shall will~~ be provided to prevent the backflow of chlorine into the sodium chlorite line. (3-24-22)()

b. Hypochlorite facilities ~~shall must~~ meet the following requirements: (3-24-22)()

i. Hypochlorite ~~shall will~~ be stored in the original shipping containers or in hypochlorite compatible containers. Storage containers or tanks ~~shall will~~ be sited out of the sunlight in a cool and ventilated area. (3-24-22)()

ii. Stored hypochlorite ~~shall will~~ be pumped undiluted to the point of addition. Where dilution is unavoidable, deionized or softened water ~~shall will~~ be used unless otherwise approved by the Department. (3-24-22)()

iii. Storage areas, tanks, and pipe work ~~shall will~~ be designed to avoid the possibility of uncontrolled discharges and a sufficient amount of appropriately selected spill absorbent ~~shall will~~ be stored on-site. (3-24-22)()

iv. Hypochlorite feeders ~~shall will~~ be positive displacement pumps with compatible materials for wetted surfaces. (3-24-22)()

v. To avoid air locking in smaller installations, small diameter suction lines ~~shall will~~ be used with foot valves and degassing pump heads. In larger installations flooded suction ~~shall will~~ be used with pipe work arranged to ease escape of gas bubbles. Calibration tubes or mass flow monitors which allow for direct physical checking of actual feed rates ~~shall will~~ be fitted. (3-24-22)()

vi. Injectors ~~shall will~~ be made removable for regular cleaning where hard water is to be treated. (3-24-22)()

c. When ammonium sulfate is used, the tank and dosing equipment contact surfaces ~~shall must~~ be made of corrosion resistant non-metallic materials. Provision ~~shall will~~ be made for removal of the agitator after dissolving the solid. The tank ~~shall will~~ be fitted with a lid and vented outdoors. Injection of the solution ~~should will~~ take place in the center of treated water flow at a location where there is high velocity movement. (3-24-22)()

d. When aqua ammonia (ammonium hydroxide) is used, the feed pumps and storage ~~shall will~~ be enclosed and separated from other operating areas. The aqua ammonia room ~~shall will~~ be equipped as required for chlorinator rooms with the following changes: (3-24-22)()

i. A corrosion resistant, closed, unpressurized tank ~~shall will~~ be used for bulk storage, vented through an inert liquid trap to a high point outside and an incompatible connector, or lockout provisions ~~shall will~~ be made to prevent accidental addition of other chemicals to the storage tank. (3-24-22)()

ii. The storage tank ~~shall will~~ be designed to avoid conditions where temperature increases cause the ammonia vapor pressure over the aqua ammonia to exceed atmospheric pressure. This capability can be provided by cooling/refrigeration or diluting or mixing the contents with water without opening the system. (3-24-22)()

iii. The aqua ammonia ~~shall will~~ be conveyed direct from storage to the treated water stream injector without the use of a carrier water stream unless the carrier stream is softened. (3-24-22)()

iv. The point of delivery to the main water stream ~~shall will~~ be placed in a region of turbulent water

flow. (3-24-22)()

v. Provisions ~~shall~~ will be made for easy access for removal of calcium scale deposits from the injector. (3-24-22)()

532. ~~FACILITY AND DESIGN STANDARDS:~~ DESIGN STANDARDS FOR SOFTENING.

The softening process selected must be based upon the mineral qualities of the raw water and the desired finished water quality in conjunction with requirements for disposal of sludge or brine waste (see Section 540), cost of plant, cost of chemicals, and plant location. Applicability of the process chosen ~~shall~~ must be demonstrated. (3-24-22)()

01. Lime or Lime-Soda Process. Rapid mix, flocculation, and sedimentation processes ~~shall~~ must meet the requirements of Section 520. In addition the following requirements must be met: (3-24-22)()

a. When split treatment is used, an accurate means of measuring and splitting the flow must be provided. ()

b. Rapid mix basins must provide not more than thirty (30) seconds detention time with adequate velocity gradients to keep the lime particles dispersed. ()

c. Equipment for stabilization of water softened by the lime or lime-soda process is required, see Section 537. ()

d. Mechanical sludge removal equipment ~~shall~~ will be provided in the sedimentation basin. (3-24-22)()

e. Provisions must be included for proper disposal of softening sludges; see Section 540. ()

f. The plant processes must be manually started following shut-down. ()

02. Cation Exchange Process. ()

a. Pre-treatment is required when the content of iron, manganese, or a combination of the two, is one milligram per liter (1 mg/~~L~~) or more. (3-24-22)()

b. The units may be of pressure or gravity type, of either an upflow or downflow design. Automatic regeneration based on volume of water softened ~~shall~~ will be used unless manual regeneration is justified and is approved by the Department. A manual override ~~shall~~ will be provided on all automatic controls. (3-24-22)()

c. Rate-of-flow controllers or the equivalent ~~shall~~ will be used to control the hydraulic loading of cation exchange units. (3-24-22)()

d. The bottoms, strainer systems and support for the exchange resin ~~shall~~ will conform to the criteria provided for rapid rate gravity filters in Section 521. (3-24-22)()

e. ~~Cross-Connection Control.~~ Backwash, rinse and air relief discharge pipes ~~shall~~ will be installed in such a manner as to prevent any possibility of back-siphonage. (3-24-22)()

f. A bypass must be provided around softening units to produce a blended water of desirable hardness. Totalizing meters must be installed on the bypass line and on each softener unit. The bypass line must have a shutoff valve. ()

g. When the applied water contains a chlorine residual, the cation exchange resin ~~shall~~ must be a type that is not damaged by residual chlorine. (3-24-22)()

h. Smooth-nose sampling taps must be provided for the collection of representative samples. The taps ~~shall~~ will be located to provide for sampling of the softener influent, effluent, blended water, and on the brine tank

discharge piping. The sampling taps for the blended water ~~shall will~~ be at least twenty (20) feet downstream from the point of blending. Petcocks are not acceptable as sampling taps. (3-24-22)()

- i. Brine and salt storage tanks ~~shall must~~ meet the following requirements: (3-24-22)()
 - i. Salt dissolving or brine tanks and wet salt storage tanks must be covered and must be corrosion-resistant. ()
 - ii. The make-up water inlet must be protected from back-siphonage. ()
 - iii. Wet salt storage basins must be equipped with manholes or hatchways for access and for direct dumping of salt from truck or railcar. Openings must be provided with raised curbs and watertight covers having overlapping edges similar to those required for finished water reservoirs. ()
 - iv. Overflows, where provided, must be protected with twenty-four (24) mesh or similar non-corrodible screens, and must terminate with either a turned down bend having a proper free fall discharge or a self-closing flap valve. ()
 - v. The salt ~~shall will~~ be supported on graduated layers of gravel placed over a brine collection system. (3-24-22)()
 - vi. Alternative designs which are conducive to frequent cleaning of the wet salt storage tank may be considered. ()
 - vii. An eductor may be used to transfer brine from the brine tank to the softeners. If a pump is used, a brine measuring tank or means of metering ~~shall will~~ be provided to obtain the proper dilution. (3-24-22)()
- j. Suitable disposal must be provided for brine waste; see Section 540. Where the volume of spent brine must be reduced, consideration may be given to using a part of the spent liquid concentrate for a subsequent regeneration. ()
- k. Pipes and contact materials must be resistant to the aggressiveness of salt. Plastic and red brass are acceptable piping materials. Steel and concrete must be coated with a non-leaching protective coating which is compatible with salt and brine. ()
- l. Bagged salt and dry bulk salt storage ~~shall will~~ be enclosed and separated from other operating areas in order to prevent damage to equipment. (3-24-22)()

(BREAK IN CONTINUITY OF SECTIONS)

540. ~~FACILITY AND DESIGN STANDARDS: DESIGN STANDARDS FOR TREATMENT AND DISPOSAL OF TREATMENT PLANT WASTE RESIDUALS.~~

~~Provisions must be made for~~ PWS owners must provide proper disposal of water treatment plant waste such as sanitary, laboratory, clarification sludge, softening sludge, iron sludge, filter backwash water, and liquid concentrates. In locating waste disposal facilities, due consideration ~~shall must~~ be given to preventing potential contamination of the water supply. (3-24-22)()

01. Sanitary Waste. The sanitary waste from water treatment plants, pumping stations, and other waterworks installations must receive treatment. Waste from these facilities ~~shall must~~ be discharged directly to a sanitary sewer system, when available and feasible, or to an adequate on-site waste treatment facility approved under the provisions of IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." (3-24-22)()

02. Liquid Concentrates. ()

a. Waste from ion exchange plants, demineralization plants, reverse osmosis, on-site chlorine

generators, red water filters, or other plants which produce liquid concentrates may be disposed of by the following methods: (3-24-22)()

i. Liquid concentrates that contain radionuclides must be further treated to remove the radioactive constituents as sludge. See Subsection 540.03.e. for disposal requirements for sludge that contains radionuclides. The residual liquids from which radionuclides have been removed may be disposed of in accordance with Subsections 540.02.a.ii. through 540.02.a.iv. ()

ii. Controlled discharge to a stream or other receiving water body if ~~adequate dilution is available. Such discharge will require a National Pollution Elimination System Permit from the U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101, Telephone (206) 553-1200.~~ a surface water discharge permit has been issued by the applicable permitting authority and limits and conditions of discharge permit can be reasonably met. (3-24-22)()

iii. Liquid concentrates may be discharged to a sanitary sewer, if available and feasible. Acceptance of such waste must be approved by the sewer authority. ()

iv. Subsurface disposal, ~~or land application of, or total containment lagoons may be considered for liquid concentrate when in compliance with IDAPA 58.01.16, "Wastewater Rules."~~ Untreated liquid concentrates may not be permitted, but only if such discharge meets the requirements of for subsurface or land application unless otherwise approved by the Department and in accordance with IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules" for subsurface disposal or the requirements of IDAPA 58.01.17, "Recycled Water Rules" for land application. (3-24-22)()

b. ~~Should~~ If the nature of the liquid concentrate causes it to be ineligible for permitted discharge as described in Subsection 540.02.a., further onsite treatment of the liquid concentrate may be required in order to produce sludge and liquid waste that will meet the permit criteria for one (1) or more of the disposal options. (3-24-22)()

c. If sand filters are used to treat the waste filter wash water, red water, from iron and manganese removal plants, they must have the following features: ()

i. Total filter area sufficient to adequately dewater applied solids. Unless the filter is small enough to be cleaned and returned to service in one (1) day, two (2) or more cells are required. ()

ii. Sufficient capacity to contain, above the level of the sand, the entire volume of wash water produced by washing all of the production filters in the plant, unless the production filters are washed on a rotating schedule and the flow through the production filters is regulated by true rate of flow controllers. Sufficient volume will be provided to dispose of the wash water involved. ()

iii. Provisions for covering the filters during winter months where freezing is a problem. ()

03. Sludge Waste. Sludge is the solid waste resulting from coagulation, precipitation, or passive settling of liquid concentrates. Depending on composition, liquids remaining after sludge removal may be disposed of by methods described in Subsection 540.02, recycled through the treatment plant, or may be pure enough to be unregulated. The following methods of treatment and disposal apply to sludge: ()

a. Precipitative Softening Sludge. ()

i. At least two (2) temporary storage lagoons must be provided in order to give flexibility in operation. Provisions must be made for convenient cleaning. An acceptable means of final sludge disposal must be provided. ()

ii. Liquid or dewatered precipitative softening sludge may be applied to farm land if heavy metals or other contaminants do not exceed the requirements of IDAPA 58.01.02, "Water Quality Standards." ()

iii. Dewatered precipitative softening sludge may be disposed of in a sanitary landfill in accordance

with the requirements of IDAPA 58.01.06, "Solid Waste Management Rules." Acceptance of such waste is at the discretion of the landfill authority. ()

b. Alum or Ferric Sludge. ()

i. Temporary storage lagoons must contain at least two (2) compartments to facilitate independent filling and dewatering operations. Mechanical concentration may be considered. If mechanical dewatering is used, it shall must be preceded by sludge concentration and chemical pre-treatment. A pilot plant study is required before the design of a mechanical dewatering installation. ~~See in accordance with~~ Subsection 501.19 ~~for general information on conducting pilot studies.~~ (3-24-22)()

ii. Alum or ferric sludge may be discharged to a sanitary sewer if available and feasible. Acceptance of such waste must be approved by the sewer authority. ()

iii. Dewatered alum or ferric sludge may be disposed of in a sanitary landfill in accordance with the requirements of IDAPA 58.01.06, "Solid Waste Management Rules." Acceptance of such waste is at the discretion of the landfill authority. ()

iv. Alum or ferric sludge may be disposed of by land application if the permitting requirements of IDAPA 58.01.02, "Water Quality Standards," and IDAPA 58.01.17, "Recycled Water Rules," are met. ()

v. Water removed from alum or ferric sludge may be disposed of in the same manner as liquid concentrates, as described in Subsection 540.02. ()

~~**e.** Red Water. Red water is the waste filter wash water from iron and manganese removal plants.~~ (3-24-22)

~~i. If sand filters are used they shall have the following features: (3-24-22)~~

~~(1) Total filter area shall be sufficient to adequately dewater applied solids. Unless the filter is small enough to be cleaned and returned to service in one (1) day, two (2) or more cells are required. (3-24-22)~~

~~(2) The "red water" filter shall have sufficient capacity to contain, above the level of the sand, the entire volume of wash water produced by washing all of the production filters in the plant, unless the production filters are washed on a rotating schedule and the flow through the production filters is regulated by true rate of flow controllers. Then sufficient volume shall be provided to properly dispose of the wash water involved. (3-24-22)~~

~~(3) Where freezing is a problem, provisions should be made for covering the filters during the winter months. (3-24-22)~~

~~(4) "Red water" filters shall not have common walls with finished water. (3-24-22)~~

~~ii. Subsurface infiltration lagoons may be permitted, but only if such discharge meets the requirements of IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." (3-24-22)~~

~~iii. "Red water" may be discharged to a sanitary sewer if available and feasible. Acceptance of such waste must be approved by the sewer authority. Design shall prevent cross connections and there shall be no common walls between potable and non-potable fluid. (3-24-22)~~

~~**d.** Filter Backwash Water Sludge. (3-24-22)()~~

i. Recycling is permitted if the backwash waters are returned to the head of the treatment plant or another entry point if supported by engineering studies. Backwash water shall will be held for a sufficient time prior to recycling to allow solids to settle out. (3-24-22)()

ii. Dewatered sludge from backwash water clarification processes may be disposed of in a sanitary landfill in accordance with the requirements of IDAPA 58.01.06, "Solid Waste Management Rules." Acceptance of

such waste must be approved by the landfill authority. ()

~~ed.~~ ~~Radioactive Sludge.~~ Waste residuals containing radioactive substances, including, but not limited to granular activated carbon used for radon removal or ion-exchange regeneration waste from uranium removal, must be disposed of in accordance with IDAPA 58.01.10, "Rules Regulating the Disposal of Radioactive Materials Not Regulated Under The Atomic Energy Act of 1954, As Amended." (3-24-22)()

i. The buildup of radioactive materials such as uranium or radon and its decay products ~~shall~~ must be considered and adequate shielding and safeguards ~~shall~~ will be provided for operators and visitors. (3-24-22)()

ii. Waste residuals containing naturally occurring radioactive materials that have been concentrated by human activities must be disposed of in an approved hazardous waste landfill (Class D), in accordance with the IDAPA 58.01.10, "Rules Regulating the Disposal of Radioactive Materials not Regulated Under the Atomic Energy Act of 1954, as Amended," and IDAPA 58.01.06, "Solid Waste Management Rules." ()

iii. Waste residuals containing greater than point zero five (.05) percent by weight of uranium are subject to licensing and disposal under the regulations of the U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011, Phone 817-860-8299. ()

~~fe.~~ ~~Arsenic Sludge.~~ Solid waste residuals containing arsenic at a concentration less than five (5) mg/l may be disposed of at a sanitary landfill if permitted under IDAPA 58.01.06, "Solid Waste Management Rules." Solid waste containing arsenic at a concentration greater than five (5) mg/l must be disposed of at an approved hazardous waste landfill. Liquid wastes generated by arsenic treatment processes are subject to the handling and disposal requirements for liquid concentrates, as discussed under Subsection 540.02. (3-24-22)()

04. Spent Media. Exhausted ion exchange media, adsorption media, disposable filters, and other components of treatment processes that contain concentrated contaminants ~~shall~~ must be disposed of in accordance with IDAPA 58.01.06, "Solid Waste Management Rules," ~~and~~/or IDAPA 58.01.10, "Rules Regulating the Disposal of Radioactive Materials not Regulated Under the Atomic Energy Act of 1954, as Amended." (3-24-22)()

541. ~~FACILITY AND DESIGN STANDARDS- PUMPING FACILITIES.~~

Pumping facilities ~~shall~~ must be designed to maintain the sanitary quality of pumped water. (3-24-22)()

01. Pump Houses. Unless otherwise approved by the Department ~~based on documentation provided by the design engineer~~, pump house components ~~shall~~ must be located above-grade. The following requirements apply to pump houses as defined in Section 003 unless it can be shown that some or all of these requirements are not needed to protect the combination of system components in a given structure: (3-24-22)()

a. Pump houses ~~shall~~ must be readily accessible for operation, maintenance, and repair at all times and under all weather conditions unless permitted to be out of service for a period of inaccessibility. (3-24-22)()

b. Pump houses ~~shall~~ must be protected from flooding and ~~shall~~ must be adequately drained. The ground surface ~~shall~~ will be graded so as to lead surface drainage away from the pump house. Unless otherwise approved by the Department ~~based on documentation provided by the design engineer~~, the floor surface ~~shall~~ will be at least six (6) inches above the final ground surface and pump house components ~~shall~~ will be located at least six (6) inches above the floor surface. (3-24-22)()

c. Pump houses ~~shall~~ must be of durable construction, fire and weather resistant, and with outward-opening doors. All underground structures ~~shall~~ must be waterproofed. (3-24-22)()

d. Provisions ~~shall~~ must be made for adequate heating for the comfort of the operator and the safe and efficient operation of the equipment. In pump houses not occupied by personnel, only enough heat need be provided to prevent freezing of equipment or treatment processes. (3-24-22)()

e. Ventilation ~~shall~~ must conform to existing local and ~~or~~ state codes. Adequate ventilation ~~shall~~ will be provided for all pumping stations for operator comfort and dissipation of excess heat and moisture from the

equipment. In all cases, measures must be taken to minimize corrosion of metallic and electrical components.

(3-24-22)()

f. Pump houses ~~shall~~ must be provided with a locking door or access to prohibit unauthorized entrance and ~~shall~~ must be protected to prevent vandalism and entrance by animals. Plans and specifications for pump houses must provide enough detail to enable the ~~reviewing engineer~~ Department to determine that the facility is secure, safe, accessible, and that it conforms to electrical and plumbing codes.

(3-24-22)()

g. Pump houses ~~shall~~ must be kept clean and in good repair and ~~shall~~ may not be used to store toxic or hazardous materials other than those materials required for treatment processes.

(3-24-22)()

h. A suitable outlet ~~shall~~ must be provided for drainage from pump glands without discharging onto the floor.

(3-24-22)()

i. Floor drains ~~shall~~ may not be connected to sewers, storm drains, chlorination room drains, or any other source of contamination unless otherwise approved by the Department ~~based on documentation provided by the design engineer~~. Gas chlorination room drains ~~shall~~ may not be connected to any other drainage system and ~~should~~ must terminate in a properly located below ground sump. Sumps for pump house floor drains ~~shall~~ may not be closer than thirty (30) feet from any well.

(3-24-22)()

j. Adequate space ~~shall~~ must be provided for the installation of potential additional units and for the safe and efficient servicing of all equipment.

(3-24-22)()

k. Suction basins ~~shall~~ must be watertight, have floors sloped to permit removal of water and settled solids, be covered or otherwise protected against contamination, and have two (2) pumping compartments or other means to allow the suction basin to be taken out of service for inspection maintenance or repair.

(3-24-22)()

l. Pump houses ~~shall~~ must be designed to allow efficient equipment servicing. Crain-ways, hoist beams, eyebolts, or other adequate facilities for servicing or removal of pumps, motors or other heavy equipment ~~shall~~ will be provided. Openings in floors, roofs or wherever else ~~shall~~ must be provided as needed for removal of heavy or bulky equipment.

(3-24-22)()

m. All remote controlled stations ~~shall~~ must be electrically operated and controlled and ~~shall~~ have signaling apparatus of proven performance. Signaling apparatus ~~shall~~ must report automatically when the station is out of service.

(3-24-22)()

n. Any threaded hose bib installed in the pump house must be equipped with an appropriate backflow prevention device.

()

02. Pumping Units. At least two (2) pumping units ~~shall~~ must be provided for raw water and surface source pumps. Pumps using seals containing mercury ~~shall~~ may not be used in ~~public drinking water system~~ PWS facilities. With any pump out of service, the remaining pump or pumps ~~shall~~ must be capable of providing the peak hour demand of the ~~system~~ PWS or a minimum of the maximum day demand plus equalization storage. See Subsection 501.18 for general design requirements concerning fire flow capacity and Subsection 501.07 regarding reliability and emergency operation. The pumping units ~~shall~~ must meet the following requirements:

(3-24-22)()

a. The pumps ~~shall~~ have ample capacity to supply the maximum demand against the required pressure without dangerous overloading.

(3-24-22)()

b. The pumps ~~shall be~~ are driven by prime movers able to meet the maximum horsepower condition of the pumps.

(3-24-22)()

c. The pumps ~~shall be~~ are provided with readily available spare parts and tools.

(3-24-22)()

d. The pumps ~~shall~~ are to be served by control equipment that has proper heater and overload protection for air temperature encountered.

(3-24-22)()

e. Suction lift ~~shall be is~~ avoided if possible. When suction lift is used, it ~~shall~~ must be within the limits allowed by the manufacturer of the pumps, and provision ~~shall will~~ be made for priming the pumps. (3-24-22)()

f. Prime water must not be of lesser sanitary quality than that of the water being pumped. Means ~~shall will~~ be provided to prevent either backpressure or backsiphonage backflow. When an air-operated ejector is used, the twenty-four (24) mesh or similar non-corrodible screened intake ~~shall will~~ draw clean air from a point at least ten (10) feet above the ground or other source of possible contamination, unless the air is filtered by an apparatus approved by the ~~reviewing authority~~ Department. Vacuum priming may be used. (3-24-22)()

03. Appurtenances. The following appurtenances ~~shall must~~ be provided for all water pumps. Additional requirements specific to well pumps are provided in Section 511. (3-24-22)()

a. Pumps ~~shall must~~ be protected against freezing and valved to permit satisfactory operation, maintenance, and repair of the equipment. If foot valves are necessary, they ~~shall must~~ have a net valve area of at least two and one-half (2.5) times the area of the suction pipe and ~~they shall~~ be screened. Each pump ~~shall must~~ have an accessible check valve on the discharge side between the pump and the shut-off valve or a combination valve that performs both control valve and check valve functions. Surge relief measures ~~shall must~~ be designed to minimize hydraulic transients. (3-24-22)()

b. ~~In general, piping shall be designed so that it will have watertight joints, be protected against surge or water hammer, be provided with suitable restraints where necessary, be designed so that friction losses will be minimized, and not be subject to contamination.~~ Piping must be designed with watertight joints, friction losses minimized, protection against surge or water hammer, suitable restraints, and not be subject to contamination. (3-24-22)()

c. Each pump ~~shall must~~ have an individual suction line or ~~the~~ manifolded suction lines ~~shall be manifolded~~ such that they will ensure similar hydraulic and operating conditions. (3-24-22)()

d. Each pump station ~~shall must~~ have a standard pressure gauge on its discharge line and suction line. (3-24-22)()

e. Water seals ~~shall may~~ not be supplied with water of a lesser sanitary quality than that of the water being pumped. Where pumps are sealed with potable water and are pumping water of lesser sanitary quality, the seal ~~shall must~~: (3-24-22)()

i. Be provided with either an approved reduced pressure principle backflow preventer or a break tank open to atmospheric pressure, ()

ii. Where a break tank is provided, have an air gap of at least six (6) inches or two (2) pipe diameters, whichever is greater, between the feeder line and the flood rim of the tank. ()

f. Pumps, their prime movers, and accessories ~~shall must~~ be controlled in such a manner that they will operate at rated capacity without dangerous overload. Where two (2) or more pumps are installed, provision ~~shall must~~ be made for alternation. Provision ~~shall must~~ be made to prevent energizing the motor in the event of a backspin cycle. Equipment ~~shall will~~ be provided or other arrangements made to prevent surge pressures from activating controls which switch on pumps or activate other equipment outside the normal design cycle of operation. (3-24-22)()

04. Booster Pumps. In addition to other applicable requirements in Section 541, booster pumps must comply with the following: ()

a. In-line booster pumps ~~shall must~~ maintain an operating pressure that is consistent with the requirements specified in Subsection 552.01, and ~~shall~~ be supplied with an automatic cutoff when intake pressure is less than or equal to five (5) psi. (3-24-22)()

b. Booster pumps with a suction line directly connected to any storage reservoirs ~~shall~~ **must** be protected by an automatic cutoff to prevent pump damage and avoid excessive reservoir drawdown. (3-24-22)()

c. Each booster pumping station ~~shall~~ **must** contain not less than two (2) pumps with capacities such that peak hour demand, or a minimum of the maximum day demand plus equalization storage, can be satisfied with any pump out of service. See Subsection 501.18 for general design requirements concerning fire flow capacity. (3-24-22)()

542. ~~FACILITY AND DESIGN STANDARDS~~—DISTRIBUTION SYSTEM.

01. **Protection from Contamination.** The distribution system ~~shall~~ **must** be protected from contamination and be designed to prevent contamination by steam condensate or cooling water from engine jackets or other heat exchange devices. (3-24-22)()

02. **Installation of Water Mains.** Division 400 of “Idaho Standards for Public Works Construction,” referenced in Subsection 002.02, may be used as guidance for installation of water mains. In addition, the following provisions ~~shall~~ apply: (3-24-22)()

a. Installed pipe ~~shall~~ **must** be pressure tested and leakage tested in accordance with the applicable AWWA Standards, incorporated by reference into these rules at Subsection 002.01. (3-24-22)()

b. New, cleaned, and repaired water mains ~~shall~~ **must** be disinfected in accordance with AWWA Standard C651, incorporated by reference into these rules at Subsection 002.01. The specifications ~~shall~~ **must** include detailed procedures for the adequate flushing, disinfection, and microbiological testing of all water mains. (3-24-22)()

c. In areas where aggressive soil conditions are suspected or known to exist, analyses ~~shall~~ **must** be performed to determine the actual aggressiveness of the soil. If soils are found to be aggressive, action ~~shall~~ **must** be taken to protect metallic joint restraints and the water main, such as encasement in polyethylene, provision of cathodic protection, or use of corrosion resistant materials. (3-24-22)()

d. The Department must approve any interconnection between potable water ~~supplies~~ **sources**, taking into account differences in water quality between the two systems. (3-24-22)()

e. A continuous and uniform bedding ~~shall~~ **must** be provided in the trench for all buried pipe. Backfill material ~~shall~~ **must** be tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect the pipe. Stones found in the trench ~~shall~~ **must** be removed for a depth of at least six (6) inches below the bottom of the pipe. (3-24-22)()

f. Water mains ~~shall~~ **must** be covered with sufficient earth or other insulation to prevent freezing. (3-24-22)()

g. All tees, bends, plugs and hydrants ~~shall~~ **must** be provided with reaction blocking, tie rods or joints designed to prevent movement. (3-24-22)()

03. **Pressure Relief Valves.** All pumps connected directly to the distribution system ~~shall~~ **must** be designed in conjunction with a water pressure relief valve of type, size, and material approved by the Department unless the Department approves another method that will prevent excessive pressure development. (3-24-22)()

04. **Flow Meter Required.** Unless otherwise approved by the Department ~~based on documentation provided by the design engineer~~, all source pumps and booster pumps connected directly to the distribution system ~~shall~~ **must** have an instantaneous and totalizing flow meter, equipped with nonvolatile memory, installed in accordance with manufacturer’s specifications. (3-24-22)()

05. **Pipe and Jointing Materials.** Pipe and jointing materials comply with the standards set forth in Subsection 501.01. Pipe ~~shall~~ **must** be manufactured of materials resistant internally and externally to corrosion and

not imparting tastes, odors, color, or any contaminant into the ~~system~~ PWS. Where distribution systems are installed in areas of ground-water contaminated by organic compounds: (3-24-22)()

a. Pipe and joint materials which do not allow permeation of the organic compounds ~~shall~~ must be used; and (3-24-22)()

b. Non-permeable materials ~~shall~~ must be used for all portions of the ~~system~~ PWS including pipe, joint materials, hydrant leads, and service connections. (3-24-22)()

06. **Size of Water Mains.** When fire hydrants are provided, they ~~shall~~ may not be connected to water mains smaller than six (6) inches in diameter, and fire hydrants ~~shall~~ may not be installed unless fire flow volumes are available. If fire flow is not provided, water mains ~~shall~~ will be no less than three (3) inches in diameter. Any departure from ~~this~~ these minimum standards ~~s~~ shall must be supported by hydraulic analysis and detailed projections of water use. (3-24-22)()

07. **Separation of Potable, Non-Potable, and Raw Water Pipelines.** The requirements for the protection of potable ~~mains~~ pipelines from contamination by non-potable pipelines are described in Subsections 542.07.a. through 542.07.ed. For the purposes of Subsection 542.07, the term “pipeline” applies to both mains and services. The Department will use the Memorandum of Understanding with the Plumbing Bureau as guidance in determining the relative responsibilities for reviewing service lines. The conditions of Subsections 542.07.a. ~~and through~~ 542.07.bd. ~~shall~~ apply to all potable services constructed or reconstructed after April 15, 2007 and where the Department or the QLPE is the reviewing authority. Raw water pipelines must be protected from contamination from non-potable pipelines, and must not contaminate potable pipelines. They ~~shall~~ therefore must meet equivalent separation distances shown below from either potable or non-potable pipelines. (3-24-22)()

a. Alternative separation distances may be considered for Subsections 542.07.b through 542.07.c. on a case-by-case basis when considering constructability, public health risk, environmental risk, and cost. The design engineer must submit data to the Department for review and approval showing that the proposed installation will be protective of public health and the environment. ()

~~a~~b. Parallel installation requirements. ()

i. Potable mains in relation to non-potable mains. ()

(1) Greater than ten (10) feet separation: no additional requirements. ()

(2) Ten (10) feet to six (6) feet separation: separate trenches, with the bottom of the potable main above the top of the non-potable main, and non-potable main constructed with potable water class pipe. ()

~~(3) Less than six (6) feet separation: design engineer to submit data to the Department for review and approval showing that this installation will protect public health and the environment, non-potable main to be constructed of potable water class pipe, and with the bottom of the potable main above the top of the non-potable main.~~ (3-24-22)

~~(4)~~ Non-potable mains are prohibited from being located in the same trench as potable mains. ()

~~(5) Pressure wastewater mains or other pressurized mains or lines containing non-potable fluids shall be no closer horizontally than ten (10) feet from potable mains.~~ (3-24-22)

ii. New p Potable services in relation to non-potable ~~services, new potable services in relation to non-potable mains, pipelines~~ and new non-potable services in relation to potable ~~mains~~ pipelines. (3-24-22)()

(1) Greater than six (6) feet separation: no additional requirements ~~based on separation distance~~. (3-24-22)()

~~(2) Less than six (6) feet separation: design engineer to submit data that this installation will protect public health and the environment and non-potable service constructed with potable water class pipe.~~ (3-24-22)

~~(32)~~ ~~New p~~ Potable services are prohibited from being located in the same trench as non-potable ~~mains or non-potable services pipelines~~. (3-24-22)()

~~b.c.~~ Requirements for potable water ~~mains or services pipelines~~ crossing non-potable ~~water mains or services pipelines~~. ~~Crossings must be perpendicular, unless otherwise approved by the Department.~~ (3-24-22)()

i. If there is eighteen (18) inches or more vertical separation with the potable water pipeline above the non-potable pipeline, then the potable pipeline joints must be as far as possible from the non-potable water pipeline. ()

ii. If there is eighteen (18) inches or more vertical separation with the potable water pipeline below the non-potable pipeline, then the potable pipeline joints must be as far as possible from the non-potable pipeline, and the non-potable pipeline must be supported through the crossing to prevent settling. ()

iii. Less than eighteen (18) inches vertical separation: ()

(1) Potable pipeline joint ~~to~~ must be as far as possible from the non-potable pipeline; and either: (3-24-22)()

(a) Non-potable pipeline must be constructed with potable water class pipe for a minimum of ten (10) feet either side of potable pipeline with a single twenty (20) foot section of potable water class pipe centered on the crossing; or (3-24-22)()

(b) ~~Sleeve~~The non-potable or potable pipeline must be sleeved with potable water class pipe for ten (10) feet either side of crossing. Use of hydraulic cementitious materials such as concrete, controlled density fill, and concrete slurry encasement is not allowed as a substitute for sleeving. (3-24-22)()

(2) If potable pipeline is below non-potable pipeline, the non-potable pipeline must also be supported through the crossing to prevent settling. ()

~~iv.~~ ~~Pressure wastewater mains or other pressurized mains or lines containing non-potable fluids shall be no closer vertically than eighteen (18) inches from potable mains.~~ (3-24-22)

~~e.~~ ~~Existing potable services in relation to new non-potable mains, existing non-potable services in relation to new potable mains, and existing potable services in relation to new non-potable services shall meet the requirements of Subsection 542.07.b., where practical, based on cost, construction factors, and public health significance. If the Department determines that there are significant health concerns with these services, such as where a large existing service serves an apartment building or a shopping center, then the design shall conform with Subsection 542.07.b.~~ (3-24-22)

~~c.~~ Non-potable pressure pipelines must not be: ()

~~i.~~ Closer horizontally than ten (10) feet from potable mains. ()

~~ii.~~ Closer vertically than eighteen (18) inches from potable pipelines. ()

08. Separation from Subsurface Wastewater Systems and Other Sources of Contamination. A minimum horizontal distance of twenty-five (25) feet ~~shall~~ must be maintained between any potable water pipe and a septic tank or subsurface wastewater disposal system. Guidance on separation from other potential sources of contamination, such as stormwater facilities, may be found on the ~~DEQ~~ Department website <http://www.deq.idaho.gov>. (3-24-22)()

09. Dead End Mains. All dead end water mains ~~shall~~ must be equipped with a means of flushing ~~and shall be flushed at least semiannually~~ at a water velocity of two and one-half (2.5) feet per second. (3-24-22)()

a. Dead ends ~~shall~~ must be minimized by ~~making appropriate tie-ins~~ looping whenever practical in

order to provide increased reliability of service and reduce head loss. (3-24-22)()

b. Flushing ~~shall must~~ be ~~performed~~ designed in such a way as to minimize any erosion of unprotected areas and, if applicable, ~~shall~~ be coordinated with the owner of the receiving system. No water main flushing device ~~shall may~~ be directly connected to any sewer. (3-24-22)()

c. Stub outs for future main connections ~~shall must~~ meet all requirements for dead end mains listed in Subsection 542.09 as determined by the Department. Flushing devices may be temporary in nature. (3-24-22)()

10. **Repair of Leaks.** Leaking water mains ~~shall must~~ be repaired or replaced upon discovery and disinfected in accordance with American Water Works Association (AWWA) Standards, incorporated by reference into these rules at Subsection 002.01. (3-24-22)()

11. **Separation from Structures.** Water mains ~~shall must~~ be separated by at least five (5) feet from buildings, industrial facilities, and other permanent structures. (3-24-22)()

12. **Meter Vault Shut-Off Valve Required.** All new ~~public water systems shall~~ PWSs, and portions of existing systems undergoing material modification of distribution or transmission lines, must include an accessible and lockable shut-off valve-meter vault at each service connection in the section of distribution or transmission line that is being constructed or modified within the project. ~~A lockable s~~ Shut-off valves shall may be installed ~~in the a~~ meter vault. ~~This requirement shall also apply to extensions of the distribution system of existing public water systems.~~ (3-24-22)()

13. **Minimum Pressure at Building Sites.** Any ~~public water system~~ PWS constructed or undergoing material modification where topographical relief may affect water pressure at the customers' premises ~~shall must~~ provide the Department with an analysis which demonstrates that the pressure at each designated building site will be at least forty (40) psi, based on dynamic pressure in the main, as set forth in Subsections 552.01.b.i. and 552.01.b.v., plus a static compensation from the elevation of the main to the elevation of each building site. (3-24-22)()

a. If forty (40) psi cannot be provided at each designated building site, the Department may require that reasonable effort be made to provide notification to existing and potential customers of the expected pressure. ()

b. The Department will not authorize a service connection at any designated building site where analysis indicates that pressure will be less than twenty (20) psi ~~static~~ dynamic pressure (or twenty-six point five (26.5) psi for two (2) story buildings). (3-24-22)()

14. **Isolation Valves.** A sufficient number of valves ~~shall must~~ be provided on water mains to minimize inconvenience and sanitary hazards during repairs. (3-24-22)()

15. **Air Valves.** At high points in water mains where air can accumulate, provisions ~~shall must~~ be made to remove the air by means of air release and vacuum relief valves or combination air release/vacuum relief valves. Air release valves, vacuum relief valves, or combination air release/vacuum relief valves may not be required if vacuum relief and air release functions in the pipeline can be adequately handled by approved appurtenances such as fire hydrants. (3-24-22)()

a. The open end of an air valve ~~shall must~~ be extended to at least one (1) foot above grade and provided with a twenty-four (24) mesh or similar non-corrodible screened, downward-facing elbow. When the air vent on an air relief valve cannot be practically installed above ground, the vent may be below grade provided ~~that the valve is manually operated and~~ the air vent is extended to the top of the valve vault and provided with a twenty-four (24) mesh or similar non-corrodible screened, downward-facing elbow. In addition, for below ground vents, the valve vault must be rated for appropriate traffic loading in traffic areas and the vault drained to daylight or provided with adequate drainage to prevent flooding of the vault. (3-24-22)()

b. Discharge piping from air valves or combination air release/vacuum relief valves ~~shall may~~ not connect directly to any storm drain, storm sewer, or sanitary sewer. (3-24-22)()

16. **Backflow Protection.** Automatic air relief valves ~~shall~~ **must** be equipped with a means of backflow protection. (3-24-22)()

17. **Surface Water Crossings.** For the purposes of Subsection 542.17, surface water is defined as all surface accumulations of water, natural or artificial, public or private, or parts thereof which are wholly or partially within, which flow through or border upon the state. This includes, but is not limited to, rivers, streams, canals, ditches, lakes, and ponds. Surface water crossings, whether over or under water, ~~shall~~ **must** be constructed as follows: (3-24-22)()

a. ~~Above water crossings: the pipe shall~~ **Pipe used in above water crossings must** be adequately supported and anchored, protected from damage and freezing, and ~~shall~~ be accessible for repair or replacement. (3-24-22)()

b. ~~Under water crossings: A pipe shall~~ **Pipe used in under water crossings must have a** minimum cover of two (2) feet ~~shall be provided over the pipe~~. When crossing a water course that is greater than fifteen (15) feet in width, the following ~~shall~~ **must** be provided: (3-24-22)()

i. The pipe ~~shall~~ **will** be of special construction, having flexible, restrained, or welded water-tight joints; and (3-24-22)()

ii. Valves ~~shall are to~~ be provided at both ends of water crossings so that the section can be isolated for testing or repair; the valves ~~shall~~ **will** be easily accessible and not subject to flooding; and (3-24-22)()

iii. Permanent taps or other provisions to allow insertion of a small meter to determine leakage and obtain water samples ~~shall~~ **will** be made on each side of the valve closest to the supply source. (3-24-22)()

543. ~~FACILITY AND DESIGN STANDARDS: CROSS CONNECTION CONTROL.~~

There ~~shall~~ **must** be no connection between the distribution system and any pipes, pumps, hydrants, water loading stations, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into a **PWS** public water system. ~~The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the water system against contamination and pollution from cross connections through premises isolation or containment, internal or in plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Community PWS owners must meet the cross connection control program requirements in Subsection 552.06.~~ (3-24-22)()

01. **Testable Assemblies.** All double check valve backflow prevention assemblies, reduced pressure principle backflow prevention assemblies, spill resistant vacuum breakers, and pressure vacuum breakers used must pass a performance test conducted by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC Foundation) and be included on the USC Foundation "List of Approved Assemblies-" for the application and orientation for which they are installed. (3-24-22)()

02. **Atmospheric Vacuum Breakers.** All atmospheric vacuum breakers used ~~shall~~ **must** be marked approved either by the International Association of Plumbing and Mechanical Officials (IAPMO) or by the American Society of Sanitation Engineers (ASSE). (3-24-22)()

03. **Replacement Parts and Components.** All replacement parts and components, including resilient seated shutoff valves, ~~shall~~ **must** meet original manufacturer's specifications or otherwise be approved by the USC Foundation as replacement parts or components for use on double check valve backflow prevention assemblies, reduced pressure principle backflow prevention assemblies, pressure vacuum breakers, and spill resistant pressure vacuum breakers. The design, material, or operational characteristics of any assembly must not be altered during maintenance or repair. (3-24-22)()

04. **Assembly Selection.** Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water ~~should~~ **must** be selected from the ~~AWWA Pacific Northwest Section Cross Connection Control Manual, the Uniform Plumbing Code, the~~ AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The selected assembly manufacturer model number must be included

on the USC Foundation “List of Approved Assemblies” and must comply with local ordinances. (3-24-22)()

(BREAK IN CONTINUITY OF SECTIONS)

552. OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.

01. Quantity and Pressure Requirements. Design requirements regarding pressure analysis are found in Section 542.13. (3-24-22)

a. ~~Minimum Capacity.~~ The minimum capacity of a ~~public drinking water system shall~~ PWS must be at least eight hundred (800) gallons per day per residence. (3-24-22)()

i. The minimum capacity of eight hundred (800) gallons per day ~~shall be~~ is the design maximum day demand rate exclusive of irrigation and fire flow requirements. (3-24-22)()

ii. The minimum capacity of eight hundred (800) gallons per day is only acceptable if the ~~public drinking water system~~ PWS has equalization storage of finished water in sufficient quantity to compensate for the difference between a ~~water system's~~ PWS's maximum pumping capacity and peak hour demand. (3-24-22)()

iii. The design capacity of a ~~public drinking water system~~ PWS for material modifications may be less than eight hundred (800) gallons per day ~~per residence~~ if the ~~water system~~ PWS owner provides information that demonstrates to the Department's satisfaction the maximum day demand for the ~~system~~ PWS, exclusive of irrigation and fire flows, is less than eight hundred (800) gallons per day per residence. (3-24-22)()

b. ~~Pressure.~~ All ~~public water systems shall~~ PWS owners must meet the following pressure requirements: (3-24-22)()

i. ~~Any public water system shall be~~ Be capable of providing sufficient water during maximum day demand conditions, including fire flow where provided, to maintain a minimum pressure of twenty (20) psi throughout the distribution system, at ground level, as measured at the service connection or along the property line adjacent to the consumer's premises. (3-24-22)()

~~ii. Public Notification.~~ (3-24-22)

~~(1) During unplanned or emergency situations, when water pressure within the system is known to have fallen below twenty (20) psi, the water supplier must notify the Department, provide public notice to the affected customers within twenty four (24) hours, and disinfect or flush the system as appropriate. When sampling and corrective procedures have been conducted and after determination by the Department that the water is safe, the water supplier may re-notify the affected customers that the water is safe for consumption. The water supplier shall notify the affected customers if the water is not safe for consumption.~~ (3-24-22)

~~(2) During planned maintenance or repair situations, when water pressure within the system is expected to fall below twenty (20) psi, the water supplier must provide public notice to the affected customers prior to the planned maintenance or repair activity and shall ensure that the water is safe for consumption.~~ (3-24-22)

iii. If an initial investigation by the water supplier fails to discover the causes of inadequate or excessive pressure, the Department may require the water supplier to conduct a local pressure monitoring study to diagnose and correct pressure problems. Compliance with these requirements by ~~water systems~~ PWSs that do not have a meter vault or other point of access at the service connection or along the property line adjacent to the consumer's premises where pressure in the distribution system can be reliably measured ~~shall~~ must be determined by measurements within the consumer's premises, or at another representative location acceptable to the Department. (3-24-22)()

~~iv.iii.~~ Copies of pressure monitoring study reports required under Subsection 552.01.b.iii. detailing study results and any resulting corrective actions planned or performed by the ~~public water system shall~~ PWS owner must

be submitted to the Department in accordance with these rules.

(3-24-22)()

iv. The following ~~public water systems PWSs~~ or service areas of ~~public water systems shall PWSs~~ **must** maintain a minimum pressure of forty (40) psi throughout the distribution system, during peak hour demand conditions, excluding fire flow, measured at the service connection or along the property line adjacent to the consumer's premises.

(3-24-22)()

- (1) Any ~~public water system PWS~~ constructed or substantially modified after July 1, 1985. (3-24-22)()
- (2) Any new service areas. ()
- (3) Any ~~public water system PWS~~ that is undergoing material modification where it is feasible to meet the pressure requirements as part of the material modification. (3-24-22)()

vi. Any ~~public water system shall~~ **newly constructed PWSs, or portions of existing systems that are materially modified after July 1, 2024, must** keep static pressure within the distribution system below ~~one hundred eighty (10080) psi and should ordinarily keep static pressure below eighty (80) psi.~~ Pressures above ~~one hundred eighty (10080) psi shall must~~ be controlled by pressure reducing valve stations installed in the distribution main. In areas where failure of installed pressure reducing valve stations ~~would~~ result in extremely high pressure, pressure relief valves may be required. The Department may approve the use of pressure reducing devices at individual service connections on a case-by-case basis, if it can be demonstrated that higher pressures in portions of the distribution system are required for efficient ~~system PWS~~ operation. If ~~system PWS~~ modification will cause pressure to routinely exceed eighty (80) psi, or if a check valve or an individual pressure reducing device is added to the service line, the ~~water system PWS~~ owner **shall must** notify affected customers. Notification may include reasons for the elevated pressure, problems or damage that elevated pressure can inflict on appliances or plumbing systems, and suggested procedures or mitigation efforts affected property owners may initiate to minimize problems or damage.

(3-24-22)()

vii. The Department may allow the installation of booster pump systems at individual service connections on a case-by-case basis. However, such an installation may only occur with the full knowledge and agreement of the ~~public water system PWS owner~~, including assurance by the ~~water system PWS~~ that the individual booster pump will cause no adverse effects on ~~system PWS~~ operation.

(3-24-22)()

viii. For elevated storage tanks, pressure calculations during peak hour demand ~~shall be are~~ based on the lowest water level after both operational storage and equalization storage have been exhausted. Pressure calculations during fire flow demands ~~shall be are~~ based on the lowest water level after operational storage, equalization storage, and fire suppression storage have been exhausted.

(3-24-22)()

~~ix~~viii. For hydropneumatic tanks, pressure calculations ~~shall be are~~ based on the lowest pressure of the pressure cycle and this requirement **shall must** be noted in the operation and maintenance manual.

(3-24-22)()

c. ~~Fire Flows.~~ Any ~~public water system PWS~~ designed to provide fire flows **shall must** ensure that such flows are compatible with the water demand of existing and planned fire-fighting equipment and fire fighting practices in the area served by the ~~system PWS~~.

(3-24-22)()

d. Irrigation Flows. ()

i. Any ~~public water system PWS~~ constructed after November 1, 1977, **shall must** be capable of providing water for uncontrolled, simultaneous foreseeable irrigation demand, which ~~shall~~ includes all acreage that the ~~system PWS~~ is designed to irrigate.

(3-24-22)()

(1) The Department must concur with assumptions regarding the acreage to be irrigated. In general, an assumption that no outside watering will occur is considered unsound and is unlikely to be approved. ()

(2) An assumption of minimal outside watering, as in recreational subdivisions, may be acceptable if design flows are adequate for maintenance of "green zones" for protection against wildland fire. ()

ii. The ~~Department may modify the~~ requirement of Subsection 552.01.d.i. ~~may be modified by the Department~~ if: (3-24-22)()

(1) A separate irrigation system is provided; or ()

(2) The supplier of water can regulate the rate of irrigation through its police powers, and the ~~water system PWS~~ is designed to accommodate a regulated rate of irrigation flow. The Department may require the ~~water system PWS~~ to submit a legal opinion addressing the enforceability of such police powers. (3-24-22)()

iii. If a separate non-potable irrigation system is provided for the consumers, all mains, hydrants and appurtenances ~~shall~~ **must** be easily identified as non-potable. The Department must concur with a plan to ensure that each new potable water service is not cross-connected with the irrigation system. (3-24-22)()

02. Ground-Water. (3-24-22)()

a. ~~Public water systems constructed after July 1, 1985, and PWSs~~ supplied by ground-water, ~~shall~~ **must** treat water within the ~~system PWS~~ by disinfection if the ground-water source is not protected from contamination. (3-24-22)()

b. The Department may, ~~in its discretion,~~ require disinfection for any existing ~~public water system PWS~~ supplied by ground-water if the ~~system PWS~~ has repeated ~~coliform present samples or~~ E.coli MCL exceedances, and if the ~~system PWS~~ does not appear adequately protected from contamination. Adequate protection will be determined based upon at least the following factors: (3-24-22)()

i. Location of possible sources of contamination; ()

ii. Size of the well lot; ()

iii. Depth of the source of water; ()

iv. Bacteriological quality of the aquifer; ()

v. Geological characteristics of the area; and ()

vi. Adequacy of development of the source. ()

03. Operating Criteria. The operating criteria for ~~systems PWSs~~ that provide filtration ~~shall be~~ **are** as follows: (3-24-22)()

a. A project specific operation and maintenance manual ~~shall~~ **must** be provided as required in Subsection 501.12. See definition of Operation and Maintenance Manual in Section 003 for the typical contents of an operation and maintenance manual and the included operations plan. For the operations plan in the operation and maintenance manual, additional guidance for several types of filtration systems can be found in the Department's SWTR Compliance Guidance referenced in Subsection 002.02. (3-24-22)()

b. The ~~system shall~~ **PWS must** conduct monitoring specified by the Department before serving water to the public in order to protect the health of consumers served by the ~~system PWS~~. (3-24-22)()

c. New treatment facilities ~~shall~~ **must** be operated in accordance with Subsection 552.03.a., and the ~~system shall~~ **PWS must** conduct monitoring specified by the Department for a trial period specified by the Department before serving water to the public in order to protect the health of consumers served by the ~~system PWS~~. (3-24-22)()

04. Chlorination/Disinfection. ~~Systems PWSs~~ that regularly ~~add chlorine to~~ **disinfect** their water **using chlorine** are subject to the provisions of Section 320. ~~Systems PWSs~~ using surface water or ground-water under the direct influence of surface water, are subject to the disinfection requirements of Sections 300 and 518. **PWSs using**

~~chlorine, ozone, chlorine dioxide, or other disinfecting agents for the purposes of disinfection must meet the facility and design standards of Sections 530 and 531. PWSs using ultraviolet light for the purposes of disinfection must meet the facility and design standards of Section 529.~~ (3-24-22)()

a. ~~Systems~~PWSs using only ~~ground~~ water that add ~~chlorine~~ a disinfectant for the purpose of disinfection, as defined in Section 003, are subject to the following requirements: (3-24-22)()

i. ~~Chlorinator and chlorine contact tank capacity shall be such that the system is able to~~The PWS must demonstrate that it is routinely achieving four (4) logs (ninety-nine point ninety-nine percent) (99.99%) inactivation/removal of viruses. The required effective contact time ~~will be specified~~ must be approved by the Department. This condition must be attainable even when the ~~plant~~ design capacity coincides with anticipated maximum ~~chlorine~~ disinfectant demands. (3-24-22)()

ii. A detectable ~~chlorine~~ disinfectant residual ~~shall~~ must be maintained throughout the distribution system. ~~PWSs disinfecting through ultraviolet light will need to maintain a supplemental disinfectant capable of maintaining a detectable disinfectant residual.~~ (3-24-22)()

~~iii. Automatic proportioning chlorinators are required where the rate of flow or chlorine demand is not reasonably constant.~~ (3-24-22)

~~iv.iii.~~ Analysis for ~~free chlorine~~ disinfectant residual ~~shall~~ must be conducted at a location at or prior to the first service connection at least daily and records of these analyses ~~shall are to~~ be kept by the supplier of water for at least one (1) year. A report of all daily chlorine residual measurements for each calendar month ~~shall~~ must be submitted to the Department no later than the tenth day of the following month. The frequency of measuring ~~free chlorine~~ disinfectant residuals ~~shall~~ must be sufficient to detect variations in ~~chlorine~~ demand or changes in water flow. (3-24-22)()

~~v. If gas chlorination equipment is provided, a separate and ventilated room is required.~~ (3-24-22)

~~vi.iv.~~ The Department may, in its discretion, require a treatment rate higher than that specified in Subsection 552.04.a.i. ()

~~vii. When chlorine gas is used, chlorine leak detection devices and safety equipment shall be provided and equipped with both an audible alarm and a warning light.~~ (3-24-22)

~~viii. The Department may require redundant chlorine pumping capabilities with automatic switchover for systems with documented source water contamination problems and that lack adequate storage to supply the system during a pump failure.~~ (3-24-22)

b. ~~Systems~~PWSs using only ~~ground~~ water that add ~~chlorine~~ disinfectant for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination, are subject to ~~the following requirements:~~ (3-24-22)()

~~i. Automatic proportioning chlorinators are required where the rate of flow or chlorine demand is not reasonably constant.~~ (3-24-22)

~~ii. A~~ analysis for ~~free chlorine~~ disinfectant residual ~~shall be~~ made at a frequency that is sufficient to detect variations in ~~chlorine~~ demand or changes in water flow. (3-24-22)()

c. ~~Systems~~PWSs using only ~~ground~~ water that add chlorine for other purposes, such as oxidation of metals or taste and odor control, when the source(s) is known to be free of microbial contamination, must ensure that chlorine residual entering the distribution system after treatment is less than four (4.0) mg/L. The requirements in Subsection 552.04.b.ii. also apply if the ~~system~~ PWS maintains a chlorine residual in the distribution system. (3-24-22)()

05. Fluoridation. ()

a. Commercial sodium fluoride, sodium silico fluoride and hydrofluosilicic acid which conform to the applicable American Water Works Association (AWWA) Standards, incorporated by reference into these rules at Subsection 002.01, are acceptable. Use of other chemicals ~~shall~~ **must** be specifically approved by the Department.

(3-24-22)()

b. Fluoride compounds ~~shall~~ **are to** be stored in covered or unopened shipping containers.

(3-24-22)()

c. Provisions ~~shall~~ **must** be made to minimize the quantity of fluoride dust. Empty bags, drums, or barrels ~~shall~~ **are to** be disposed of in a manner that will minimize exposure to fluoride dusts.

(3-24-22)()

d. Daily records of flow and amounts of fluoride added ~~shall~~ **must** be kept. An analysis for fluoride in finished water ~~shall~~ **must** be made at least weekly. Records of these analyses ~~shall~~ **are to** be kept by the supplier of water for five (5) years.

(3-24-22)()

06. Cross Connection Control Program - Community Water Systems. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the ~~water system~~ **PWS** against contamination and pollution from cross connections through premises isolation, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Pursuant to Section 543, all suppliers of water for community ~~water systems~~ **shall PWSs must** implement a cross connection control program to prevent the entrance to the ~~system~~ **PWS** of materials known to be toxic or hazardous. The water purveyor is responsible to enforce the ~~system's~~ **PWS's** cross connection control program. The program will at a minimum include:

(3-24-22)()

a. An inspection program to locate cross connections and determine required suitable protection. For new connections, **PWS owners must verify** suitable protection ~~must be was~~ installed prior to providing water service.

(3-24-22)()

b. Required installation and operation of adequate backflow prevention assemblies. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water ~~should~~ **must** be selected from the ~~AWWA Pacific Northwest Section Cross Connection Control Manual, the~~ Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The assemblies must meet the requirements of Section 543 and comply with local ordinances.

(3-24-22)()

c. Annual inspections and testing of all installed backflow prevention assemblies by a tester licensed by a licensing authority recognized by the Department. Testing ~~shall~~ **must** be done in accordance with the test procedures published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. See the USC Foundation Manual of Cross-Connection Control referenced in Subsection 002.02.

(3-24-22)()

d. Discontinuance of service to any structure, facility, or premises where suitable backflow protection has not been provided for a cross connection.

()

e. Assemblies that cannot pass annual tests or those found to be defective ~~shall~~ **are to** be repaired, replaced, or isolated within ten (10) business days. If the failed assembly cannot be repaired, replaced, or isolated within ten (10) business days, water service to the failed assembly ~~shall~~ **must** be discontinued.

(3-24-22)()

07. Cross Connection Control - Non-Community Water Systems. All suppliers of water for non-community water systems ~~shall~~ **must** ensure that cross connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly. Backflow prevention assemblies ~~shall~~ **must** be inspected and tested annually for functionality by an Idaho licensed tester, as specified in Subsections 552.06.c. and 552.06.e.

(3-24-22)()

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

()

a. All seasonal ~~system PWS~~ 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 PWS~~ owner ~~or operator~~ must submit information on a Department provided or approved form that includes a statement certifying that the ~~system PWS~~ owner or operator followed proper start-up procedures. The form ~~shall~~ must be submitted to the Department within 30 (thirty) days following the ~~system's PWS's~~ start-up date. Start-up sampling must include total coliform samples submitted to a certified laboratory demonstrating the absence of total coliform within thirty (30) days prior to serving water to the public. (3-24-22)()

b. The Department may exempt any seasonal ~~system PWS~~ from Subsection 552.08.a. if the entire distribution system remains pressurized during the entire period that the ~~system PWS~~ is not operating, except that the ~~systems PWSs~~ that monitor less frequently than monthly must still monitor during the vulnerable period designated by the Department. The Department may exempt a seasonal ~~system PWS~~ from Subsection 552.08.a. if the owner or operator of the ~~system PWS~~ meets all of the following conditions: (3-24-22)()

- i. Requests an exemption in writing to the Department for approval; ()
- ii. Demonstrates a clean compliance history as defined in Section 003 for a minimum of five (5) years; ()
- iii. Has no uncorrected significant deficiencies from the most recent sanitary survey; and ()
- iv. Total coliform samples submitted to a certified laboratory within 30 (thirty) days prior to serving water to the public demonstrate the absence of total coliform. ()

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.25 – RULES REGULATING THE IDAHO POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

DOCKET NO. 58-0125-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2024 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection.

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, and 39-175C, 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 6, 2023, [Vol. 23-9, pages 786 through 908](#).

No comments were received, and the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/ipdes-docket-no-58-0125-2301/>.

FEE SUMMARY: This rulemaking does not impose or increase a fee beyond what was previously submitted to and reviewed by the Idaho Legislature in prior rules. Fees included in this rule chapter are authorized by Idaho Code § 39-175C.

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 6th day of December, 2023.

Kristin Ryan
Deputy Director
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0194
Kristin.Ryan@deq.idaho.gov

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01 – IDAHO RULES OF ADMINISTRATIVE PROCEDURE

DOCKET NO. 62-0101-2301 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective on July 1, 2024, after approval.

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 67-5206(3) and 67-5280(2)(c), 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 pending rules will simplify, modernize, and replace the existing Idaho Rules of Administrative Procedure of the Attorney General, which govern the conduct of contested cases before Idaho’s administrative agencies.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 773-803](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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 Chief Administrative Hearing Officer Bryan Nickels at 208-605-4300.

DATED this 2nd day of November, 2023.

Bryan Nickels
Chief Administrative Hearing Officer
Office of Administrative Hearings
816 W. Bannock St., Suite 203 (physical and mailing)
Boise, ID 83702
208-605-4300
general@oah.idaho.gov

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all required information concerning their intent to change or make new the following rules in the latest publication of the state Administrative Bulletin.

*The proposed rule public hearing request deadline is December 20, 2023, unless otherwise posted.
The proposed rule written comment submission deadline is December 27, 2023, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

11341 W Chinden Blvd, Bldg 4, Boise, ID 83714

**24-3601-2301, Rules of the Idaho State Board of Pharmacy.* (*PH) Proposed rule allows for the delegation of pharmaceutical care services to appropriate support personnel and provides a verification waiver for drug outlets.

IDAPA 52 – IDAHO STATE LOTTERY

1199 Shoreline Ln, Ste 100, Boise, ID 83702

**52-0103-2301, Rules Governing Operations of the Idaho State Lottery.* (*PH) Substantive changes provide lottery retailers the ability to pay prizes up to \$599 with no-fee prepaid prize payment cards, electronic fund transfer, and other modern methods of payment.

NOTICES OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16-0314-2301, Hospitals

Please refer to the Idaho Administrative Bulletin **December 6, 2023, Volume 23-12**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management

P.O. Box 83720, Boise, ID 83720-0032

Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Division of Financial Management*

April 6, 2023 – December 6, 2023

(PLR 2024) – Final Effective Date Is Pending Legislative Review in 2024

(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 all active rulemakings.)

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02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapters 13, 15; Title 03, Chapter 03; Title 04, Chapters 14, 23, 30, 32; and Title 06, Chapters 04, 09, 10, 16 – Bulletin Vol. 23-5

02.02.13, Commodity Dealers’ Rules

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18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 08, Chapter 01 – Bulletin Vol. 23-6

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20-0101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

20-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho

20-0301-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

20-0301-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.03.03, Rules Governing Administration of the Reclamation Fund

20-0303-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

20-0303-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.03.05, Riverbed Mineral Leasing in Idaho

20-0305-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

**Changes chapter name from: “Riverbed Mineral Leasing in Idaho”*

20-0305-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.04.01, Rules Pertaining to Forest Fire Protection

20-0401-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-10

20.04.02, Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws

20-0402-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-10

20.05.01, Rules Pertaining to the Recreational Use of Endowment Land

20-0501-2301 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 23-10

20-0501-2301 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 23-6

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21.01.04, Rules Governing Idaho State Veterans Cemeteries

21-0104-2301 Adoption of Pending Rule, Bulletin Vol. 23-11 (PLR 2024)

21-0104-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-3 (eff. 3-1-23)T

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24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-4

24.01.01, Rules of the Board of Architects and Landscape Architects

24-0101-2301* Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)

**Changes chapter name from: “Rules of the Board of Architectural Examiners”*

24-0101-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-4

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

24-0501-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

24-0501-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-4

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

24-0601-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)

24-0601-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-4

24.07.01, Rules of the Idaho State Board of Landscape Architects

24-0701-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)

24-0701-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-9

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 01 – Bulletin Vol. 23-4

24.11.01, Rules of the State Board of Podiatry

24-1101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)

24-1101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-4

24.13.01, Rules Governing the Physical Therapy Licensure Board

24-1301-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)

24-1301-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-4

24.14.01, Rules of the State Board of Social Work Examiners

24-1401-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

24-1401-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-4

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24-1501-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

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24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-4

24.16.01, Rules of the State Board of Dentistry

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24-1601-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-4

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24.27.01, Rules of the Idaho State Board of Massage Therapy

- 24-2701-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
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24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 27, Chapter 01 – Bulletin Vol. 23-6
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- 24-2801-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
24-2801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-4

24.31.01, Rules of the Idaho State Board of Dentistry

- 24-3101-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
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24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-4

24.33.01, Rules of the Board of Medicine for the Licensure to Practice Medicine & Osteopathic Medicine in Idaho

- 24-3301-2301** Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
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- 24-3601-2301** Notice of Proposed Rulemaking, Bulletin Vol. 23-12

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39-ZBRR-2301 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapters 04, 42, 46, 60; & Title 03, Chapter 08 – Bulletin Vol. 23-5

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